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|---|---|
| **From:** | Kashi, Kevin |
| **To:** | John Frando |
| **Cc:** | Smith, Gerald; Schaaf, Libby; Nosakhare, Shereda; White, Lee; Fortuno, Cesar; Loeser, Fred |
| **Subject:** | RE: Service Request Number: 495098, Dangerous City Tree |
| **Date:** | Tuesday, February 18, 2014 9:29:44 AM |

We are extremely proactive with sidewalk repair citywide. We have a contractor and City maintenance staff addressing sidewalk issues on daily basis. The sidewalk fronting your property and along the roadway has been has been repaired. The arborist's evaluation regarding the street portion is based on policies, ordinances, and practices. Having said that, your situation is not unique. Staff treats all customers and repair work in similar manner. I invite you to please be patient with us as we will soon address the roadway portion. I appreciate you sharing your thoughts with us and I will keep you posted on the roadway repair. Have a wonderful day sir.

-----Original Message-----
From: John Frando [mailto:jfrando@gmail.com]
Sent: Friday, February 14, 2014 11:22 PM
To: Kashi, Kevin
Cc: Smith, Gerald; Schaaf, Libby; Nosakhare, Shereda; White, Lee; Fortuno, Cesar; Loeser, Fred
Subject: Re: Service Request Number: 495098, Dangerous City Tree

Mr. Kashi,
I'm afraid it's more than a stability issue. There are real pedestrian safety, sanitary, infrastructure and health concerns.
Pedestrians can and have tripped on the broken asphalt. The mud is slippery which I am forced to clean regularly. The road bed continues to sink due to the deep ponding that appears year round (rain, irrigation run-off, car washing). I have a neighbor who is an immunologist and she points out the persistent and ponding still water-brings mosquitoes / west nile virus concerns.

At first Mr. Larks said that only one side of a tree could be worked on. Then I pointed out to PWA that many trees on my street had work
on both sidewalk and street sides. You then said the tree could be
removed and street/ gutter repaired. After polling my immediate neighbors, we decided that if that is the only option offered by the City, then remove the tree. Then the PWA story changed again, and it became against city ordinance to address the city tree issues.

Attached are photos of the area during rain and several days after rain. During rain, it is a deep pond (made worse by the speed bump).
A week after rain, it remains a swamp with mud, still water, and larvae. If the City PWA won't consider other even temporary options like grinding a gully in the raised gutter to allow water and mud to pass, raising the asphalt surface to cover the exposed tree roots, then your original offer of removing the tree may be the only solution. 18-24 months is not reasonable given the public safety and health concerns.
The pedestrian safety, sanitary, infrastructure and health concerns created by this city tree could become a legal /
liability issue for the City. Why not be proactive and take
corrective measures now before someone gets hurt?

Respectfully,

John Frando

On Fri, Feb 14, 2014 at 4:07 PM, Kashi, Kevin <kkashi@oaklandnet.com> wrote:
> Is this the area that we had the sidewalk repaired and the city
> arborist allowed roots to be cut on one side only to accommodate the

> sidewalk?  I think the arborist had decided that we must wait until
> the roots are better grounded on the sidewalk side before we start
> cutting into the street side of the tree.  Stability issue. This takes 18 to 24 months.
>
> Gerald smith and lee white have been working with the contractor and
> the neighborhood on this.
>
> It is on our radar,  so to speak.
>
>  It will be addressed.
>
>
> Sent from my Verizon Wireless 4G LTE smartphone
>
>
> -------- Original message --------
> From: John Frando
> Date:02/14/2014 11:50 AM (GMT-08:00)
> To: "Smith, Gerald" ,lschaaf@oaklandnet.com,"Nosakhare, Shereda"
> Cc: "Kashi, Kevin" ,"White, Lee"
> Subject: Re: Service Request Number: 495098, Dangerous City Tree
>
> Libby,
> For weeks I have politely asked for a site meeting with the gentlemen
> copied on this email to discuss a dangerous city tree with city staff
> to no avail.  The city tree in front of my house is a public danger.
> Not only is the raised gutter created by tree roots ponding water in
> front of my house, a sanitary and health nuisance, it poses hazard to
> the street paving. The asphalt is sinking due to tree roots, and after
> even modest rain a 3-inch pond 12 feet across remains.  Very hard to
> step across.  As my 69 year old neighbor said, even during dry weather
> the roots penetrating the asphalt create a tripping hazard. I will
> forward email correspondence to staff with photo attachments to you
> and Shereda.  I have been documenting the hazards with dated photos
> and will post them where accessible to you and city staff.
>
> This was originally submitted to the PWA Call Center in early January
> and coincidentally  sidewalk and street gutter repair work began on
> Wisconsin St.  Why is the city tree damage in front of my house (3142
> Wisconsin St.) being addressed differently (ie. my concerns ignored).
>
> This is a City tree and I believe the city should take responsibility.
> And it is irresponsible for the City to direct its Contractor to pour
> new concrete as part of a infrastructure repair that reinforces a
> dangerous existing condition.
>
> The City should have used root guards when the tree was originally planted.
>
> Respectfully,
>
>
> John Frando
> [redacted]
> [redacted]
>
>
> On Fri, Jan 17, 2014 at 10:32 AM, Smith, Gerald
> <JSmith@oaklandnet.com>
> wrote:
>> Kevin,

