



# Memorandum

**TO:** HONORABLE CHAIR AND  
MEMBERS OF THE APPEALS  
HEARING BOARD

**FROM:** Rick Bruneau

**SUBJECT: SEE BELOW**

**DATE:** February 21, 2024

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Approved

Date

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**SUBJECT: CONDUCT A PUBLIC HEARING TO ADOPT A RESOLUTION CONFIRMING THE REPORT OF DELINQUENT TREE VIOLATION COSTS AND PLACE A SPECIAL ASSESSMENT LIEN AGAINST THE PROPERTY**

## **RECOMMENDATION**

1. Adopt a resolution confirming the Report from the Director of Finance concerning the delinquent tree violation costs for the accounts that have remained unpaid as of January 31, 2024.
2. Direct staff to place a Special Assessment lien against the property to be recorded with the Santa Clara County Clerk-Recorder's Office.

## **BACKGROUND**

Finance Department staff appears before the San José Appeals Hearing Board (AHB) periodically when other means of collection action have proven unsuccessful. Chapter 13.28 Part 5 - *Enforcement and Assessment* of the San José Municipal Code (SJMC) provides that upon the failure to pay an invoice for expenses incurred by the City for tree repair actions performed pursuant to the provisions of the SJMC, the City shall schedule and notice a hearing before the AHB to consider the Report from the Director of Finance (Director's Report) identifying the tree violation costs.<sup>1</sup> After the hearing, the AHB may modify the amount of the charges, discharge the amount of the charges, or order that said charges shall be assessed against the property involved. SJMC Section 17.02.350 B, states that, "When the City Council orders that the charge shall be assessed against the property it shall confirm the assessment, cause the same to be recorded on the assessment roll, and thereafter said assessment shall constitute a special assessment against and a lien upon the property."

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<sup>1</sup> The public hearing and the imposition of a special lien by the City Council as set forth in Section 17.02.330 through 17.02.360 has been delegated to the Appeals Hearing Board pursuant to Chapter 1.18 of the SJMC.

HONORABLE CHAIR AND MEMBERS OF THE APPEALS HEARING BOARD

February 21, 2024

**Subject: Conduct a Public Hearing to Adopt a Resolution Confirming the Report of Delinquent Tree Violation Costs**

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**ANALYSIS**

Each of the property owners listed in the attached Director’s Report were mailed an invoice by the Department of Transportation advising them that a special assessment would be placed upon their property if tree violation costs were not paid in full by a specific date. The Finance Department, on behalf of the City Department of Transportation, sent a Notice of Public Hearing to these property owners advising them of the lien hearing. In addition, the AHB Resolution numbers are listed in the Director’s Report, and the resolutions summarize the AHB’s order and imposition of the cost. The City Clerk’s Office will post a copy of the report sent to the San José Appeals Hearing Board outside the San José City Council Chambers on March 1, 2024, for the hearing on March 14, 2024.

**CONCLUSION**

By placing a special assessment secured by a lien against each property, the City will recover payment of \$35,076 in delinquent tree service costs in addition to lien fees of \$6,520 that will be advanced from the General Fund. The total balance in the attached Director’s Report is \$41,596.

/s/  
RICK BRUNEAU  
Director of Finance

For questions, please contact John Kachmanian, Deputy Director – Revenue Management, at (408) 535-7034.

Attachment A: Director’s Report



**City of San José - Finance Department**  
**Report from the Director of Finance - Tree Violation Costs as of January 31, 2024**  
**Apex, Hearing Board Meeting: March 14, 2024**

