

Todd, Amber

From: Miller, Scott
Sent: Friday, March 20, 2015 10:22 AM
To: Thomson, Mitchell
Cc: Clevenger, Ann
Subject: Meeting to discuss 6754 Aitken Drive --- Oak Tree preservation

Hello, Mitch. The neighbor to the above address, Catherine Teagarden, has Appealed our approval of the single family home proposed, primarily because she does not believe the large Oak will survive the construction proposed in close proximity (stairs and landing approx. 3-5 feet away, house approx. 8 feet away). We have the applicant and his tree consultant (Dennis Yniguez) coming in next Thursday, 3/26 at 4:00 pm to discuss with Ann and I (and Ms. Teagarden). Would you be able to make that meeting as well? I think it would be beneficial for Ms. Teagarden to hear first hand from 2 tree experts that the preservation measures put in place with the conditions of approval should allow for the protection of the tree. It is my hope that Ms. Teagarden then agrees to drop her Appeal. Please let me know if you can attend at 4 next Thursday (here at the Zoning Office). Thanks, Mitch.

Scott

Scott Miller, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: smiller@oaklandnet.com | Website: www.oaklandnet.com/planning

Todd, Amber

From: [REDACTED]
Sent: Monday, March 23, 2015 9:53 AM
To: Miller, Scott; Clevenger, Ann
Subject: Meeting Thursday March 26 at 4 PM

Dear Scott and Ann,

I appreciate your scheduling this meeting so that I can be heard and all proceed. I was wondering if the location for it can be at the Tree Services Division at 7101 Edgewater Drive, instead of at your building. I have a handicap: I have Multiple Chemicals Sensitivities and your building (for me) is a "sick building" since it was remodeled, it is out-gassing chemicals, probably formaldehyde, which I am allergic to. If this is not possible, I understand, and I will wear my chemical mask when I come to your building, as I normally do.

In appreciation,

Catherine Teegarden
[REDACTED]

Todd, Amber

Subject: Aitken Drive - Appeal meeting
Location: Zoning Conf Rm?

Start: Thu 3/26/2015 4:00 PM
End: Thu 3/26/2015 5:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Clevenger, Ann
Required Attendees: Miller, Scott

Todd, Amber

From: Miller, Scott
Sent: Monday, March 23, 2015 1:33 PM
To: Clevenger, Ann
Subject: Accepted: Aitken Drive - Appeal meeting

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Tuesday, March 24, 2015 4:56 PM
To: Miller, Scott; Clevenger, Ann
Subject: Conference Schedule Regarding 6754 Aitiken Dr Planning Approval Appeal

Hi Scott and Ann,

Can you confirm if this Thursday's 4PM conference schedule is still valid by this Wednesday? If not, then I need to notify my architect and my aborist to cancel the conference. Just leave you a voice mail as well.

-Edward [REDACTED]

Todd, Amber

From: [REDACTED]
Sent: Wednesday, March 25, 2015 1:34 PM
To: Miller, Scott; Clevenger, Ann
Subject: Confirming meeting Thur. March 26 at 4PM

Hi Scott and Ann,
Re: PLN 14268

I am just wanting confirmation that the meeting with myself, Ed Xiao the applicant and his arborist, and Mitch Thompson, and one of you, I presume and anyone else who is scheduled. And the location?

Please let me know,
thanks for everything,
Catherine Teegarden
[REDACTED]

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Wednesday, March 25, 2015 2:56 PM
To: Dennis Yniguez; Charonnat Design
Cc: Miller, Scott; Clevenger, Ann
Subject: Conference at City of Oakland Planning and Zoning is On

Hi Folks, Just talk to Scott from Planning and Zoning on the phone. The conference is on. See you all at 4PM tomorrow. Location is: 250 Frank H Ogawa Plaza, Oakland, CA.

-Edward

Todd, Amber

From: Clevenger, Ann
Sent: Wednesday, March 25, 2015 4:58 PM
To: Fixerloans1@yahoo.com
Cc: Miller, Scott
Subject: RE: Confirming meeting Thur. March 26 at 4PM

Importance: High

So sorry, Catherine, the meeting tomorrow for Aitken Drive is at 4:00 pm. (I got it mixed up with another meeting I have tomorrow).

Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

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thanks for everything,
Catherine Teegarden
[REDACTED]

Todd, Amber

From: Clevenger, Ann
Sent: Thursday, March 26, 2015 10:16 AM
To: Edward Xiao; Dennis Yniguez; Charonnat Design
Cc: Miller, Scott
Subject: RE: Conference at City of Oakland Planning and Zoning is On

Hi, All,

Please arrive before 4pm or you won't be able to get into our offices as access to the Zoning Counter area is locked. You will need to call us to let you in.

Thanks,
Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

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-Edward

Todd, Amber

From: [REDACTED]
Sent: Friday, March 27, 2015 9:36 AM
To: Miller, Scott
Cc: Clevenger, Ann
Subject: Fw: Confirming meeting Thur. March 26 at 4PM

Good Morning Scott,

I wish to thank you and Ann for all that you did to help me and the Oak Tree yesterday. I appreciate it. I'm curious, since I didn't get the below email in time, what was the content of our pre-meeting at 3:45 going to be? In your adding the further conditions under which the applicant and his workers must abide, since Mitch Thompson of the City of Oakland Tree Division did not show up, could we require that he be the one to periodically, like maybe once per month, inspect the health of Oak Tree A? Arborist Mr. Dennis Yniguez obviously would allow almost anything to happen and still say the tree will be OK! He was a just a mouthpiece for construction to just get rolling!
Have a great day,
Catherine Teegarden
[REDACTED]

----- Original Message -----

From: Clevenger, Ann
To: [REDACTED]
Cc: Miller, Scott
Sent: Thursday, March 26, 2015 2:46 PM
Subject: RE: Confirming meeting Thur. March 26 at 4PM

Hi, Catherine,

Are you able to arrive a little earlier, e.g., 3:45? If so, Scott would like to pre-meet for a few minutes before the applicant arrives.

Thanks.

Ann

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thanks for everything,
Catherine Teegarden
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Todd, Amber

From: Miller, Scott
Sent: Friday, March 27, 2015 4:07 PM
To: [REDACTED]
Cc: Clevenger, Ann
Subject: RE: Confirming meeting Thur. March 26 at 4PM

Hello, Catherine. Thank you for your participation at yesterday's meeting. I am convinced that we will have additional worthwhile measures in place to assist in protecting the Oak tree. The 3:45 meeting was going to provide me an opportunity to talk with you about the "Appeal" in case Edward would press you on the issue of Appeal fees and likelihood of the Appeal being made formal (with fee). That didn't come up so it's okay that we didn't have that "pre-meet".

Regarding your request for Mitch Thompson's recurring analysis of the Oak's health – unfortunately his workload and staff shortage would make that impractical, and likely unnecessary given the other measures in place for the protection. Ann and I will be working on the additional draft conditions as discussed yesterday during next week, and will provide you and Edward a copy for review before they are finalized. Have a pleasant weekend.