>>
>>
>>
>> Unfortunately, I may have misinformed you concerning the policies and
>> procedures related to tree removals as defined in the Protected Tree
>> Ordinance. I would like to clarify to Mr. Frando what the policy is
>> for Official City trees (OT's) The Protected Tree Ordinance (PTO)
>> does not allow property owners to apply for permits to remove
>> official City trees.
>> Property
>> owners can only apply to remove unofficial trees (UT's) growing in
>> the public right of way or on private property. The City Council only
>> allows OT trees to be removed for three reasons:
>>
>>
>>
>> The tree is confirmed to be completely dead.
>> The tree is an immediate imminent hazard (splitting in half,
>> uprooting, leaning 45 degrees, etc).
>> The tree was erroneously planted over a sewer line that can only be
>> repaired by removing the tree.
>>
>>
>>
>> The City Council has made the commitment to preserve all OT trees and
>> repair any damage they cause (sidewalk, sewer, street, water pipes,
>> driveways, walkways, etc.). The City, in some situations, is able to
>> submit a "City of Oakland, City Tree Removal Form". This application
>> form is related to development related projects and some extreme
>> situations in parks and medians where the tree have be deemed
>> potentially hazardous. The street tree fronting this property would
>> not fall under these categories. Therefore there are no grounds for
>> applying to remove this tree. It would not be approved by Tree
>> Services Division.
>>
>>
>>
>> In reviewing of Oakland's "Street Tree Plan" I came across the policy
>> related to root pruning official trees, it states: "Roots are to be
>> cut on one side of the tree only, Roots on another side of the tree
>> should only be cut after a one year interval. This means simultaneous
>> root cutting for sidewalk and curb is not allowed". Based on these
>> standards it would be possible to prune the roots at a later date and
>> would not require removal of the tree in question.
>>
>>
>>
>> Regards,
>>
>>
>>
>> Gerald D. Smith
>>
>> Arboricultural Inspector
>>
>> City of Oakland - Public Works Agency
>>
>> Member, American Society of Consulting Arborists
>>
>> WE-ISA Certified Arborist #0429A

>>
>> 238-7132 or 867-0707
>>
>> "Trees are the way the City breathes"
>>
>> jsmith@Oaklandnet.com
>>
>>
>>
>> _____
>>
>> From: John Frando [mailto:jfrando@gmail.com]
>>
>> Sent: Friday, January 17, 2014 6:44 AM
>> To: Kashi, Kevin
>> Cc: Larks, Dennis; Loeser, Fred; White, Lee; Fortuno, Cesar; Smith,
>> Gerald
>> Subject: RE: Service Request Number: 495098
>>
>>
>>
>> Dear Kevin,
>> Thanks for your concern about my sentiments over the mud and ponding
>> water in front of my house. I polled my immediate neighbors affected
>> and concerned about the safety and sanitation issue. If the only
>> resolution to lowering the gutter is to remove the tree, please
>> remove the tree, lower the gutter and repair the damaged asphalt
>> paving as well.
>>
>> Sincerely,
>> john frando
>>
>> On Jan 13, 2014 10:26 AM, "Kashi, Kevin" <kkashi@oaklandnet.com> wrote:
>>
>> Mr. Fernando. I had a meeting with our staff on this issue. It
>> appears that the only choice is between having or not having the
>> tree. If the depression in the street is unbearable, we will apply
>> for a tree removal permit per City's tree ordinance and with a little
>> luck, the City's arborist would issue a permit to remove it. Please
>> note that our staff has been in contact with the City arborist who
>> monitors root cutting for sidewalk work. It is my understanding that
>> additional root pruning along the roadway at this location in not advised. Therefore, the tree would
>> have to be removed. But if the tranquility and the beauty of the tree
>> surpasses the nuisance caused by the tree roots, we would leave the
>> tree in-place. Otherwise, we'll start the application process to
>> take it out. Staff will be stopping by as the contractor is working
>> in the area.
>>
>> I wish you all the best in 2014 and please let us know what your
>> preference is.
>>
>>
>> Thanks!
>>
>>
>>
>> -----Original Message-----
>> From: Kashi, Kevin
>> Sent: Friday, January 10, 2014 6:20 PM
>> To: 'John Frando'; White, Lee; Loeser, Fred

