

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JONAS PILKAUSKAS,)
Appellant(s))
vs.)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF URBAN FORESTRY,)
Respondent)

Appeal No. **22-081**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on November 10, 2022, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on November 4, 2022, of a Public Works Order (DENIAL of an application to remove a street tree without replacement; the tree is in good condition with minor structural concerns and a wound) at 3312 Clay Street.

ORDER NO. 207275

FOR HEARING ON January 4, 2023

Address of Appellant(s):

Address of Other Parties:

Jonas Pilkauskas, Appellant(s)
c/o Justin Zucker, Attorney for Appellant(s)
Reuben, Junius & Rose, LLP
One Bush Street, Suite 600
San Francisco, CA 94104

N/A



Date Filed: November 10, 2022

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 22-081

I / We, **Jonas Pilkauskas**, hereby appeal the following departmental action: **ISSUANCE of Public Work Order No. 207275 (Denial of a tree removal application)** which was issued or became effective on: **November 4, 2022**, for the property located at: **3312 Clay Street**.

BRIEFING SCHEDULE:

The Appellant may, but is not required to, submit a one page (double-spaced) supplementary statement with this Preliminary Statement of Appeal. No exhibits or other submissions are allowed at this time.

Appellant's Brief is due on or before: 4:30 p.m. on **December 15, 2022, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and chris.buck@sfdpw.org.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **December 29, 2022, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and jzucker@reubenlaw.com.

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, January 4, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: Justin A. Zucker, attorney for appellant

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

November 10, 2022

Delivered Via E-mail

Julie Rosenberg, Executive Director
San Francisco Board of Appeals
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boardofappeals@sfgov.org
julie.rosenberg@sfgov.org

Re: Appeal of Public Works Order No. 207275
3312-3314 Clay Street
Our File No.: 11724.01.01

Dear Director Rosenberg:

Our office is working with Jonas Pilkauskas, owner of 3312-3314 Clay Street who is proposing removal of one (1) street tree in front of the property. On November 4, 2022, the Department of Public Works denied removal of the subject street tree (the, “**Denial;**” *see* Public Works Order No. 207275). Owner respectfully appeals the Denial because it is an abuse of discretion. The Denial is inequitable, considering (1) the necessary foundation work required (2) the historicity of this hundred plus year old building, and (3) the development allowed on the block, including the immediate next door neighbor at 3310 Clay Street. The Denial unreasonably restricts the use and enjoyment of the property that other owners on the block enjoy. Accordingly, we respectfully request approval to remove and replace the tree.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

cc: Jonas Pikauskas (jonas@curopet.com)

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Public Works Order No: 207275

The Director of Public Works held a Public Hearing on Monday October 24, 2022, commencing at 5:30 PM via teleconference to consider several items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 207222 (permit no. 792627), removal of one (1) street tree without replacement at 3312 Clay St. Staff denied the removal and the applicant has appealed.

Findings:

The Department's presentation was made by Susan Nawbary, Bureau of Urban Forestry. In summary, the Department denied the removal of one street tree without replacement. The Planning Department approved construction at the property that would add a garage and necessitate the removal of the tree. The tree is in good condition with minor structural concerns and a wound. There is a second street tree in front of the property and staff is concerned that the curb cut may cause the second tree to decline irreparably and cannot be replaced due to utility conflicts. Staff noted that the applicant submitted the names of two arborists who would work on the tree protection plan. Staff presented the appraised value of the subject tree as \$11,200.00; Article 16 of Public Works Code permits the collection of appraised value if it is greater than the in-lieu fee. Bureau of Urban Forestry stated that while SF Planning may approve a design, Planning's process bears little weight on Public Works Code, policies, and procedures, as Planning's purview is within the building design only.

Mr. Suheil Shatara, from Shatara Architecture, Inc., spoke on behalf of the project and stated that the property was originally built in 1903 and requires foundation repair. He stated that there is water intrusion that needs to be addressed and that the only access for the foundation work is via Clay Street through the area where subject tree is. He stated that the garage is a bonus to the foundation work which is necessary to stabilize the house. In his appeal letter, Mr. Shatara also stated that the project would provide a tree protection plan for the remaining tree and that an arborist would be consulted on best practices for its protection.

The hearing officer noted that the appeal letter states that the "basis of the project is to excavate down and provide a garage...." The applicant de-emphasized the need to install the garage during his testimony. Elevations were provided subsequent to hearing showing excavation required for habitable space per permit 202103025693.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to deny the removal of the tree.

Appeal: This Order and permit no. 792627 may be appealed to the Board of Appeals within 15 days of November 4th, 2022.

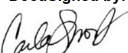
Board of Appeals
49 South Van Ness Ave. suite 1475 (14th Floor)
San Francisco, CA 94103
Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

NOTE: Board of Appeals office is closed until further notice, due to COVID-19

Due to COVID-19 social distancing measures, more information about how to file an appeal can be obtained by calling 628-652-1150 or by emailing the Board of Appeals at Boardofappeals@sfgov.org. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://sfgov.org/bdappeal/>

X

DocuSigned by:



Short, Carla 073CF73A4EA6486...