Scott

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Have a great day,
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Please let me know,
thanks for everything,
Catherine Teegarden
[REDACTED]

Todd, Amber

From: [REDACTED]
Sent: Monday, March 30, 2015 11:17 AM
To: Miller, Scott; Clevenger, Ann
Subject: Ed Xioa's Red Flag, PLN14268

Hi Scott and Ann

Did anyone else get concerned about Edward's comment that he has built 2 other houses as general contractor, and the second one BURNED DOWN DUE TO an ELECTRICAL FIRE? In thinking about it, I did. The general contractor is supposed to be knowledgeable enough to know whether or not the electrical sub is doing his work correctly or not. Ed passed out his coursework certificate at a community college, but this is not experience, we know now what the result was of his prior experience! I did half-jokingly ask if he did the wiring on the one that burned down, but this is really not a joke. We don't want another Oakland fire-storm!
How and where do we address this?

Thank you again,
Catherine Teegarden
[REDACTED]

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Wednesday, April 08, 2015 9:56 AM
To: Miller, Scott
Cc: Clevenger, Ann
Subject: 6754 Aitken Dr, Oak Tree #A Value Calculation

Hi Scott and Ann,

I am working with a tree bond company for putting a tree bond on oak tree "A". The tree bond company need to get a fair value of the oak tree. Does City of Oakland have any formula to calculate the value of an Oak tree? City of Rocklin seems to calculate replacing cost of Oak tree as \$96 per inch in diameter. See page 17 from link below:

<https://www.rocklin.ca.us/civica/filebank/blobdload.asp?BlobID=2308>

-Edward

Todd, Amber

From: Clevenger, Ann
Sent: Wednesday, April 08, 2015 11:56 AM
To: Edward Xiao; Miller, Scott
Cc: Thomson, Mitchell
Subject: RE: 6754 Aitken Dr, Oak Tree #A Value Calculation

Edward,

You might want to check with Mitch Thomson from the Tree Division. It doesn't show up on the Tree Permit he worked on for you, but I thought the tree inspectors usually do assign a value to the trees they review, prior to issuing Tree Permits. I could be wrong.

In any case, I'm cc'ing Mitch on this e-mail in case he can add any helpful information for you. (Tree Permit #T1400099).

Thanks,
Ann

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-Edward

Todd, Amber

From: Clevenger, Ann
Sent: Wednesday, April 08, 2015 11:59 AM
To: Flores, Herbert
Subject: FW: 6754 Aitken Dr, Oak Tree #A Value Calculation

Forwarding this e-mail (see below) per Mitch Thompson's Out of Office reply.

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Clevenger, Ann
Sent: Wednesday, April 08, 2015 11:56 AM
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Cc: Thomson, Mitchell
Subject: RE: 6754 Aitken Dr, Oak Tree #A Value Calculation

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-Edward

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Thursday, April 30, 2015 5:15 PM
To: Clevenger, Ann; [REDACTED]
Cc: Miller, Scott
Subject: Re: 6754 Aitken Dr, Oak Tree #A Value Calculation
Attachments: minimumTreeBond.png

Hi Ann and Catherine,

I called City of Oakland tree department multiple times and emailed Mitchell Thomson but no one responded until today. Mr. Florence from the tree department told me that Mitchell Thompson already retired. He also told me that the tree department can use multiple appraisal methods published by The International Society of Arboriculture and tree trunk diameter calculation method is one of published appraisal methods. Since City of Oakland does not published any Oak Tree valuation formula, I am using City of Rocklin(North California) published Oak Tree valuation method(\$96 per inch in diameter) as indicated below since both cities are in California law jurisdiction .

Per City of Rocklin's published formula, The value of Oak Tree # A in question will be:

$18"(\text{diameter of tree trunk in inches}) \times \$96(\text{value per tree trunk diameter inch}) = \$1728.$

If there are multiple oak trees involved then the total value added up will be use to price a tree bond during construction, see attached sample calculation from City of Rocklin. Since we only have one tree to put a tree bond on it, the tree bond valuation become negligible. However, City of Rocklin also said any tree bond value must be minimum value of \$10,000. Hence, I am proposing putting tree bond value of \$10,000 on Tree#A for 3 years per our conference agreement. If you object to the valuation method I proposed, then please hire your own tree expert ASAP to come up with a different valuation method for Oak Tree #A and then we can discuss further.

Ann, if you agree to my proposal above, can you approve the tree removal permit #T1400099 and notify City of Oakland tree department? Thanks in advance.

-Edward Xiao [REDACTED]



Appendix C (cont.)

If the applicant pays into the Oak Tree Mitigation Fund, he would pay based upon the following formula:

$$35'' \quad \times \quad \$96 \quad = \quad \$3360$$

Example C (More Than 20% of Either Total Inches Being Removed or Total Number of Trees Being Removed)

The applicant is proposing to remove the 30" tree. His mitigation would be calculated based on the following:

30" of TDBH = 30% of the TDBH of the surveyed trees

1 tree = 20% of the total number of surveyed trees

Although the applicant is removing 20% or less of the total number of trees surveyed, he is removing over 20% of the TDBH. Therefore, because he cannot meet both criteria like the applicant in example A, he must mitigate using the formula as shown in Example B. He must replant 10" of trees either on or off-site or some combination thereof, or pay into the Oak Tree Preservation fund using the following formula:

$$100'' \quad \times \quad 20\% \quad = \quad 20''$$

$$30'' \quad - \quad 20'' \quad = \quad 10'' \text{ (Required Mitigation)}$$

$$10'' \quad \times \quad \$96 \quad = \quad \$960$$

On Wednesday, April 8, 2015 11:56 AM, "Clevenger, Ann" <AClevenger@oaklandnet.com> wrote:

Edward,

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Thanks,
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-Edward

✓ Council has established the Oak Tree Preservation Fund into which all funds associated preservation activities shall be deposited. Such funds may include mitigation in lieu of in

Oak Tree Preservation Fund Guidelines

or other security instrument in a form approved by the City Attorney in the minimum amount (or greater as deemed necessary by the approving body) shall be posted and maintained for the preservation of the trees during construction. The security shall be posted prior to movement of heavy equipment onto the site or commencement of a trenching and/or foundation condition of the tree preservation plan or these guidelines may result in forfeiture of the bond. Other violation penalties are contained in the Oak Tree Preservation Act.

Security

ing the course of construction, the developer is found to be violating condition(s) of the Ordinance. Penalties or the city's ordinances regarding trees, a correction notice shall be issued to the developer. If the violation is not corrected, a stop work order will be issued until the corrections have been taken.

to ensure that the fence remains in its proper location and that it does not pose a hazard to the public. It is the responsibility of property owners to ensure that the fence remains in its proper location and that it does not pose a hazard to the public. The fence shall be maintained in good condition and shall be repaired or replaced as needed. The fence shall be maintained in good condition and shall be repaired or replaced as needed. The fence shall be maintained in good condition and shall be repaired or replaced as needed.

Standards and Requirements

It is important to require review and specification of tree preservation during the process, but it is equally important to protect the preserved trees during construction. The discharge protects the tree by reminding those on the job site that there is no activity under those trees.