Count	Invoice	Citation	Debtor name	Mailing Address	City, State, Zip Code	Violation Address	APN	Original Balance	Current Balance	Lien Fee	Total Balance
1	1219441	T00014933	JESUS O FLETES REBECCA G FLETES	1332 CLIFFWOOD DR 1332 CLIFFWOOD DR	SAN JOSE CA 95122 SAN JOSE CA 95122	1332 CLIFFWOOD DR	48617078	199.00	279.33	203.75	483.08
2	1218739	T1908067	BABU ALLURI AROGAYANMA PULIMI	3235 FIRTH WY 3235 FIRTH WY	SAN JOSE CA 95121-1520 SAN JOSE CA 95121-1520	3235 FIRTH WY	67607001	200.00	283.95	203.75	487.70
3	1220415	T1908112	CHRISTINE C LIN YUKUANG R LIN	1181 BURNHAM DR 1181 BURNHAM DR	SAN JOSE CA 95132 SAN JOSE CA 95132	2750 LONGFORD DR	58913007	207.00	286.24	203.75	489.99
4	1215589	T00012636	CARLOS V DELGADO	1812 BISCAYNE WY	SAN JOSE CA 95122	1812 BISCAYNE WY	48615006	212.00	310.04	203.75	513.79
5	1217666	T00013863	HAI T UONG HOP TRAN PHUC T UONG	1745 BERRYESSA RD 470 PORTER LN 746 THE ALAMEDA	SAN JOSE CA 95127 SAN JOSE CA 95127 SAN JOSE CA 95126	520 S 10TH ST	47229043	240.00	343.76	203.75	547.51
6	1217751	T00013935	ANJALY BANERJEE TRUSTEE SUBODH KUMAR BANERJEE TRUSTEE	944 HAMPWOOD WY 446 HYDE PARK DR	SAN JOSE CA 95120 SAN JOSE CA 95136	446 HYDE PARK DR	46405043	393.00	371.48	203.75	575.23
7	1220194	T00015283	935-949 RUFF DRIVE SJ LLC	777 S FIGUEROA ST FLR 41	LOS ANGELES CA 90017	949 RUFF DR	23038078	301.00	405.07	203.75	608.82
8	1216821	T00013457	HUA ZHU	4210 52ND ST APT 203	SAN DIEGO CA 92115	1393 SPENCER AV	43402063	320.00	429.06	203.75	632.81
9	1220427	T1908124	LA FARR STUART	PO BOX 2754	QUARTZSITE AZ 85346	2627 NORTHWOOD DR	09205041	320.00	429.06	203.75	632.81
10	1220492	T1908151	ELANA CHI ET AL	5254 RHONDA DR	SAN JOSE CA 95129-4260	5254 RHONDA DR	38124005	320.00	429.06	203.75	632.81
11	1218736	T1908056	HUA ZHU	1393 SPENCER AV	SAN JOSE CA 95125-1757	1393 SPENCER AV	43402063	320.00	439.62	203.75	643.37
12	1238044	T00019002	GREGORY R MERINO MEGAN MERINO	8717 OCONNELL CT 8717 OCONNELL CT	ELK GROVE CA 95624 ELK GROVE CA 95624	4889 BIRMINGHAM DR	46405025	393.00	475.45	203.75	679.20
13	1227329	T00018602	ROSEMARIE VASQUEZ	643 LARKMEAD CT	SAN JOSE CA 95117	643 LARKMEAD CT	29939083	484.00	580.00	203.75	783.75
14	1217831	T00013940	NERYDA DEL SOCORRO LOPEZ	395 PERRYMONT AV	SAN JOSE CA 95125	395 PERRYMONT AV	45627043	573.00	605.45	203.75	809.20
15	1237951	T00018858	MACYS MALL REAL ESTATE LLC	145 PROGRESS PL	SPRINGDALE OH 45246	498 N WINCHESTER BL	27443046	573.00	682.22	203.75	885.97
16	1218735	T1908055	JESSIE H LEE TRUSTEE MATTHEW H LEE TRUSTEE THEHTAR L WONG TRUSTEE KOK LEONG WONG TRUSTEE	2124 REINERT CT 782 ORMONDE DR 46953 OCOTILLO CT 46953 OCOTILLO CT	MOUNTAIN VIEW CA 94043-2354 MOUNTAIN VIEW CA 94043 FREMONT CA 94539 FREMONT CA 94539	641 S 11TH ST	47223112	520.00	699.07	203.75	902.82
17	1217945	T00014026	ANN RUBINO TRUSTEE JOSEPH RUBINO TRUSTEE	PO BOX 816368 PO BOX 816368	DALLAS TX 75381 DALLAS TX 75381	904 BLOSSOM HILL RD	69412009	575.00	741.98	203.75	945.73
18	1220756	T00015695	BONIFACIO ACIO TOMASA ACIO	756 E TAYLOR ST 756 E TAYLOR ST	SAN JOSE CA 95112 SAN JOSE CA 95112	756 E TAYLOR ST	24929017	666.00	844.52	203.75	1,048.27
19	1220753	T00015692	FRANCISCO F MORALES	953 DIANA AV	SAN JOSE CA 95116	953 DIANA AV	48135032	803.00	1,039.70	203.75	1,243.45
20	1238217	T00019124	IN SOOK CHOI STEVE CHOI	1379 TOFTS DR 1379 TOFTS DR	SAN JOSE CA 95131 SAN JOSE CA 95131	1379 TOFTS DR	24511028	903.00	1,046.42	203.75	1,250.17
21	1237938	T00018835	CHIHYANG JASON CHEN HUNG WU LIANG	342 ST JULIE DR 342 ST JULIE DR	SAN JOSE CA 95119 SAN JOSE CA 95119	342 ST JULIE DR	70408033	903.00	1,061.32	203.75	1,265.07
22	1237960	T00018857	ELLIS L ODELL SHARON A ODELL	2126 WOODMOOR DR 2126 WOODMOOR DR	SAN JOSE CA 95127 SAN JOSE CA 95127	2762 WOODMOOR DR	48817061	903.00	1,061.32	203.75	1,265.07
23	1237976	T00018874	CHENGUANG HOU	3550 ALDEN WY UNIT 1	SAN JOSE CA 95117	3550 ALDEN WY	30344001	903.00	1,061.32	203.75	1,265.07
24	1237823	T00018989	BEECH TREE 1031 LLC	PO BOX 848	SCOTTSDALE AZ 85252	1201 WILLIAM CT	47204076	998.00	1,153.99	203.75	1,357.74
25	1238067	T00019030	ANTONIO FARIAS TRUSTEE LAURA M FARIAS TRUSTEE	1490 FLEMING AV 5595 MARY JO WY	SAN JOSE CA 95127 SAN JOSE CA 95124	2222 DOBERN AV	48132010	1,485.00	1,729.89	203.75	1,933.64
26	1237390	T00018655	JOEL CRUZ	120 N 34TH ST	SAN JOSE CA 95116	120 N 34TH ST	48112015	1,565.00	1,821.79	203.75	2,025.54
27	1219421	T00014897	MERCEDES DULAY TRUSTEE	1615 SEGO CT	SAN JOSE CA 95131	1615 SEGO CT	24126041	1,659.00	1,863.37	203.75	2,067.12
28	1237981	T00018878	DIWAKAR NAG SUNITA KUMARI	12634 KANE DR 12634 KANE DR	SARATOGA CA 95070 SARATOGA CA 95070	1357 S BLANEY AV	37215001	2,226.00	1,981.12	203.75	2,184.87
29	1237819	T00018985	RICHARD MORIN TRUSTEE	1055 N 7TH ST	SAN JOSE CA 95112	1308 DARRYL DR	30737021	2,226.00	2,544.39	203.75	2,748.14
30	1237976	T00018854	YANRONG SUN	1152 S WINCHESTER BL	SAN JOSE CA 95128	1152 S WINCHESTER BL	27916006	2,226.00	2,581.12	203.75	2,784.87
31	1238319	T00019154	BURGER KING CORPORATION	5707 BLUE LAGOON DR	MIAMI FL 33126	635 E CAPITOL EX	49757008	2,485.00	2,837.64	203.75	3,041.39
32	1237800	T00018740	ALAMEDA FINANCING LP	4040 WILSON BL STE 1000	ARLINGTON VA 20203	1360 THE ALAMEDA	26103023	4,033.00	4,656.90	203.75	4,860.65