Interim Director

BRIEF SUBMITTED BY THE APPELLANT(S)

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

December 14, 2022

Delivered Via E-Mail

Julie Rosenberg, Executive Director
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Re: Appeal No. 22-081 | 3312-3314 Clay Street
Appellant's Brief in Support of Appeal of DPW Order No. 207275
Hearing Date: January 4, 2023
Our File No.: 11724.01.01

Dear President Swig and Commissioners:

This office is working with Jonas Pilkauskas and Kristina Pilkauske, owners of 3312-3314 Clay Street (the, “**Property**”) and proponent for a Department of Public Works permit to remove one (1) street tree in front of the Property. The Bureau of Urban Forestry denied the Pilkauskas’ request to remove the subject tree. Removal, however, is necessary to conduct foundation repairs to the over hundred-year old historic home, as well as for the addition of a garage. Accordingly, we respectfully ask you approve the Pilkauskas’ tree removal request.

The Board of Appeals has broad authority to overrule the City’s Department of Public Works on the ground that their denial of the Pilkauskas’ permit is an abuse of discretion and against the Pilkauskas’ interest. (SF Charter, § 4.106.) The Pilkauskas family respectfully asks this Board to grant their permit to remove one (1) street tree next to the Property.

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Appreciating the subject tree proposed to be removed is mature (albeit likely to naturally perish as discussed in Section D.4), the Pilkauskas family is willing to:

- a) Plant two (2) replacement trees within the nearest empty tree wells to offset the loss of a mature street tree from the City's urban canopy; and
- b) If, notwithstanding adhering to the recommendations outlined in the Tree Protection Plan (attached as **Exhibit A**), the eastern street tree fails within nine (9) months of issuance of certificate of final completion and occupancy, relocate that tree well to the west where there are no utility conflicts (see Alternative Sidewalk Improvement Plan attached as **Exhibit B**) and plant a replacement tree.

A. THE PROPERTY

The Property is improved with a two-family residence constructed in 1910 shortly after the 1906 earthquake. The building was designed by architect Henry Clay Smith, of the Smith & Stone architectural firm, and built by H.C. Farley. (HRER Part 1, p. 3.)

The building has a Planning Department historic status rating of "A." The Property's rating is not because of the building's own historical significance but rather as a contributor to the Presidio Heights Historic District, which is a California Register-eligible historic district.¹ The district is almost exclusively residential and primarily characterized by large, frequently formal, dwellings, typically two- to three-stories in height over a raised basement. The period of significance for the district is circa 1890 to 1930, although the vast majority of properties were constructed between 1905 and 1925. This is reflected in the architecture of the building stock, which includes a few scattered examples of late-Victorian (typically Queen Anne) architecture,

¹ The Presidio Heights Historic District was established in [Planning File No. 2013.1662E](#).

but is most frequently characterized by Shingle (or First Bay Region), Arts & Crafts, Classical Revival, Colonial Revival, Tudor Revival, French Provincial and Mediterranean Revival design influences.

B. PROPOSED PROJECT AND PROJECT MOTIVATION

Although over a hundred-years old, only four families have owned the Property. Three generations of the Shields family owned and occupied the Property from 1928 to 2019. In 2019, the Pilkauskas purchased the property.

Since taking ownership, the Pilkauskas discovered the Property needs extensive structural upgrades so that it has a chance to survive another hundred years. In particular, the existing foundation must be repaired. The structural engineer of record determined “Based on the appearance of the concrete, there appear to be at least two eras of foundation construction present, and the older/original foundation exhibits localized cracks likely associated with differential settlement. We also noted subsidence and cracking of the central concrete walkway extending through the basement.” (Geotechnical Investigation Pilkauske Residential Building, October 2020, p. 4-5.)

Replacement of the foundation is proposed and requires extensive excavation of the entire building footprint, including temporary bracing and shoring systems. There is no simple, non-invasive approach to replacing a home’s foundation.

Due to the significant work required to replace the building’s foundation, the Pilkauskas family made lemonade out of lemons utilizing the opportunity to remodel the home in addition to the foundation repair, including creation of habitable space within existing storage area below the two flats and a new subterranean garage (the “Project”). While admittedly not entirely climate

friendly, cars play an integral part in many families. With three (3) children in the Pilkauskas family, ages eight (8), fourteen (14), and seventeen (17), the desire for the garage addition become apparent. On-street parking in the area is competitive, and schlepping groceries for a family of five (5) and extracurricular/sports equipment for three (3) kids is onerous.

The garage addition has been sensitively designed. Although the garage will remove historic fabric of the building, including some of the clinker bricks, it will be done in a minimal and compatible manner. On September 21, 2021, the Planning Department concluded that the “Project is consistent with the [character-defining features] of the district and will not impact the structure’s ability to convey its significance as a contributor to the district.” (CEQA Exemption, p. 4 attached as **Exhibit C.**) And on, January 24, 2022, the Planning Department approved the Project’s building permit application ([No. 2021.0302.5693](#)).