အမှတ်

Protection of Oak Trees During Construction

Todd, Amber

From: [REDACTED]
Sent: Thursday, April 30, 2015 6:49 PM
To: Edward Xiao; Clevenger, Ann
Cc: Miller, Scott
Subject: Re: 6754 Aitken Dr, Oak Tree #A Value Calculation

Dear Mr. Xiao, Ms. Clevenger and Mr. Miller,
The tree valuation is in the amount of market value my home will suffer when eventually sold: one value with the existing tree and a lower value without the tree. I am in the process of obtaining those market value appraisals.
thank you,
Catherine Teegarden
[REDACTED]

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-Edward Xiao [REDACTED]



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Todd, Amber

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Sent: Friday, May 01, 2015 1:54 PM
To: Fixerloans1@yahoo.com; Clevenger, Ann
Cc: Miller, Scott
Subject: Re: 6754 Aitken Dr, Oak Tree #A Value Calculation

Ms. Telegarden,

There is published formula to calculate tree valuation relative to house property such as follow:

"Value Loss to the Property (Market Approach and Cost Approach) - This is an evaluation of the reduction in property value caused by the damage or loss of tree(s). Three factors are involved:

- Fair market value (FMV) of the property prior to the damage.
- The contribution of the entire landscape as a percentage of fair market value. (Research has indicated that the value of trees and shrubs average about 7 percent of the total property value with a range of 0 to 20 percent.)
- An estimation of the landscape impact lost due to tree damage. This estimation is given as a percentage. For example:

- fair market value of the property = \$100,000
- value of landscape = 7%
- landscape impact loss = 20%
- $\$100,000 \times .07 \times .20 = \$1,400$ "

See the above quote from page 2 on:

<http://skaforestry.com/content/00/01/42/52/71/userimages/Basic%20Tree%20Appraisal%20Methodology.pdf>

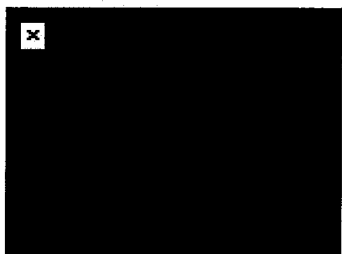
Hence, the calculation value for the tree #A can be:

$\$904677 \times 0.07 \times 0.20 = \12679

However, I am the owner of oak tree #A, not you. If you are the owner of oak tree #A and I cost the tree to die during construction, then the above calculation valuation is still very close to the \$10,000 valuation I proposed yesterday.

Can we move on with the valuation of the tree? Your complain to the city planning department is already cost me thousands dollar of professional arborist consultant and architect fees plus 7 months of delay pending city approval . I hope you were not intend to stop my construction project using tree #A when you sold the 6754 Aitken Dr land parcel to me. The raining season is over and I need to start my construction activity ASAP.

Real Estate - 0 Homes For Sale | Zillow



Real Estate - o Homes For Sale | Zillow

Zillow has o homes for sale. View listing photos, review sales history, and use our detailed real estate filters to find the perfect place.

[View on www.zillow.com](http://www.zillow.com)

Preview by Yahoo

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----- Original Message -----

From: Edward Xiao

To: Ann Clevenger

Cc: Scott Miller

Sent: Thursday, April 30, 2015 5:15 PM

Subject: Re: 6754 Aitken Dr, Oak Tree #A Value Calculation

Hi Ann and Catherine,

I called City of Oakland tree department multiple times and emailed Mitchell Thomson but no one responded until today. Mr. Florence from the tree department told me that Mitchell Thompson already retired. He also told me that the tree department can use multiple appraisal methods published by The International Society of Arboriculture and tree trunk diameter calculation method is one of published appraisal methods. Since City of Oakland does not published any Oak Tree valuation formula, I am using City of Rocklin(North California) published Oak Tree valuation method(\$96 per inch in diameter) as indicated below since both cities are in California law jurisdiction .

Per City of Rocklin's published formula, The value of Oak Tree # A in question will be:

$18''(\text{diameter of tree trunk in inches}) \times \$96(\text{ value per tree trunk diameter inch}) = \$1728.$

If there are multiple oak trees involved then the total value added up will be use to price a tree bond during construction, see attached sample calculation from City of Rocklin. Since we only have one tree to put a tree bond on it, the tree bond valuation become negligible. However, City of Rocklin also said any tree bond value must be minimum value of \$10,000. Hence, I am proposing putting tree bond value of \$10,000 on Tree#A for 3 years per our conference agreement. If you object to the valuation method I proposed, then please hire your own tree expert ASAP to come up with a different valuation method for Oak Tree #A and then we can discuss further.

Ann, if you agree to my proposal above, can you approve the tree removal permit #T1400099 and notify City of Oakland tree department? Thanks in advance.

-Edward Xiao

On Wednesday, April 8, 2015 11:56 AM, "Clevenger, Ann" <AClevenger@oaklandnet.com> wrote:

Edward,

You might want to check with Mitch Thomson from the Tree Division. It doesn't show up on the Tree Permit he worked on for you, but I thought the tree inspectors usually do assign a value to the trees they review, prior to issuing Tree Permits. I could be wrong.

In any case, I'm cc'ing Mitch on this e-mail in case he can add any helpful information for you. (Tree Permit #T1400099).

Thanks,
Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Edward Xiao [<mailto:edwardxiao@yahoo.com>]
Sent: Wednesday, April 08, 2015 9:56 AM
To: Miller, Scott
Cc: Clevenger, Ann
Subject: 6754 Aitken Dr, Oak Tree #A Value Calculation

Hi Scott and Ann,

I am working with a tree bond company for putting a tree bond on oak tree "A". The tree bond company need to get a fair value of the oak tree. Does City of Oakland have any formula to calculate the value of an Oak tree? City of Rocklin seems to calculate replacing cost of Oak tree as \$96 per inch in diameter. See page 17 from link below:

<https://www.rocklin.ca.us/civica/filebank/blobdload.asp?BlobID=2308>

-Edward



Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Friday, May 01, 2015 2:09 PM
To: Fixerloans1@yahoo.com; Clevenger, Ann
Cc: Miller, Scott
Subject: Re: 6754 Aitken Dr, Oak Tree #A Value Calculation

Per Zillow.com, your house at 6760 Aitken Dr is valued at \$904677.

Real Estate - 0 Homes For Sale | Zillow



Real Estate - 0 Homes For Sale |
Zillow

Zillow has 0 homes for sale. View listing photos, review sales history, and use our detailed real estate filters to find the perfect place.

View on www.zillow.com

Preview by Yahoo

On Friday, May 1, 2015 1:54 PM, Edward Xiao [REDACTED] wrote:

Ms. Telegarden,

There is published formula to calculate tree valuation relative to house property such as follow:

"Value Loss to the Property (Market Approach and Cost Approach) - This is an evaluation of the reduction in property value caused by the damage or loss of tree(s). Three factors are involved:

- Fair market value (FMV) of the property prior to the damage.
- The contribution of the entire landscape as a percentage of fair market value. (Research has indicated that the value of trees and shrubs average about 7 percent of the total property value with a range of 0 to 20 percent.)
- An estimation of the landscape impact lost due to tree damage. This estimation is given as a percentage. For example:

- fair market value of the property = \$100,000
- value of landscape = 7%
- landscape impact loss = 20%
- $\$100,000 \times .07 \times .20 = \$1,400$ "

See the above quote from page 2 on:

<http://skaforestry.com/content/00/01/42/52/71/userimages/Basic%20Tree%20Appraisal%20Methodology.pdf>

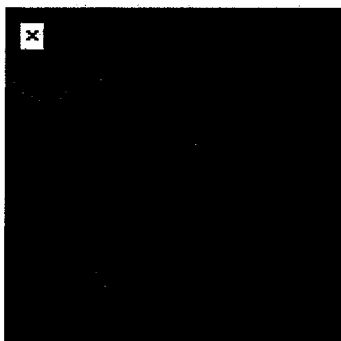
Hence, the calculation value for the tree #A can be:

$\$904677 \times 0.07 \times 0.20 = \12679

However, I am the owner of oak tree #A, not you. If you are the owner of oak tree #A and I cost the tree to die during construction, then the above calculation valuation is still very close to the \$10,000 valuation I proposed yesterday.