**32 ACCOUNTS \$ 30,134.00 \$ 35,075.65 \$ 6,520.00 \$ 41,595.65**

January 25, 2024

[REDACTED]  
SAN JOSE CA 95128

Parcel No.: [REDACTED]  
Service Address: [REDACTED]  
Amount Due: \$ 168.93  
Due Date: March 5, 2024

Account No.: [REDACTED]

**NOTICE OF INTENT TO LIEN PROPERTY**

Dear Property Owner:

As of January 25, 2024, the City of San José has not received full payment for tree violation costs for the above referenced property address. **The total balance due on your account is \$168.93.** San José Municipal Code Chapter 13.28 - *Street Trees, Hedges and Shrubs, Part 4 - Maintenance Responsibility and Protection* holds the property owner responsible for payment. If the bill remains unpaid, the City of San José is authorized to file a lien against the service address property to collect the delinquent amount.

On February 13, 2024 and February 14, 2024, informal administrative conferences will be held to allow you the opportunity to discuss this matter with City staff. The conferences will be held by the Department of Transportation remotely, via Zoom, from 7:30 a.m. to 3:30 p.m. **If you have any questions related to the tree repair assessment process or would like to schedule an administrative conference, please call (408) 794-1901.**

If you believe this notification has been mailed to you in error or you no longer own the property, please call Trinh Nguyen (408) 795-3112.