There are two (2) existing *Pittosporum undulatum*, aka Victorian box trees located on the sidewalk in front of the Property, one (10) to the west and the other to the east. Neither the foundation replacement nor garage addition can occur without removal of the western street tree.

C. NEIGHBORHOOD CONTEXT

The Property is in the Presidio Heights neighborhood. The Property is on the north side of Clay Street between Presidio Avenue and Walnut Street. The majority of homes on the street are two- (2) to three- (3) story over basement residences that are built to their lot lines and form a continuous street wall along Clay Street.

Of the twenty-six (26) properties fronting Clay Street on this block, only two (2) other properties – 3300 Clay Street and 3330-3338 Clay Street – do not have driveways providing access to off-street parking either in a garage or surface lot.²

Numerous properties on the block have obtained City approval for development projects that removed and/or restricted planting of street trees, including:

- **3310 Clay Street** received a permit in 2010 for construction of a single-family home with garage on a vacant lot (Planning File No. 2010.0368) after receiving conditional use authorization and variance for a lot line adjustment and subdivision of the original parcel in 2003. ([Planning File No. 2003.0949C.](#))
- **3382 Clay Street** received a variance in 1980 for front setback to allow construction of a garage. ([Planning File No. VZ80.075.](#))
- **3388 Clay Street** received a variance in 1999 for front setback to allow construction of a garage. ([Planning File No. 1999.004.](#))

Several properties on the block have a double-wide garage door or two single-wide garage doors that prevent any street trees from being located in front of them. The Project, however, calls for a single-wide garage door and will preserve one (1) of the two (2) street trees.

D. TREE REMOVAL SHOULD BE ALLOWED

The Pilkauskas' tree removal request should be approved for the following reasons:

² In all instances but one the driveways provide access to garages with one providing access to a surface parking area in the rear yard at Block/Lot 1008/026. The four properties at the corners have driveways off the cross streets, Walnut Street to the west and Presidio Avenue to the east.

1. Foundation Replacement Requires Removal

The one hundred- and twelve-year-old structure needs foundation repairs, which is not surprising since portions are the original foundation. The foundation is cracking and subsiding. To replace the structure's foundation, the entire footprint of the building must be excavated. Temporary shoring and bracing are required.

Excavation access will be in front of the proposed garage door. The existing clinker bricks will be carefully removed and retained for reuse. A hole will be punched in the front facade to provide access. The access hole will thereafter become the garage door entrance.

To perform the actual excavation, earth moving equipment, e.g., Bobcat, requires access from/to the street. The subject tree itself, blocks access from/to the street. Moreover, if the subject tree were to remain, a protective fence similar to that called for in the Tree Protection Plan for the eastern tree must encircle it. Cumulatively, the two (2) fences encircling the two (2) street trees would effectively barricade access from the street to conduct the foundation replacement.

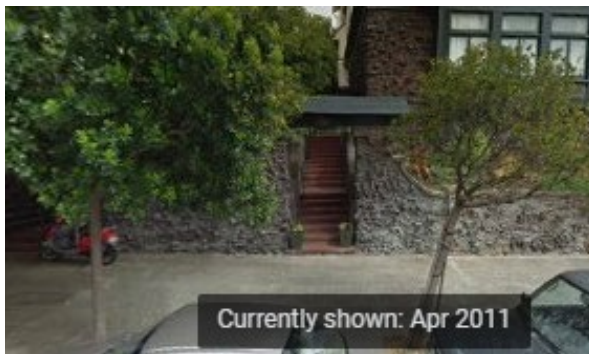
It is not feasible to provide excavation access at the eastern end of the front because of existing utilities and the historic stairs. Irrespective, if access was possible on the eastern side, the eastern tree would have to be removed for the reasons outlined above. As noted in the Tree Protection Plan, the eastern tree has a healthier shape and condition than the western tree, making it the better tree to preserve from a husbandry perspective.

2. Garage Impossible Without Removal of Subject Tree

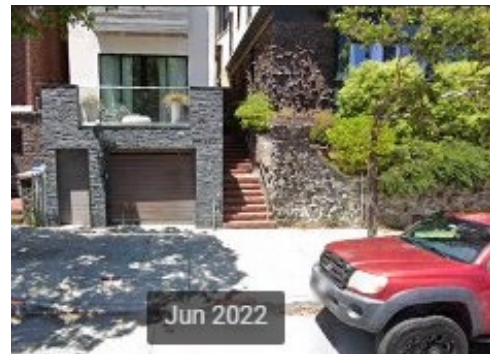
Unlike nearly ninety percent (90%) of the block, the existing structure does not have a garage or any off-street parking. Having to repair the original foundation and given how large an undertaking it is, the Pilkauskas family seeks to add a garage to provide off-street parking for two

(2) cars. The subject tree to be removed is located within the proposed curb cut. The subject tree must be removed to provide access to the Project's proposed garage.