Can we move on with the valuation of the tree? Your complain to the city planning department is already cost me thousands dollar of professional arborist consultant and architect fees plus 7 months of delay pending city approval . I hope you were not intend to stop my construction project using tree #A when you sold the 6754 Aitken Dr land parcel to me. The raining season is over and I need to start my construction activity ASAP.

Real Estate - 0 Homes For Sale | Zillow



Real Estate - o Homes For Sale | Zillow

Zillow has o homes for sale. View listing photos, review sales history, and use our detailed real estate filters to find the perfect place.

View on www.zillow.com

Preview by Yahoo

On Thursday, April 30, 2015 6:49 PM, [REDACTED] wrote:

Dear Mr. Xiao, Ms. Clevenger and Mr. Miller,

The tree valuation is in the amount of market value my home will suffer when eventually sold: one value with the existing tree and a lower value without the tree. I am in the process of obtaining those market value appraisals.

thank you,

Catherine Teegarden
[REDACTED]

----- Original Message -----

From: Edward Xiao

To: Ann Clevenger ; [REDACTED]

Cc: Scott Miller

Sent: Thursday, April 30, 2015 5:15 PM

Subject: Re: 6754 Aitken Dr, Oak Tree #A Value Calculation

Hi Ann and Catherine,

I called City of Oakland tree department multiple times and emailed Mitchell Thomson but no one responded until today. Mr. Florence from the tree department told me that Mitchell Thompson already retired. He also told me that the tree department can use multiple appraisal methods published by The International Society of Arboriculture and tree trunk diameter calculation method is one of published appraisal methods. Since City of

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-Edward Xiao [REDACTED]

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You might want to check with Mitch Thomson from the Tree Division. It doesn't show up on the Tree Permit he worked on for you, but I thought the tree inspectors usually do assign a value to the trees they review, prior to issuing Tree Permits. I could be wrong.

In any case, I'm cc'ing Mitch on this e-mail in case he can add any helpful information for you. (Tree Permit #T1400099).

Thanks,
Ann

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To: Miller, Scott
Cc: Clevenger, Ann
Subject: 6754 Aitken Dr, Oak Tree #A Value Calculation

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<https://www.rocklin.ca.us/civica/filebank/blobdload.asp?BlobID=2308>

-Edward



Todd, Amber

From: Charonnat Design [REDACTED]
Sent: Wednesday, May 06, 2015 3:29 PM
To: Clevenger, Ann
Subject: Re: Conference at City of Oakland Planning and Zoning is On

Hi - any status on the update of this project?

thanks - **leal**

Leal Charonnat, Architect

CHARONNAT - ARCHITECT+ENGINEERING

1-5th Avenue Ste 1-9 Oakland Calif 94606

(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Thu, Mar 26, 2015 at 10:15 AM, Clevenger, Ann <AClevenger@oaklandnet.com> wrote:

Hi, All,

Please arrive before 4pm or you won't be able to get into our offices as access to the Zoning Counter area is locked. You will need to call us to let you in.

Thanks,

Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

From: Edward Xiao [REDACTED]
Sent: Wednesday, March 25, 2015 2:56 PM
To: Dennis Yniguez; Charonnat Design
Cc: Miller, Scott; Clevenger, Ann
Subject: Conference at City of Oakland Planning and Zoning is On

Hi Folks, Just talk to Scott from Planning and Zoning on the phone. The conference is on. See you all at 4PM tomorrow. Location is: 250 Frank H Ogawa Plaza, Oakland, CA.

-Edward

Todd, Amber

From: [REDACTED]
Sent: Friday, May 08, 2015 12:57 PM
To: Miller, Scott; Clevenger, Ann; Edward Xiao
Subject: Fw: Re Your Property Evaluation

Dear Scott, Ann and Edward:

Hello to all!

re: amount of oak tree A's bond amount as it affects my property's market value , with and without the presence of this beautiful oak which is the essence of my view from both decks and my bedroom window. I have had a well-respected realtor (in business about 15 years in Montclair) come look at my home (she spent 2 hours here analyzing my concerns). She has provided the below letter to give her opinion regarding the importance of the preservation of the Oak tree. Mr. Xiao has proposed a bond amount of \$10,000 which is not nearly enough.

The bond amount needs to be \$50,000 and I am sure then that everyone will love that oak tree as much as I do, and as a possible future buyer of my home would.

Thank you for your time and consideration.

Best regards,

Catherine Teegarden

[REDACTED]
PLN 14268

----- Original Message -----

From: Ortrun Niesar

To: [REDACTED]

Sent: Friday, May 08, 2015 12:34 PM

Subject: Re Your Property Evaluation

Dear Catherine—

In response to your request for an informal assessment of your property with and without the oak tree canopy in question.

I have visited the site in May 6, 2015. You have a robust oak tree with full canopy and apparently in good condition framing the right side of your house and providing important screening from the street and an intrusive telephone pole with heavy wiring. The canopy further provides privacy for the bedrooms and two decks facing east and south, a feature that will take on even more importance once a home is constructed within less than fifteen feet of this side of your house. Right now the oak tree provides good separation between the properties. There is, however, the possibility that the tree will be lost or damaged in the construction process of the neighboring house.

I understand that you may want to sell your property in the near future. You have asked me to give you an opinion about the likely impact your property would sustain should the tree be damaged or removed from its present location. Views and trees play an important role in the valuation and salability of a home. They are also often a point of contention between neighbors. In your case, while the tree trunk exists three feet into the neighboring property, the canopy exists at least 50% on your property and is very much a part of your quiet enjoyment there. Were the tree to be removed and the home exposed to negative street elements, thus diminished views, as well as be deprived of privacy on the southeast side of the house, there is a strong likelihood the home would have difficulty being sold at a competitive price when compared to similar homes located in the area. The home would likely have greater difficulty being sold within a reasonable period of time and may have to be discounted sharply. Perhaps as much as by \$50,000.

I hope that this provides you with sufficient information. Market influences are not a part of this discussion, nor are personal preferences and opinions as to the condition of the tree and issues related to property lines and the natural growth and legal rights of trees.

With Warm Regards,

Ortrun Niesar

Ortrun Niesar

Bay Sotheby's International Realty
California BRE #01161032

2 Tunnel Road

Berkeley, CA 94705

[REDACTED] | o 510.542.2600

ortrun.niesar@sothebysrealty.com

baysir.com

wsj.com/sothebysrealty

residelocalecalifornia

Todd, Amber

From: [REDACTED]
Sent: Friday, May 08, 2015 4:05 PM
To: Miller, Scott; Clevenger, Ann; Edward Xiao
Subject: Course of construction insurance?