*SPECIAL ASSESSMENT PROCEEDINGS*

If payment is not received by March 5, 2024, the City of San José will seek to have a special assessment secured by a lien placed on your property. **A Public Hearing before the San José Appeals Hearing Board will be held at San José City Hall, 200 East Santa Clara St., Council Chambers, San José, California, at 6:30 PM on March 14, 2024,** to hear any protests or objections you may have regarding this delinquency. The Appeals Hearing Board may make appropriate revisions or corrections and will determine final confirmation or rejection of the lien. The ultimate decision of the Appeals Hearing Board shall be final and conclusive. **A lien will then be recorded against the above property address in the Santa Clara County Recorder's Office with a \$203.75 tree violation lien fee if the delinquent amount is not paid by the due date indicated above.**

To avoid a lien, your payment for the delinquent amount due of \$168.93 must be received at **City Hall, Revenue Management, 200 East Santa Clara St. 13<sup>th</sup> floor, San José, CA 95113 by March 5, 2024.** To pay online, go to [www.sanjoseca.gov/finance](http://www.sanjoseca.gov/finance) and select Administrative Citation link under the **Make a Payment** section. Payments and payment plan arrangements may be made by phone with a credit or debit card at (408) 535-7055.

Please note, effective July 1, 2021, an additional service fee of 2.4% will be collected on credit card payments by a third party to cover transaction processing fees. To avoid this fee, payments can be paid online via ACH/eCheck, paid in person with cash or check, or by mailing a check.

Finance Department  
City of San José

Para obtener la traducción, por favor llame al Servicio al Cliente de la Ciudad al 408-535-3500.

Để được trợ giúp về dịch thuật ngôn ngữ, xin vui lòng gọi cho Dịch Vụ Khách Hàng của Thành Phố (408) 535-3500.

1 **PROOF OF SERVICE**

2 CASE NAME: [REDACTED]

3  
4 I, the undersigned declare as follows:

5 I am a citizen of the United States, over 18 years of age, employed in Santa Clara County, and not a  
6 party to the within action. My business address is 200 E. Santa Clara Street, San Jose, California  
95113, and I am employed in the county where the service described below occurred.

7 On (Date), I caused to be served the within:

8 **Notice of Public Hearing**  
9 **Regarding real property located at:** [REDACTED]

10 by MAIL, with a copy of this declaration, by depositing them into a sealed envelope, with postage fully  
11 prepaid, and causing the envelope to be deposited for collection and mailing on the date indicated  
above.

12 I further declare that I am readily familiar with the business' practice for collection and processing of  
13 correspondence for mailing with the United States Postal Service. Said correspondence would be  
14 deposited with the United States Postal Service the same day listed above in the ordinary course of  
business.

15 I further declare that the name and address as shown on the envelope is as follows:

16 Party Served: [REDACTED]  
17 [REDACTED]  
18 SAN JOSE CA 95128

Party's Attorney:

19  
20  
21 I declare under penalty of perjury under the laws of the State of California that the foregoing is true  
22 and correct. Executed on 01/25/2023, at San Jose, California.

23  
24 

25 

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Eric Warnars

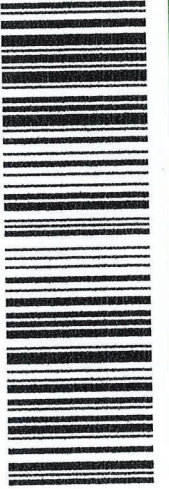
26  
27  
28



*Finance - Revenue Management*  
200 East Santa Clara Street, 13

Address Service Required

CERTIFIED MAIL



9589 0710 5270 0417 5288 28

CAPITAL OF SILICON VALLEY

January 25, 2024

SAN JOSE CA 95128

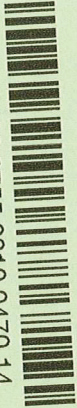
**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:



San Jose CA 95128



9590 9402 8755 3310 0470 14

2. Article Number (Transfer from service label)

9589 0710 5270 0417 5288

PS Form 3811, July 2020 PSN 7530-02-000-9053

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

- Adult Signature Restricted Delivery
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Mail Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Domestic Return Receipt

# Memorandum

**TO:** CITY CLERK'S OFFICE

**FROM:** Rick Bruneau

**SUBJECT: NOTICE OF PUBLIC HEARING –  
APPEALS HEARING BOARD**

**DATE:** March 14, 2024

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Approved

Date

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Hereunder is the Notice of Public Hearing to be published for the Appeals Hearing Board meeting of March 14, 2024.