In 2010, to construct the home immediately to the east with a garage, 3310 Clay Street removed the one street tree in front of that property because the driveway and curb cut required such.



3310 Clay Street April 2011



3310 Clay Street June 2022

In addition, the properties at 3382 and 3388 Clay Street received variances to construct garages within the front setback. Both of those properties added double-wide garages. While we do not have historic photos of those properties to know if trees were removed to accommodate the garage additions, it appears no trees can be planted in front of those houses ever again. The two (2) double-wide garages and corresponding curb cuts occupy the vast majority of the street frontage. While a street tree exists in front of 3382 Clay Street in the little space that remains, there are utilities restricting planting a new tree there.



Street Tree Between 3382 and 3388 Clay Street July 2009

The Department of Public Works' denial of the subject tree removal permit is an abuse of discretion and against the Pilkauskas' interests because it deprives them of the same rights granted to others on the block and City-wide. After consultation with the Bureau of Urban Forestry, the undersigned is not aware of any instance in which a tree removal requested to accommodate the addition of a garage was not permitted. This was confirmed at the tree removal permit process informational hearing before this Board last month on December 7, 2022. To mitigate the loss of

a viable location for a street tree and a mature street tree, the Pilkauskas family is willing to plant two (2) new street trees in the nearest empty tree wells.

3. Project Preserves One Street Tree, Satisfying Public Works Code

The Project calls for removal of one (1) of the two (2) street trees in front of the Property. City development standards only require one (1) street tree for the Property. The Public Works Code holds:

The Director shall require one Street Tree for each 20 feet of Street frontage of the property containing the development project, with any remaining fraction of 10 feet or more of frontage requiring an additional Tree. Any existing Street Trees located within the public right-of-way along such property that have been protected during construction and that the Director does not recommend for Removal, shall count toward meeting the requirement.
(Public Works Code [Section 806\(d\)\(2\)](#).)

The property is twenty-seven-and-half feet (27.5') wide. The eastern tree is not proposed to be removed and will be protected. Preserving the existing eastern tree satisfies the Public Work Code's street tree requirement.

A thorough tree protection plan has been crafted by an arborist certified by the American Society of Consulting Arborists and the International Society of Arboriculture (attached as **Exhibit A**). The Tree Protection Plan for the eastern tree is robust, calling for the following protection and mitigation measures:

- Expanding the existing tiny basin that is approximately nine (9) square feet to sixteen (16) square feet;
- Adding and maintaining four (4) inches of fresh wood chips to improve soil, retain moisture, and limit compaction;
- Installation of a fence, protecting the tree and tree well throughout the Project; and

- Post-construction arborist reassessment.

The Department of Public Works “staff is concerned that the curb cut may cause the second tree to decline irreparably and cannot be replaced due to utility conflicts.” (Public Works Order No. 207275 attached as **Exhibit D.**) The arborist, however, has determined that “[p]reserving the eastern Victoria box is possible, but it is necessary to follow the Tree Protection Plan.” The Tree Protection Plan will be adhered to, and the eastern tree is anticipated to survive the Project.

Though the eastern tree will be protected, and it is likely to survive the Project, the Pilkauskas family is willing to replant a new street tree if it fails. The Project architect has determined there is sufficient space to relocate the eastern tree well to the west in a place where there are no utility conflicts. (Alternative Sidewalk Plan attached as **Exhibit B.**) If the eastern tree fails within nine (9) months of issuance of the Certificate of Final Completion for the Project or before, the Pilkauskas family will relocate the tree well and plant a replacement tree.

4. Victorian Box Trees are in Decline Throughout California; Both Street Trees are Likely to Die Naturally

The two trees in front of the structure are Victorian box trees. Victorian box trees are native to Australia. They were heavily planted in San Francisco and were previously on the City’s list of recommended street trees. “Over the last 25 years, arborists, horticulturists, landscape managers, and others have frequently noticed a widespread decline of older established Victorian box trees The exact cause of the decline is unknown” (Victorian Box (*Pittosporum undulatum*) Decline, UNIVERSITY OF CALIFORNIA AGRICULTURE AND NATURAL RESOURCES, Green Bulletin, Vol. 4, No. 4, December 2014³; *see also* Pittosporum Decline, BARTLETT TREE EXPERTS, Research

³ Available at: https://www.ipm.ucanr.edu/legacy_assets/pdf/pubs/greenbulletin.2014.dec.pdf, last visited December 9, 2022.

Laboratory Technical Report⁴.) Today, the Victorian box tree is no longer listed as a recommended street tree by the Bureau of Urban Forestry.

While the two (2) street trees have some life left, they are mature and susceptible to pittosporum decline. The existing street trees are likely to perish in the future at a time when there is no development proposed that would result in replacement.