Hello All,

I had asked this question earlier, but didn't get an answer:

Ed, do you have course of construction insurance? If so, please let me know what company and who your agent's name and email is and note (so they know it is OK) to give me permission to be sure it's in place.

Scott and Ann: doesn't the city require this?

Thank you so much,
Catherine Teegarden
[REDACTED]

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Tuesday, May 12, 2015 9:31 AM
To: Fixerloans1@yahoo.com; Miller, Scott; Clevenger, Ann
Subject: Re: Course of construction insurance?

Catherine,

The project is still at planning stage pending final approval from the city. There is no requirement from the city to have construction insurance in place at this stage. Thanks for your concern, however.

-Edward

On Friday, May 8, 2015 4:05 PM, [REDACTED] > wrote:

Hello All,

I had asked this question earlier, but didn't get an answer:

Ed, do you have course of construction insurance? If so, please let me know what company and who your agent's name and email is and note (so they know it is OK) to give me permission to be sure it's in place.

Scott and Ann: doesn't the city require this?

Thank you so much,
Catherine Teegarden
[REDACTED]

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Tuesday, May 12, 2015 3:03 PM
To: Miller, Scott; Clevenger, Ann
Subject: Fw: Re Your Property Evaluation

Hi Scott and Ann,

Catherine Teegarden' is demanding that I put a tree bond that benefit her for the value of \$50,000 in case the oak tree located within my property line might dies during construction activity. From legal stand point, her request is illogical since she is not the owner of the tree.

I have been patient in cooperating with mediation request from the city to resolve our disputes. However, based on the last two emails that Catherine Teegarden's send last Friday, she is still try to stop my construction project with outrages demand and try to extract financial benefit from me for property right that she does not own . I am viewing her act is financial extortion at this point. Hence, I have decide to face her in court regarding this matter to recover my lost in arborist fee and architect fee since her complain to the city of Oakland last year. Can City of Oakland issues final planning approval for my project at 6754 Aitken Dr as it is?

Sincerely,
-Edward Xiao [REDACTED]

On Friday, May 8, 2015 12:56 PM, [REDACTED] wrote:

Dear Scott, Ann and Edward:

Hello to all!

re: amount of oak tree A's bond amount as it affects my property's market value , with and without the presence of this beautiful oak which is the essence of my view from both decks and my bedroom window. I have had a well-respected realtor (in business about 15 years in Montclair) come look at my home (she spent 2 hours here analyzing my concerns). She has provided the below letter to give her opinion regarding the importance of the preservation of the Oak tree.

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Thank you for your time and consideration.

Best regards,

Catherine Teegarden
[REDACTED]

PLN 14268

----- Original Message -----

From: Ortrun Niesar

To: [REDACTED]

Sent: Friday, May 08, 2015 12:34 PM

Subject: Re Your Property Evaluation

Dear Catherine—

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I have visited the site in May 6, 2015. You have a robust oak tree with full canopy and apparently in good condition framing the right side of your house and providing important screening from the street and an intrusive telephone pole with heavy wiring. The canopy further provides privacy for the bedrooms and two decks facing east and south, a feature that will take on even more importance once a home is constructed within less than fifteen feet of this side of your house. Right now the oak tree provides good separation between the properties. There is, however, the possibility that the tree will be lost or damaged in the construction process of the neighboring house.

I understand that you may want to sell your property in the near future. You have asked me to give you an opinion about the likely impact your property would sustain should the tree be damaged or removed from its present location. Views and trees play an important role in the valuation and salability of a home. They are also often a point of contention between neighbors. In your case, while the tree trunk exists three feet into the neighboring property, the canopy exists at least 50% on your property and is very much a part of your quiet enjoyment there. Were the tree to be removed and the home exposed to negative street elements, thus diminished views, as well as be deprived of privacy on the southeast side of the house, there is a strong likelihood the home would have difficulty being sold at a competitive price when compared to similar homes located in the area. The home would likely have greater difficulty being sold within a reasonable period of time and may have to be discounted sharply. Perhaps as much as by \$50,000.

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With Warm Regards,

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██████████ | o 510.542.2600

ortrun.niesar@sothebysrealty.com

baysir.com

wsj.com/sothebysrealty

resideloocalecalifornia

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Thursday, May 28, 2015 4:49 PM
To: Miller, Scott; Clevenger, Ann; [REDACTED]
Subject: Re: Fw: Re Your Property Evaluation

Dear Catherine,

After consulting with my legal adviser, I am rejecting your unreasonable demand for pricing a tree bond on my tree based on your property valuation. If you still insisted on pricing my tree using your property value, then please consult your legal adviser and cited the relevant legal statute in writing to support your demand.

Sincerely,
-Edward Xiao

On Fri, 5/8/15, Fixerloans1@yahoo.com [REDACTED] wrote:

Subject: Fw: Re Your Property Evaluation
To: "Miller, Scott" <SMiller@oaklandnet.com>, "Clevenger, Ann" <AClevenger@oaklandnet.com>, "Edward Xiao" <edwardxiao@yahoo.com>
Date: Friday, May 8, 2015, 12:56 PM

_filtered #yiv9869829408 {
font-family: Cambria Math;}
_filtered #yiv9869829408 {
font-family: Calibri;}
_filtered #yiv9869829408 {
font-family: Verdana;}
_filtered #yiv9869829408 {
font-family: Gill Sans MT;}
_filtered #yiv9869829408 {margin: 1.0in 1.0in 1.0in 1.0in;}
#yiv9869829408 P.yiv9869829408MsoNormal { MARGIN: 0in 0in 0pt; FONT-FAMILY: "Calibri", sans-serif; FONT-SIZE: 11pt; }
#yiv9869829408 LI.yiv9869829408MsoNormal { MARGIN: 0in 0in 0pt; FONT-FAMILY: "Calibri", sans-serif; FONT-SIZE: 11pt; }
#yiv9869829408 DIV.yiv9869829408MsoNormal { MARGIN: 0in 0in 0pt; FONT-FAMILY: "Calibri", sans-serif; FONT-SIZE: 11pt; }
#yiv9869829408 A:link {
COLOR: #0563c1; TEXT-DECORATION: underline; }
#yiv9869829408 SPAN.yiv9869829408MsoHyperlink { COLOR: #0563c1; TEXT-DECORATION: underline; }
#yiv9869829408 A:visited {
COLOR: #954f72; TEXT-DECORATION: underline; }
#yiv9869829408 SPAN.yiv9869829408MsoHyperlinkFollowed { COLOR: #954f72; TEXT-DECORATION: underline; }

#yiv9869829408 SPAN.yiv9869829408EmailStyle17 { FONT-FAMILY:"Calibri", sans-serif;COLOR:windowtext;}
#yiv9869829408 .yiv9869829408MsoChpDefault { FONT-FAMILY:"Calibri", sans-serif;}
#yiv9869829408 DIV.yiv9869829408WordSection1 { }

Dear Scott, Ann and

Edward:

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re: amount of oak tree

A's bond amount as it

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Teegarden

PLN 14268

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[REDACTED]
o 510.542.2600
ortrun.niesar@sothebysrealty.com

baysir.com

wsj.com/sothebysrealty
resideloocalifornia

Todd, Amber

From: Charonnat Design [REDACTED]
Sent: Tuesday, September 30, 2014 8:18 AM
To: Clevenger, Ann
Cc: Edward Xiao
Subject: 6754 AITKEN (APN - 48D-7298-65) ** CONFIRM Thurs (10/2) AM Meeting **

Please confirm time and place of meeting this Thursday - Oct 2, 2014 in morning. (Client cannot meet in afternoon)

Client brought us up to date on some planning dept 'comments' and will submit reply later today.