## NOTICE OF PUBLIC HEARING

Pursuant to Part 2 of Chapter 17.02 of Title 17 of the San José Municipal Code, notice is hereby given that a public hearing will be held on March 14, 2024, at 6:30 p.m. in the City Council Chambers, 200 E. Santa Clara Street, San José, California, to assess the cost for tree removal services against the following properties:

Owner	APN	Property Address	Total Balance
JESUS O FLETES REBECCA G FLETES	48617078	1332 CLIFFWOOD DR	279.33
BABU ALLURI AROYAMMA PULIMI	67607001	3235 FIRTH WY	283.95
CHRISTINE C LIN YUKUANG R LIN	58913007	2750 LONGFORD DR	286.24
CARLOS V DELGADO	48615006	1812 BISCAYNE WY	310.04
HAI T UONG HOP TRAN PHUC T UONG	47229043	520 S 10TH ST	343.76
ANJALY BANERJEE TRUSTEE SUBODH KUMAR BANERJEE TRUSTEE	46405043	446 HYDE PARK DR	371.48
935-949 RUFF DRIVE SJ LLC	23038078	949 RUFF DR	405.07
HUA ZHU	43402063	1393 SPENCER AV	429.06
LA FARR STUART	09205041	2627 NORTHWOOD DR	429.06
ELAINA CHI ET AL	38124005	5254 RHONDA DR	429.06



**RE: Notice of Public Hearing – Appeals Hearing Board**

March 14, 2024

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Owner	APN	Property Address	Total Balance
HUA ZHU	43402063	1393 SPENCER AV	439.62
GREGORY R MERINO MEGAN MERINO	46405025	4889 BIRMINGHAM DR	475.45
ROSEMARIE VASQUEZ	29939083	643 LARKMEAD CT	580.00
NEREYDA DEL SOCORRO LOPEZ	45621043	395 PERRYMONT AV	605.45
MACYS MALL REAL ESTATE LLC	27443046	498 N WINCHESTER BL	682.22
JESSIE H LEE TRUSTEE MATTHEW H LEE TRUSTEE THETHAR L WONG TRUSTEE KOK LEONG WONG TRUSTEE	47223112	641 S 11TH ST	699.07
ANN RUBINO TRUSTEE JOSEPH RUBINO TRUSTEE	69412009	904 BLOSSOM HILL RD	741.98
BONIFACIO ACIO TOMASA ACIO	24929017	756 E TAYLOR ST	844.52
FRANCISCO F MORALES	48135032	953 DIANA AV	1,039.70
IN SOOK CHOI STEVE CHOI	24511028	1379 TOFTS DR	1,046.42
CHIHYANG JASON CHEN HUNG WU LIANG	70408033	342 ST JULIE DR	1,061.32
ELLIS L ODELL SHARON A ODELL	48817061	2762 WOODMOOR DR	1,061.32
CHENGUANG HOU	30344001	3550 ALDEN WY	1,061.32
BEECH TREE 1031 LLC	47204076	1201 WILLIAM CT	1,153.99
ANTONIO FARIAS TRUSTEE LAURA M FARIAS TRUSTEE	48132010	2222 DOBERN AV	1,729.89
JOEL CRUZ	48112015	120 N 34TH ST	1,821.79
MERCEDES DULAY TRUSTEE	24126041	1615 SEGO CT	1,863.37
DIWAKAR NAG SUNITA KUMARI	37215001	1357 S BLANEY AV	1,981.12
RICHARD MORIN TRUSTEE	30737021	1308 DARRYL DR	2,544.39
YANRONG SUN	27916006	1152 S WINCHESTER BL	2,581.12
BURGER KING CORPORATION	49751008	635 E CAPITOL EX	2,837.64
ALAMEDA FINANCING LP	26103023	1360 THE ALAMEDA	4,656.90

A copy of the report to the San José Appeals Hearing Board will be posted outside the San José City Council chambers on March 14, 2024, for the public hearing at 6:30 p.m.

### **FILING OF PROTESTS OR OBJECTIONS TO THE PROPOSED CHARGES**

Any person interested in or affected by the proposed charges may file written protest or objections with the Secretary to the Appeals Hearing Board at 200 E. Santa Clara Street, 3<sup>rd</sup> Floor, San José, CA 95113. The written protest must be filed with the Secretary no later than 24 hours before the time set for the hearing. Each such protest or objection must contain:

1. A description of the property in which the protesting party is interested in; and
2. The grounds of such protest or objection.

All written protests or objections shall be presented to the Appeals Hearing Board by the Secretary at the time set for hearing and no other protest or objections shall be considered by the Appeals Hearing Board.

Sincerely,

/s/

Rick Bruneau  
Director of Finance

Para obtener la traducción, por favor llame al Servicio al Cliente de la Ciudad al 408-535-3500.

Để được trợ giúp về dịch thuật ngôn ngữ, xin vui lòng gọi cho Dịch Vụ Khách Hàng của Thành Phố (408) 535-3500.