>> Cc: Smith, Gerald; Larks, Dennis
>> Subject: RE: Service Request Number: 495098
>>
>> Mr. Frando I am catching up with emails. The contractor is handling
>> a large volume of work and they do good work. Let staff and the
>> contractor try and address this. have a good weekend.
>>
>>
>>
>>
>> -----Original Message-----
>> From: John Frando [mailto:jfrando@gmail.com]
>> Sent: Friday, January 10, 2014 2:20 PM
>> To: White, Lee; Loeser, Fred
>> Cc: Kashi, Kevin; Smith, Gerald; Larks, Dennis
>> Subject: Re: Service Request Number: 495098
>>
>> Mr. White and Mr. Loeser,
>>
>> To illustrate the ponding problem I face attached is a photo of the
>> gutter with water, taken today. There is about 3-inches of standing
>> water, which is even deeper when raining and rainwater gushing from
>> the entire street is trying to get by the speed bump and gutter
>> problem in front of my house. (Imagine having to step over or
>> walk/drive through it to reach your home.) It's unsafe and
>> unsanitary for me and my property and I really would appreciate a
>> solution. You can see in the lower left of the photo, the small new
>> portion of gutter that is equal in height to the high point of the existing raised gutter.
>>
>> I request to meet you on site to discuss this. I appreciate your
>> concern.
>>
>> Sincerely,
>>
>> John Frando
>> [redacted]
>> [redacted]
>>
>>
>>>
>>> On Fri, Jan 10, 2014 at 10:56 AM, John Frando <jfrando@gmail.com>
>> wrote:
>>>> Dear Mr. White,
>>>> Attached is a photo taken this morning. The new gutter portion was
>>>> poured to match the highest point of existing gutter lifter by city
>>>> tree roots. I am frustrated by this, including the fact that the
>>>> new
>>
>>>> gutter is actually higher than the existing street asphalt. This
>>>> seems to make the ponding matter worse.
>>>>
>>>> I believe that if they simply lower the street gutter in this area
>>>> between the tree and speed bump the water will flow and I will not
>>>> have to endure another season of ponded water and mud and street
>>>> effluent unavoidably tracked into my house.
>>>>
>>>> I request a site meeting with you all to discuss this matter -
>> 510-866-6680.
>>>>
>>>> Thank you Mr. White.

>>>>
>>>> Respectfully,
>>>>
>>>> John Frando
>>>> [redacted]
>>>> [redacted]
>>>>
>>>>
>>>>
>>>> On Fri, Jan 10, 2014 at 10:37 AM, John Frando <jfrando@gmail.com>
>> wrote:
>>>>> Dear Mr. White,
>>>>> Are you are aware there are several city tree locations on my
>>>>> street
>>
>>>>> that are undergoing both sidewalk and street gutter repair.
>>>>> Attached is a photo. I respectfully request a meeting with you on
>> this matter.
>>>>>
>>>>> John Frando
>>>>> [redacted]
>>>>>
>>>>> On Fri, Jan 10, 2014 at 8:50 AM, White, Lee
>>>>> <lwhite@oaklandnet.com>
>> wrote:
>>>>>>> When a sidewalk project is done, the first priority that is
>>>>>>> looked at is the pedestrian travel way. The priority then becomes
>>>>>>> to do the best repair without harming the tree, for this reason
>>>>>>> we generally do not remove or prune roots on all sides of the
>>>>>>> tree for
>>
>>>>>>> fear of damaging the tree. A substantial amount of roots were
>>>>>>> removed from the sidewalk area, the roots within the gutter pan
>>>>>>> is directly under the cement, if we remove any other roots from
>>>>>>> the
>> tree it could cause irreparable damage to the tree.
>>>>>>>
>>>>>>>
>>>>>>>
>>>>>>> From: John Frando [mailto:jfrando@gmail.com]
>>>>>>> Sent: Thursday, January 09, 2014 10:30 PM
>>>>>>> To: White, Lee
>>>>>>> Subject: Fwd: Service Request Number: 495098
>>>>>>>
>>>>>>>
>>>>>>>
>>>>>>> Dear Mr. White,
>>>>>>>
>>>>>>> On 12/17/2013 I submitted a service request for sidewalk and
>>>>>>> street
>>
>>>>>>> damage in front of my house caused by a city tree. A contractor
>>>>>>> is
>>
>>>>>>> repairing sidewalk damage in front of my house, but the gutter
>>>>>>> and street damage is not being addressed. As you can see in the
>>>>>>> attached photos, the city tree roots are not only causing the
>>>>>>> gutter to rise impeding water flow to the drain (water ponds in
>>>>>>> front and creates a sanitary nuisance tracking dirty water into