PLEASE REVIEW drawing **03.0 - NEIGHBORHOOD CONTEXT** This was submitted as 11x17 - please let us know if you need full size (24"x36") size. (this drawing with pictures is a 10MB file so let us know if that is ok to email if you want also.)

thank you

Leal Charonnat, Architect

CHARONNAT - ARCHITECT+ENGINEERING

1-5th Avenue Ste 1-9 Oakland Calif 94606

(510) 436-3466 FAX (877) 769-9966 [REDACTED]

Todd, Amber

From: Clevenger, Ann
Sent: Tuesday, September 30, 2014 1:43 PM
To: Charonnat Design
Cc: [REDACTED]
Subject: RE: 6754 AITKEN (APN - 48D-7298-65) ** CONFIRM Thurs (10/2) AM Meeting **

Hello,

I could meet from 11:00 to 11:30/:45. Does that work?

Thanks,
Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

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CHARONNAT - ARCHITECT+ENGINEERING
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(510) 436-3466 FAX (877) 769-9966 [REDACTED]

Todd, Amber

From: Charonnat Design [REDACTED]
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To: Clevenger, Ann
Cc: Edward Xiao
Subject: Re: 6754 AITKEN (APN - 48D-7298-65) ** CONFIRM Thurs (10/2) AM Meeting **

Good - 11:00 Thursday sounds good to me - **leal**

Leal Charonnat, Architect

CHARONNAT - ARCHITECT+ENGINEERING
1-5th Avenue Ste 1-9 Oakland Calif 94606
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

On Tue, Sep 30, 2014 at 1:42 PM, Clevenger, Ann <AClevenger@oaklandnet.com> wrote:

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Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

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Client brought us up to date on some planning dept 'comments' and will submit reply later today.

PLEASE REVIEW drawing **03.0 - NEIGHBORHOOD CONTEXT** This was submitted as 11x17 - please let us know if you need full size

(24"x36") size. (this drawing with pictures is a 10MB file so let us know if that is ok to email if you want also.)

thank you

Leal Charonnat, Architect

CHARONNAT - ARCHITECT+ENGINEERING

1-5th Avenue Ste 1-9 Oakland Calif 94606

(510) 436-3466 FAX (877) 769-9966 [REDACTED]

Todd, Amber

From: [REDACTED]
Sent: Tuesday, September 30, 2014 4:44 PM
To: Charonnat Design; Clevenger, Ann
Subject: Re: 6754 AITKEN (APN - 48D-7298-65) ** CONFIRM Thurs (10/2) AM Meeting **

Confirmed. 11am works for me too. Thanks..-Edward

From my HTC Sensation 4G on T-Mobile. The first nationwide 4G network

----- Reply message -----

From: "Charonnat Design" [REDACTED]
To: "Clevenger, Ann" <AClevenger@oaklandnet.com>
Cc: "Edward Xiao" [REDACTED]
Subject: 6754 AITKEN (APN - 48D-7298-65) ** CONFIRM Thurs (10/2) AM Meeting **
Date: Tue, Sep 30, 2014 3:12 pm

Good - 11:00 Thursday sounds good to me - *leal*

Leal Charonnat, Architect

* CHARONNAT - ARCHITECT+ENGINEERING 1 -
5th Avenue Ste 1-9 Oakland Calif 94606
(510) 436-3466 FAX (877) 769-9966 [REDACTED]
[REDACTED]*

On Tue, Sep 30, 2014 at 1:42 PM, Clevenger, Ann <AClevenger@oaklandnet.com>
wrote:

> Hello,

>

>

>

> I could meet from 11:00 to 11:30/45. Does that work?

>

>

>

> Thanks,

>

> Ann

>

>

>

> *Ann Clevenger, Planner III, AICP* *| *City of Oakland | Bureau of
> Planning | 250 Frank H. Ogawa, Suite 2114 |Oakland, CA 94612 | Phone:

> (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com

> Website: *www.oaklandnet.com/planning

> <<http://www.oaklandnet.com/planning>>*

>

>

>

> *From:* Charonnat Design [REDACTED]

> *Sent:* Tuesday, September 30, 2014 8:18 AM

> *To:* Clevenger, Ann

> *Cc:* Edward Xiao

> *Subject:* 6754 AITKEN (APN - 48D-7298-65) ** CONFIRM Thurs (10/2) AM

> Meeting **

>

>

>

> Please confirm time and place of meeting this Thursday - Oct 2, 2014 in

> morning. (Client cannot meet in afternoon)

>

>

>

> Client brought us up to date on some planning dept 'comments' and will

> submit reply later today.

>

>

>

> **

>

> *PLEASE REVIEW* drawing *03.0 - NEIGHBORHOOD CONTEXT * This was submitted

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> (24"x36") size. (this drawing with pictures is a 10MB file so let us

> know if that is ok to email if you want also.)

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> thank you

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> *Leal Charonnat, Architect*

>

>

> * CHARONNAT - ARCHITECT+ENGINEERING 1

> -5th Avenue Ste 1-9 Oakland Calif 9460

> 6(510) 436-3466 <28510%29%20436-3466> FAX (877) 769-9966

> <%28877%29%20769-9966> [REDACTED]
> [REDACTED]
>

Todd, Amber

From: Clevenger, Ann
Sent: Tuesday, October 07, 2014 4:11 PM
To: Rivera, Mike
Subject: 6754 Aitken Drive

It is located between 6746 Aitken Drive and 6760 Aitken Drive. (6746 is on the right, and 6760 is on the left).

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Thursday, October 09, 2014 10:17 PM
To: Clevenger, Ann
Cc: [REDACTED]
Subject: Yellow Sign Posted
Attachments: IMAG0443.jpg

Hi Ann,

I picked up and posted the the public notice yellow sign for 6754 Aitken Dr today. See attached picture.
-Edward

Todd, Amber

From: Charonnat Design [REDACTED]
Sent: Wednesday, October 15, 2014 8:33 AM
To: Edward Xiao
Cc: Clevenger, Ann
Subject: Fwd: Letter from soil engineer about appropriateness of our design for property

Edward - **FYI** - See Al Masso's (*of Summit Engineering which prepared the geotechnical {soil } report for the project*) email below confirming our design is compatible with the soil report for this property.

Leal Charonnat, Architect

CHARONNAT - ARCHITECT+ENGINEERING
1-5th Avenue Ste 1-9 Oakland Calif 94606
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Oct 14, 2014 at 11:37 PM
Subject:
L
etter about appropriateness of our design
To: Charonnat Design [REDACTED]

=====

Leal,
Your design including sections appear to be an appropriate option for the subject site's topography.