E. CONCLUSION

Removal of the subject tree is necessary for access to excavate under the historic structure to repair the foundation. In addition, the subject tree must be removed to accommodate the addition of a garage for off-street parking, something nearly ninety percent (90%) of the properties on this block of Clay Street have. The Department of Public Works' denial of the subject tree removal permit is an abuse of discretion and against the Pilkauskas' interests because it deprives them of the same rights granted to others. For these reasons, the Pilkauskas family respectfully asks the Board of Appeals to overrule the Department of Public Work's determination and allow removal of the subject tree.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

Enclosures:

- Exhibit A - Tree Protection Plan
- Exhibit B - Alternative Sidewalk Plan
- Exhibit C - CEQA Categorical Exemption
- Exhibit C - Public Works Order No. 207275

cc: Chris Buck, Urban Forestry (chris.buck@sfdpw.org)

⁴ Available at: <https://www.bartlett.com/resources/pittosporum-decline.pdf>, last visited December 9, 2022.

EXHIBIT A



Assessing Two Pittosporum Trees At 3312-3314 Clay Street, In San Francisco, California, 94118

Prepared for:
Jonas Pilkauskas
3312-3314 Clay Street,
San Francisco, CA, CA 94115

Submitted by Tony Wayne Wolcott
American Society of Consulting Arborists (RCA#685)
ISA – Board Certified Master Arborist (WE 3284B)
959 Cheyenne Drive,
Walnut Creek, CA, 94598

December 12, 2022

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Table of Contents

Introduction.....	3
Background and History.....	4
Assignment.....	5
Limits of Assignment.....	5
Purpose and Use of the Report.....	5
Observations.....	6
Discussion.....	9
Conclusions.....	10
Tree Protection Plan.....	11
Pre-construction Recommendations.....	11
Recommendations During Construction.....	11
Post-Construction Recommendations.....	12
Sketch of Tree Protection Fence.....	13
Glossary.....	14
Bibliography.....	15
Appendix A - Assumptions and Limiting Conditions.....	16
Appendix B - Certificate of Performance.....	17

Introduction

I received a call from Mr. Suheil Shatara, from Shatara Architecture, Inc., on October 24, 2022. Mr. Shatara asked if I could provide an arborist report for two trees at 3312-3314. The intent was to remove one tree for planned construction and preserve the other tree, which required a Tree Preservation Plan. At the time, I could not provide the arborist report, but I was able to inspect the two trees at the Clay Street location the same day. I also examined the site on November 15, 2022, and took measurements, photos, and notes.



Photo #1 The two trees in front of 3312-3314 Clay Street show a lean due to the prevailing ocean breeze.

The two trees are *Pittosporum undulatum* or commonly called Victorian box or Australian cheesewood. This species is no longer on the Recommended Street Tree List for San Francisco. The tree on the left is in poor condition, and the Victorian Box on the right is in good condition. Tree Condition Assessment is a necessary process and is explained in this report.

Besides the existing two street trees, there are other items to discuss—the infrastructure, the sidewalk, and the tree basins. The main objective is to be reasonable, explain our position, and work with the Department of Public Works and the Bureau of Urban Forestry to agree on the trees and still allow for the work on this historic house.

Background and History

The property, 3112-3114 Clay Street, was initially built in 1903. The structure utilized red bricks and stone steps up to the main entrance, typical construction for this part of Clay Street. Not surprisingly, reinforcement construction is required, and a garage added also makes sense.

The existing two Victorian box trees are about 15 to 20 years old. They were initially planted in small three-foot squares on the sidewalk and made the most of a challenging urban setting. The tree to the left or west handled the harsh winds and protected the tree to the east. Although shielded, the easternmost tree is smaller, less light, and further conflicted with utilities.



Photo #2 The two trees looking east, the first tree to the left has an expanded basin and a shrub in that basin.

On November 4, 2022, the Department of Public Works denied the removal of the westernmost tree. The Hearing date for the appeal of Public Works Order No. 207275 is Wednesday, January 4, 2023. The planned construction cannot occur with the western tree located in the access area. The foundation work, the garage, and the historical work required depend on removing one of the two street trees.

Assignment

My main goal is to assess the two trees and the site situation surrounding the trees and property. I can then opine on recommendations for preserving the one tree to the east. Evaluating the tree to the west is essential for tree appraisal if needed and understanding what this tree loss means. The arborist report spells out tasks before, during, and after construction.

1. Identify tree species, condition, and size-- diameter measured at 4.5 feet above grade, tree height, and tree spread.
2. Assess Tree Condition- health, structure, and form.
3. Provide a Tree Protection Plan for the one street tree.
4. Include applicable photos, measurements, and recommendations relating to the urban forest.

Limits of the Assignment

There are a few limits to this assignment. The root inspection is limited to available soil area and surface characteristics, and wood strength did not utilize advanced tools such as resistographs or tomographs.