>>>>>> my
>>>>>> house) but the roots are creating much damage to the street paving.
>>
>>>>>> The raised gutter creates a large pond in front of my house when
>>>>>> it
>> rains or when any water collects that my neighbors jokingly call Lake
>> John.
>>>>>> All joking aside, it is a concerning issue for me. Ponding water
>>>>>> and the tree root penetrations in the asphalt are causing this
>>>>>> part
>>
>>>>>> of the street to settle.
>>>>>>
>>>>>> Can the crews that are out there at least lower the concrete
>>>>>> gutter
>>
>>>>>> so that water can flow down the gutter to the street drain? I
>>>>>> understand the street paving is asphalt and you may not have
>>>>>> asphalt crews out there, but the gutter is concrete and it would
>>>>>> be
>>
>>>>>> cost effective to have the concrete crews already out there
>>>>>> address
>> lowering the gutter. I appreciate your assistance.
>>>>>> I spoke with a polite city inspector Dennis Larks this morning,
>>>>>> and
>>
>>>>>> he said I would need to talk to the street division to address
>>>>>> the
>> gutter.
>>>>>>
>>>>>> Best regards,
>>>>>>
>>>>>> John Frando
>>>>>> [redacted]
>>>>>> [redacted]
>>>>>>
>>>>>>> ---------- Forwarded message ----------
>>>>>>> From: John Frando <jfrando@gmail.com>
>>>>>>> Date: Wed, Jan 8, 2014 at 10:05 AM
>>>>>>> Subject: Re: Service Request Number: 495098
>>>>>>> To: PWA Call Center <PWACallCenter@oaklandnet.com>
>>>>>>>
>>>>>>>
>>>>>>> Hello,
>>>>>>>
>>>>>>> I saw the white markings on the sidewalk and the sidewalk
>>>>>>> contractor is working this morning. Great to have a quick
>>>>>>> response. But I am concerned that the limited area of marked
>>>>>>> work
>>
>>>>>>> will create sanitary and safety hazards on my property without
>>>>>>> correcting the rainwater flow in the gutter and tree root damage
>> to the street.
>>>>>>>
>>>>>>> As the city tree roots have lifted the sidewalk slab, water
>>>>>>> ponds in front of my front step during rain, a slipping hazard.
>>>>>>> The problem is the slab between the street and sidewalk has
>>>>>>> lifted driving water to my property. This area should be
>>>>>>> replaced and lowered so that water will flow toward the street

>>>>>>> away from my
>> stair.
>>>>>>>
>>>>>>> And can the gutter and street be repaired while they contractor
>>>>>>> is
>>
>>>>>>> on site? Not only is the street paving damaged, but the raised
>>>>>>> gutter creates a large pond of water in front of my house which
>>>>>>> creates a sanitary problem as mud and dirty water gets tracked
>>>>>>> into my house by driving through a dirty large puddle. It would
>>>>>>> be cost effective to address the street and gutter while the
>> sidewalk is worked on.
>>>>>>>
>>>>>>> Thank you, and I am happy to discuss this further.
>>>>>>>
>>>>>>> John Frando
>>>>>>> 510-866-6680
>>>>>>>
>>>>>>>
>>>>>>> On Tue, Dec 17, 2013 at 2:22 PM, John Frando <jfrando@gmail.com>
>> wrote:
>>>>>>> > Hello,
>>>>>>> >
>>>>>>> > Service Request Number: 495098
>>>>>>> >
>>>>>>> > I sent a service request regarding a city planted street tree
>>>>>>> > (Raywood
>>>>>>> > Ash)
>>>>>>> > in front of my house buckling the concrete sidewalk and street
>>>>>>> > curb and causing potholes in the street asphalt paving where
>>>>>>> > tree roots are visible.
>>>>>>> > Attached are photos.
>>>>>>> >
>>>>>>> > The address is: 3142 Wisconsin St, Oakland. I see that there
>> is
>>>>>>> > sidewalk
>>>>>>> > and street repair at nearby 35th Av and California St. Can the
>>>>>>> > workers also repair the street in front of my house? It's a
>>>>>>> > nuisance and safety hazard.
>>>>>>> > Thank you.
>>>>>>> >
>>>>>>> > Happy Holidays. I appreciate your help.
>>>>>>> >
>>>>>>> > Attached photos.
>>>>>>> >
>>>>>>> > John Frando
>>>>>>> > [redacted]