Pending review of foundation plans and details, the design seems to conform with the recommendations in our SUMMIT ENGINEERING Soils Report, dated 2/10/2014.

I'm looking forward to working with you and help complete the final building plans.

Al Masso

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Wednesday, October 15, 2014 1:13 PM
To: Charonnat Design
Cc: Clevenger, Ann
Subject: Re: Fwd: Letter from soil engineer about appropriateness of our design for property

Thanks for the confirmation, Leal.
-Edward

On Wednesday, October 15, 2014 8:33 AM, Charonnat Design [REDACTED] wrote:

Edward - **FYI** - See Al Masso's (*of Summit Engineering which prepared the geotechnical {soil } report for the project*) email below confirming our design is compatible with the soil report for this property.

Leal Charonnat, Architect

CHARONNAT - ARCHITECT+ENGINEERING
1-5th Avenue Ste 1-9 Oakland Calif 94606
(510) 436-3466 FAX (877) 769-9966 [REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Oct 14, 2014 at 11:37 PM
Subject:

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etter about appropriateness of our design

To: Charonnat Design [REDACTED]

=====

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Your design including sections appear to be an appropriate option for the subject site's topography.

Pending review of foundation plans and details, the design seems to conform with the recommendations in our SUMMIT ENGINEERING Soils Report, dated 2/10/2014.

I'm looking forward to working with you and help complete the final building plans.

Al Masso

Todd, Amber

From: [REDACTED]
Sent: Tuesday, October 21, 2014 2:48 PM
To: Clevenger, Ann
Subject: Case file #PLN14268

Dear Ms. Clevenger,
Re: Building Permit for 6754 Aitken Dr., Oakland, CA 94611
Case file # PLN14268

I own the property next door at 6760 Aitken Dr. I have some concerns about Mr. Edward Xiao's plans to build a house next to where I live and own:

1. He is acting as his own general contractor and wishes to be an owner-builder. He is a computer person, not a builder. As far as I know, he also has no experience building a home. He is also not using a construction loan to build. If he hired a licensed general contractor, I would at least have some protection with that contractor being experienced and bonded. If he were using a construction loan, I would at least be protected by the fact that the lender would do inspections before releasing a draw. So now without either of the above, my only protection is the inspections made by the city **after** he does work. This makes me very uncomfortable. If there are mistakes made, my home could down in value by a great deal. My foundation could be undermined. I am being asked by Mr. Xiao to just take his word for everything being OK. That is not enough.
2. The beginning of excavation must not be in the fall or winter. It must be after the rains have stopped. The ground water could de-stabilize my foundation and the huge oak on the property line with mine.
3. This huge oak tree also has a huge root system and if the root system is disturbed, it could fall down. I asked Mr. Xiao to have an arborist fence off this root system so that it would not be disturbed and he just said he already took care of that. His verbal assurances are not enough for me.
4. I would like a copy of the buildings plans with the footprint of his proposed house and also the landscape plans. Mr. Xiao did show me some 8 X 10 inch plans, but refused to allow me to make a copy of them. How do I get a copy?
5. I would like to see a soils report. Mr. Xiao did not show that to me and he said I could not have a copy.

Thank you for your time and consideration,
Catherine Teegarden
[REDACTED] home
[REDACTED]

Todd, Amber

From: [REDACTED]
Sent: Monday, October 27, 2014 3:55 PM
To: Miller, Scott
Cc: Clevenger, Ann
Subject: PLN14268

Follow Up Flag: Follow up
Flag Status: Completed

Dear Scott and Ann,

I came down to Zoning-Planning at the city today and received the "Site Plan" for new proposed ground-up construction at 6754 Aitken Dr.

I have sent 2 letters and this is an amendment:

I now see that the stairs going up to Mr. Xiao's front door and his front porch are far within the circle of the canopy and thus the root system of a very large oak tree near the property line with mine. The footprint of the house is even within this circle. That means that the root system will be disturbed and this huge beautiful oak tree could fall due to this problem. It is a steep hillside so it is already leaning, but is held in place by the root system. It looks like this tragedy will be very likely. Mr. Xiao's front porch is only 3 and a half feet from the tree trunk! This is unacceptable.

I protest these plans.

thank you,

Catherine Teegarden

[REDACTED]

Todd, Amber

From: Miller, Scott
Sent: Tuesday, October 28, 2014 9:12 AM
To: [REDACTED]
Cc: Clevenger, Ann
Subject: RE: PLN14268

Hello, Ms. Teegarden. While Ann was back in the office for a few days last week, she is now on vacation until Monday, Nov. 3rd. I will see that she reviews your letters and discusses this proposed project and your concerns with you when she returns. As the assigned case planner for this project, Ann is the best person to discuss your concerns, and rest assured that there will be no decisions made on this proposal in the meantime. If you have other questions, feel free to contact me again. Thank you.

Scott

Scott Miller, Zoning Manager | Bureau of Planning | 250 Frank H. Ogawa Plaza, Suite 2114 | Oakland, CA 94612 | Phone: (510) 238-2235 | Fax: (510) 238-4730 | Email: smiller@oaklandnet.com | Website: www.oaklandnet.com/planning

From: [REDACTED]
Sent: Monday, October 27, 2014 4:12 PM
To: Miller, Scott
Cc: [REDACTED]
Subject: PLN14268

Mr. Miller:

When I first called Ann for questions, she was out of the office and returning on Oct. 21st. I left a message asking her to return my call. I called again on the 21st, left a message and again she did not return my call. I called today on Oct. 27th and it said she is again out of the office! I left a message but am sure I will not hear back.

I went down to the Planning-Zoning today and spoke to Mike who gave me a copy of the plans and when I asked a question, he said call Ann Cleavenger!!!!

Why all the run-around?

I DO have questions, and no one at the city will answer them. What is going on?

I protest very strongly to the proposed plans for 6754 Aitken dr., Oakland, Ca. 94611

thank you,

Catherine Teegarden
[REDACTED]

Todd, Amber

From: Clevenger, Ann
Sent: Monday, November 03, 2014 11:11 AM
To: [REDACTED]
Cc: Miller, Scott; [REDACTED]
Subject: RE: Case file #PLN14268

Hello, Ms. Teegarden,

So sorry for the belated reply. I've only taken two multiple-day vacations this year, and they both happen to have fallen in October (2nd and 4th week). As Scott Miller mentioned in his e-mail to you, no action has been taken on the project. We just don't have the staff to pick up and run with projects when we're on vacation, so they wait for our return.

Did you come in to look at the case file and project plans? They have been on my desk, labeled for ease of finding by any of my co-workers. If not, you're welcome to come in any time. I do have your letter and e-mails, so we would certainly be taking your comments into account, especially those that relate to the findings we are required to make for a decision on the project (building and site design, impact on streetscape, neighbor's properties, etc.).

Mr. Xiao has an architect, Leal Charonnat, who prepared the plans. I don't know who the building contractor will be, and that's not something we usually get involved with at the Planning level; however sometimes the Applicant happens to be the builder, or they otherwise present themselves to us or volunteer that information. You are correct that the Building Division conducts inspections at various stages of the project construction.

Depending on the amount of grading, construction might be restricted during the wet weather grading season (October 15th - April 15th). A soils report is typically required for building permits, but not for Planning permits except under special circumstances such as when there is a history of landslides or other suspected geotechnical issues.