There was no testing or analysis for pests and diseases, but my experience and expertise can identify significant pests and diseases. Inspections utilized the **Basic Tree Assessment** method. I walked around the entire tree, inspected the tops of roots, trunks, and branches, and looked up at canopies. Tools used in a visual assessment: **calipers**, **diameter tape**, measuring tape, hand trowel, **soil probe**, binoculars, **sounding mallet**, hand lens, **rangefinder**, and camera.

Purpose and Use of this Report

This report aims to provide a written document for Jonas Pilkauskas and Justin Zucker of Reuban, Junius & Rise, LLP. The report aims to assist the future decisions on the proposed construction at 3312-3314 Clay Street in San Francisco. The City of San Francisco DPW-BUF is a likely audience of this report.

Observations

Species Characteristics for *Pittosporum undulatum*:

The Victorian box tree is highly susceptible to heart rot caused by *Ganoderma spp.* or similar fungi. The wood decays due to open wounds on the trunk. (“Pests of Landscape Trees and Shrubs,” Page 363)

“In many tropical areas, including Hawaii, where the species is dispersed readily by birds, it is considered an invasive weed.” (Matt Ritter – “A California’s Guide to the Trees Among Us,” Page 92) On Cal Poly’s Selectree website

(<https://selectree.calpoly.edu/tree-detail/1097>), The Victorian box’s characteristics include allergy health issues, deer resistance and attracts birds, susceptible to sooty mold, aphids, and scale, and this tree is not powerline friendly.

There are good things to say about the Victorian box—attractive evergreen foliage, flowers are fragrant like orange blossoms, and birds love the garbanzo-like fruit.

Unfortunately, the fruit litter drop is most likely the reason for not being on the Recommended Street Tree list.



Photos #3 and #4 Both sides of the westernmost tree are shown.

Measurements of the west tree: DBH: Measured at 4.5 feet above grade—14.2 inches
Tree Height: 24 feet Tree Spread: 8 feet over the street, 10 feet over the sidewalk

The increased basin size likely occurred with sidewalk repair a few years ago. The basin is now six feet parallel to the curb and four feet wide.

There are three things to note-- the lean to the east, the long decay strip on the trunk (right photo), and the multiple stems originating in the same trunk area.

Tree Condition: The Tree Health rating is poor. The inner wood decay results from the open wound open to the air, which has caused the deterioration inside. The multiple stems are closely associated with **included bark** and weak attachments. Add the lean, another defect, and the species characteristics, and you have poor structure. The form is fair, with a typical evergreen canopy despite the leaning trunk. Overall the Tree Condition is Poor.



Photos #5 and #6 The tree to the east has a small basin, but this tree is healthier than the western tree.

Measurements of the east tree: DBH: Measured at 4.5 feet above grade—14 inches

Tree Height: 22 feet Tree Spread: 10 feet all around

The basin size is small, probably due to the infrastructure so close to the trunk. The basin is three feet five inches parallel to the curb and two feet 8 inches wide.

The sidewalk has repaired concrete around, apparently a gas meter. Despite all the utilities and the small basin, this tree looks good; its canopy is complete and balanced. There is little evidence of decay, and the branches have some separation avoiding included bark. The health and form are good, and the structure is fair. Overall the Tree Condition is Good.



Photo #7 This photo shows the location of the two trees and the sidewalk.

The two Victorian box trees are dramatically different. The left or western tree has more pronounced lean, more tightly spaced branches, and the heavier canopy is to the left. The eastern tree has a fuller, more balanced crown, better-positioned branches, and less lean. The plan calls for the removal of the western tree, and one can see from this angle that the two trees interfere with each other. The eastern tree has more substantial foliage than the east side of the western tree.

Discussion

The property to the right, 3310 Clay Street, and the left, 3320 Clay Street, have garages abutting the 3312-3314 Clay Street property. It is reasonable to have one tree in front of the subject property.

If all things were equal, I could not see any way around keeping the west tree. From the observations, it is evident that not all things are equal. The west tree is in the worst position and is in the worst condition. Pittosporums are known as fast growers, fast

decay, and short-lived. The eastern tree is worth keeping, but the close utilities do not favor a long life. If the sidewalk replacement is required, resolving the utility conflict is possible. You can move the utilities and protect the eastern pittosporum, move the existing east tree, or plant a new tree in the desirable position on the sidewalk.



Photo #8 This is a Google photo showing the two Victorian box trees.

Construction access is through the western tree and the building at the west end. The construction plan includes a driveway cutout and an entryway through the brick façade. The salvaging of the old brick and reusing that material is essential to the history of the building. The overriding construction goal is the mandated foundation upgrade. This requirement cannot occur without removing the left or western tree. The difficulty with the eastern pittosporum lies with the three utilities so close to the trunk. There are options discussed below.

Conclusion

3112-3114 Clay Street owners are required to retrofit the building. Including the garage simultaneously is a sensible idea, but denying the removal of the western tree makes all construction virtually impossible. You cannot access the building by driving between the two trees. There would be no way to protect either tree. There are three options here.

1. Remove the western Victorian box tree, and protect the eastern Victorian box tree (see Tree Protection Plans below).
2. Remove the western Victorian box tree and transplant the existing pittosporum to the middle of the Clay Street frontage. This transplanting is difficult due to the water, gas, and sewer lines that crowd the current tree much closer than DPW guidelines. Moving the utilities is possible but expensive and problematic.
3. Remove the westernmost and easternmost trees; decide on the best location for a new tree (24-inch box tree), such as a 'Marina' strawberry tree or a New Zealand Christmas tree. The owners are willing to work with the city to plant one or two

trees elsewhere on the property or at a place designated by the Bureau of Urban Forestry.

I do not see keeping both trees as an option since the construction limitations would be too restrictive. Preserving the eastern Victorian box is possible, but it is necessary to follow the Tree Protection Plan.

Tree Protection Plan

The eastern Victorian box sits in a tiny basin—3 feet 5 inches by 2 feet 8 inches. The sewer location is less than a foot from the tree. The water meter is two feet away, and on the eastern side, the gas line is less than 3 feet away. If this tree is to survive, the basin expansion needs to be a minimum of sixteen square feet. The resulting basin would go up to the sewer breather edge, just short of the gas line location, and measure four feet by four feet at a minimum. The Tree Protection Fence (TPF) measures nine by 12 1/2 feet. See the sketch on Page 13. Handwork is necessary around the water and sewer. Once workers open up the expanded tree basin, tree protection follows.

Pre-Construction Recommendations

Before construction begins, the Victorian box tree on the eastern side of the Clay Street property requires cultural care to ensure survival.

- Start watering the tree root area weekly. The soil should not be allowed to dry out. Water the earth but not the tree trunk.
- After the first watering, apply four inches of fresh wood chips (from a tree service or landscape supply) to any open soil around the protected tree. The mulch improves the soil, retains moisture, and limits compaction.
- Erect the Tree Protective Fencing after watering and mulching. See the sketch provided with TPF markings. Fencing is six-foot high chainlink metal with metal stakes every ten feet or less. Use concrete blocks to hold the metal stakes on the concrete sidewalk and asphalt road. The location of the fencing should be under the supervision of an RCA or Registered Consulting Arborist or a Board Certified Master Arborist with the ISA. The fence's purpose is to protect the root system and prevent machinery and materials from damaging any part of the tree. Watering, mulching, and erecting the fence keep people, equipment, and materials away from the critical root zone.
- Do not fertilize, and do not prune the trees. Construction access may necessitate some light pruning; if so, have a certified arborist do this work and keep the pruning to a minimum.