I can give you a copy of the reduced-size architectural plans. If you are coming in, I get leave them for you. Otherwise, I can try to make a pdf and send them on by e-mail.

I'm still reviewing the documents so if some of my answers are not complete or specific enough, I can add to them later.

Thanks for your patience.

Best regards,

Ann Clevenger, Planner III

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning


From: [REDACTED]
Sent: Tuesday, October 21, 2014 2:48 PM
To: Clevenger, Ann
Subject: Case file #PLN14268

Dear Ms. Clevenger,
Re: Building Permit for 6754 Aitken Dr., Oakland, CA 94611
Case file # PLN14268

I own the property next door at 6760 Aitken Dr. I have some concerns about Mr. Edward Xiao's plans to build a house next to where I live and own:

1. He is acting as his own general contractor and wishes to be an owner-builder. He is a computer person, not a builder. As far as I know, he also has no experience building a home. He is also not using a construction loan to build. If he hired a licensed general contractor, I would at least have some protection with that contractor being experienced and bonded. If he were using a construction loan, I would at least be protected by the fact that the lender would do inspections before releasing a draw. So now without either of the above, my only protection is the inspections made by the city **after** he does work. This makes me very uncomfortable. If there are mistakes made, my home could drop in value by a great deal. My foundation could be undermined. I am being asked by Mr. Xiao to just take his word for everything being OK. That is not enough.
2. The beginning of excavation must not be in the fall or winter. It must be after the rains have stopped. The ground water could de-stabilize my foundation and the huge oak on the property line with mine.
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5. I would like to see a soils report. Mr. Xiao did not show that to me and he said I could not have a copy.

Thank you for your time and consideration,
Catherine Teegarden
home



Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Monday, November 03, 2014 1:31 PM
To: Clevenger, Ann
Cc: Charonnat Design
Subject: Fw: Meeting Follow I Up and Arbortist Contact

Hi Ann, I did show Catherine my plans. I also did told her that she can view the plan at the city planning office. However, I view my plan as intellectual property own by me and my architect. I think her request to have a copy of my complete plan sets is unreasonable at the planning stage. BTW, I am taking four construction technology courses at City College of San Francisco. I also over-see rebuild of a house at San Jose and a remodel addition at Cupertino. Cartherine's claim that I have no construction experience is not valid.

-Edward

On Thursday, October 16, 2014 6:58 PM, [REDACTED] wrote:

Thank you for this information, Ed.
Catherine

----- Original Message -----

From: Edward Xiao
To: [REDACTED]
Sent: Thursday, October 16, 2014 5:15 PM
Subject: Meeting Follow Up and Arbortist Contact

Hi Catherine,

To follow up what I communicate with you this Wednesday:

1) My house design was based on soil engineer recommendation. You will not need to worry about foundation issue. My house set back is actually twice the amount of city required setback(5ft) since my building corner is 10 to 12 feet away from the property line next to your property. Also per survey done by professional surveyor and my architect, your lot is actually at a high elevation compare to my lot, hence you don't need to worry about water flow from my lot because the rain water is actually flowing from your lot toward my lot.

2) You already meet my arborist Dennis [REDACTED] before. He did make sure the big oak tree between our lots is preserved.

-Edward

Todd, Amber

From: Clevenger, Ann
Sent: Tuesday, November 18, 2014 11:38 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: FW: PLN14268

Hello, Mr. Xiao,

I am forwarding the most recent e-mail comments from a neighbor to the project site. I will review for this in the arborist report you provided and need to consider this in my review.

Thanks.

Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

From: [REDACTED]
Sent: Monday, October 27, 2014 3:55 PM
To: Miller, Scott
Cc: Clevenger, Ann
Subject: PLN14268

Dear Scott and Ann,

I came down to Zoning-Planning at the city today and received the "Site Plan" for new proposed ground-up construction at 6754 Aitken Dr.

I have sent 2 letters and this is an amendment:

I now see that the stairs going up to Mr. Xiao's front door and his front porch are far within the circle of the canopy and thus the root system of a very large oak tree near the property line with mine. The footprint of the house is even within this circle. That means that the root system will be disturbed and this huge beautiful oak tree could fall due to this problem. It is a steep hillside so it is already leaning, but is held in place by the root system. It looks like this tragedy will be very likely. Mr. Xiao's front porch is only 3 and a half feet from the tree trunk! This is unacceptable.

I protest these plans.

thank you,

Catherine Teegarden

[REDACTED]

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Tuesday, November 18, 2014 1:42 PM
To: Clevenger, Ann
Cc: Charonnat Design
Subject: Re: PLN14268

Hi Ann,

The front entrance is cantilever over hang on top of the foundation which 10 ft away from the root system of the oak tree, per my architect.

-Edward

On Tuesday, November 18, 2014 11:46 AM, "Clevenger, Ann" <AClevenger@oaklandnet.com> wrote:

Hello, Mr. Xiao,

I am forwarding the most recent e-mail comments from a neighbor to the project site. I will review for this in the arborist report you provided and need to consider this in my review.

Thanks.

Ann

Ann Clevenger, Planner III, AICP | City of Oakland | Bureau of Planning | 250 Frank H. Ogawa, Suite 2114 | Oakland, CA 94612 | Phone: (510)238-6980 | Fax: (510) 238-4730 | Email: aclevenger@oaklandnet.com | Website: www.oaklandnet.com/planning

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I protest these plans.

thank you,

Catherine Teegarden
[REDACTED]

Todd, Amber

From: Edward Xiao [REDACTED]
Sent: Wednesday, November 19, 2014 4:34 PM
To: Clevenger, Ann
Cc: Charonnat Design
Subject: Fw: Fw: PLN14268
Attachments: 6754 AITKEN 5_83 v4ca 07_2 ENTRY LEVEL PLAN (ENTRY MODS).jpg

Hi Ann,

Here is my architect's update in response to Catherine's landing pad near Oak tree comment. Please see attached jpg file as well. The entry level is already cantilever overhang on top of garage foundation which is 10 ft away from the trunk of the Oak tree per arborist report recommendation, so no major excavation near the oak tree. Leal modified the entry landing pad so that all staircase steps and land pad area will be above grade, hence no major excavation either.

-Edward

On Wednesday, November 19, 2014 10:38 AM, Charonnat Design [REDACTED] wrote:

Hi Edward

Things can only be about 6-feet maximum above grade in the Front Setback area (5-feet in from the front property line) so i don't think that idea is possible.

Instead, i suggest a simpler approach:

- eliminate the small portion of front entrance landing to the left (uphill) of front door.
- make the entrance landing more square
- shift the front door to the front (street) slightly to center on landing
- shift second (upper) flight of outside entrance steps to accommodate change in front landing.

This is easily doable. All outside steps, etc will be above grade in the tree zone.

Note that the grading plan specifically calls out that work in the entrance area is to be done by "hand" - not machine - in order to be careful working within the tree zone.

The steps and landing in the tree zone are above grade.

Cc: Clevenger, Ann
Subject: PLN14268

Dear Scott and Ann,

I came down to Zoning-Planning at the city today and received the "Site Plan" for new proposed ground-up construction at 6754 Aitken Dr.

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thank you,

Catherine Teegarden