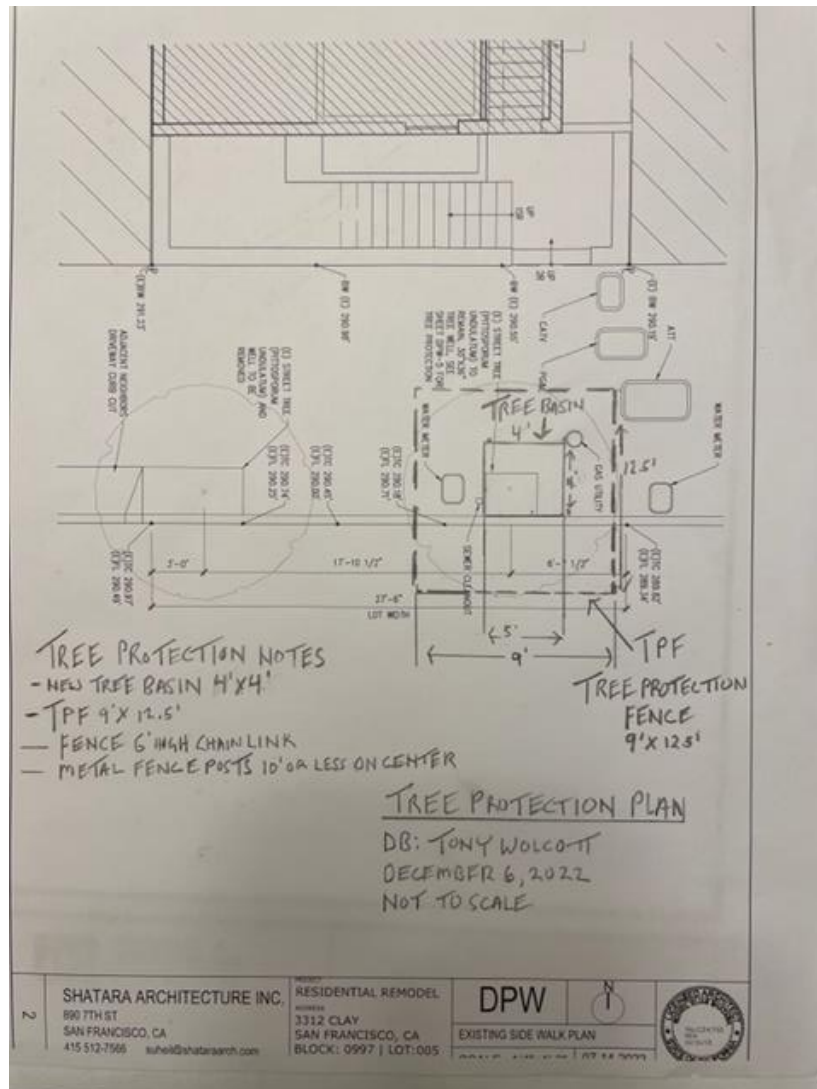
Recommendations During Construction

- Keep up with the watering unless there is significant rainfall (unlikely)
- Avoid trespass into the tree-fenced area; do not store materials within the fenced areas, and do not take the fences down.
- If construction requires fence encroachment, supervise this work with a consulting arborist or board-certified master arborist. Hand dig around any roots within the fenced area.
- A six-foot fence does not always protect the canopy on top. Put signs on the fence warning of possible damage due to large equipment. The chainlink will keep most dangers away from the tree, but exercise care near the fences.
- All chemicals and liquids should not be emptied onto the site but taken off-site for proper disposal. Do not allow any chemical drift onto the trees.
- Mulch or wood chips decompose quickly. Replenish to maintain a four-inch depth.

Post Construction Recommendations

- Keep up with the watering; the pittosporum does much better with regular water.
- Hire a consulting arborist to assess your trees annually and follow their recommendations.
- Prune out dead wood for safety, but avoid pruning live foliage and branches.
- Do not plant under the Victorian box tree; keep ample mulch covering the ground.

Tree Protection Fence and Enlarged Tree Basin Sketch



Glossary

- **calipers**
This term describes a tool used to measure tree diameter at 4.5 feet above grade.
- **Canopy**
The above portion of the tree includes leaves, twigs, and branches and is referred to as the canopy.
- **condition**
The analysis of a tree's health, structure, and form usually weighted at the arborist's discretion
- **diameter tape**
A type of measuring tape that wraps around a tree and reads out the tree diameter
- **included bark**
Branch attachments tight to a stem often create bark inside the tree, promoting decay in the stem. This phenomenon is called included bark.
- **Rangefinder**
A tool for measuring tree height, utilizing a laser and automatic mathematical calculations

Commented [TWW1]:

Bibliography

Costello, Laurence R., Perry, Edward J., Matheny, Nelda P., Henry, Michael J., Geisel, Pamela M., *Abiotic Disorders of Landscape Plants A Diagnostic Guide*, Oakland, CA: University of California Agriculture and Natural Resources, 2003. ISBN 1-879906-58-9

Costello, Laurence R., Hagen, Bruce W., Jones, Katherine S., *Oaks in the Urban Landscape, Selection, Care, and Preservation*, The Regents University of California **Agriculture and Natural Resources, 2011**

Dunster, Julian A., Smiley, Thomas E., Matheny, Nelda, Lilly, Sharon, *Tree Risk Assessment, Manual*, Second Edition, International Society of Arboriculture, 2017, ISBN: 978-1-881956-99-0

Harris, Richard W., James R. Clark, and Nelda Matheny. *"Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines"* (Fourth Edition). Upper Saddle River. NJ: Prentice-Hall, 2004

Matheny, Nelda P. and Clark, James R., *Evaluation of Hazard Trees in Urban Areas*, International Society of Arboriculture, 1991

Ritter, Matt, *A Californian's Guide to the Trees Among Us*, Heyday, Berkeley, 2008

Ritter, Matt, *California Plants "A Guide to Our Iconic Flora,"* Pacific Street Publishing, 2018 ISBN: 978-0-9998960

Web sites as resources:

<https://www.cal-ipc.org/>

<https://www.google.com>

<https://selecttree.calpoly.edu/>

Appendix A

Assumptions and Limiting Conditions

1. Any Legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are supposed to be good and marketable. No responsibility is assumed for matters legal in character. Any property is appraised or evaluated as free and clear, under responsible ownership and competent management.
2. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
3. The consultant/appraiser shall not be required to give testimony or attend court because of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and engagement contract.
4. The loss or alteration of any part of this report invalidates the entire report.
5. Possession of this report or a copy thereof does not imply the right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior, expressed written or verbal consent of the consultant/appraiser.
6. Neither all nor any part of the contents of this report, nor a copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser particularly as to value conclusions, the identity of the consultant/ appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/appraiser as stated in his qualifications.
7. This report and values expressed herein represent the opinion of the consultant/ appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, diagrams, graphs, and photographs in this report, intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys.
9. Unless expressed otherwise: (1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and (2) the investigation is limited to visual examination of available items without dissection, excavation, probing or coring. There is no warranty or guarantee, expressed or implied, that problems and deficiencies of the plants or property in question may not arise in the future.

Appendix B

Certificate of Performance

I, Tony Wayne Wolcott, certify that:

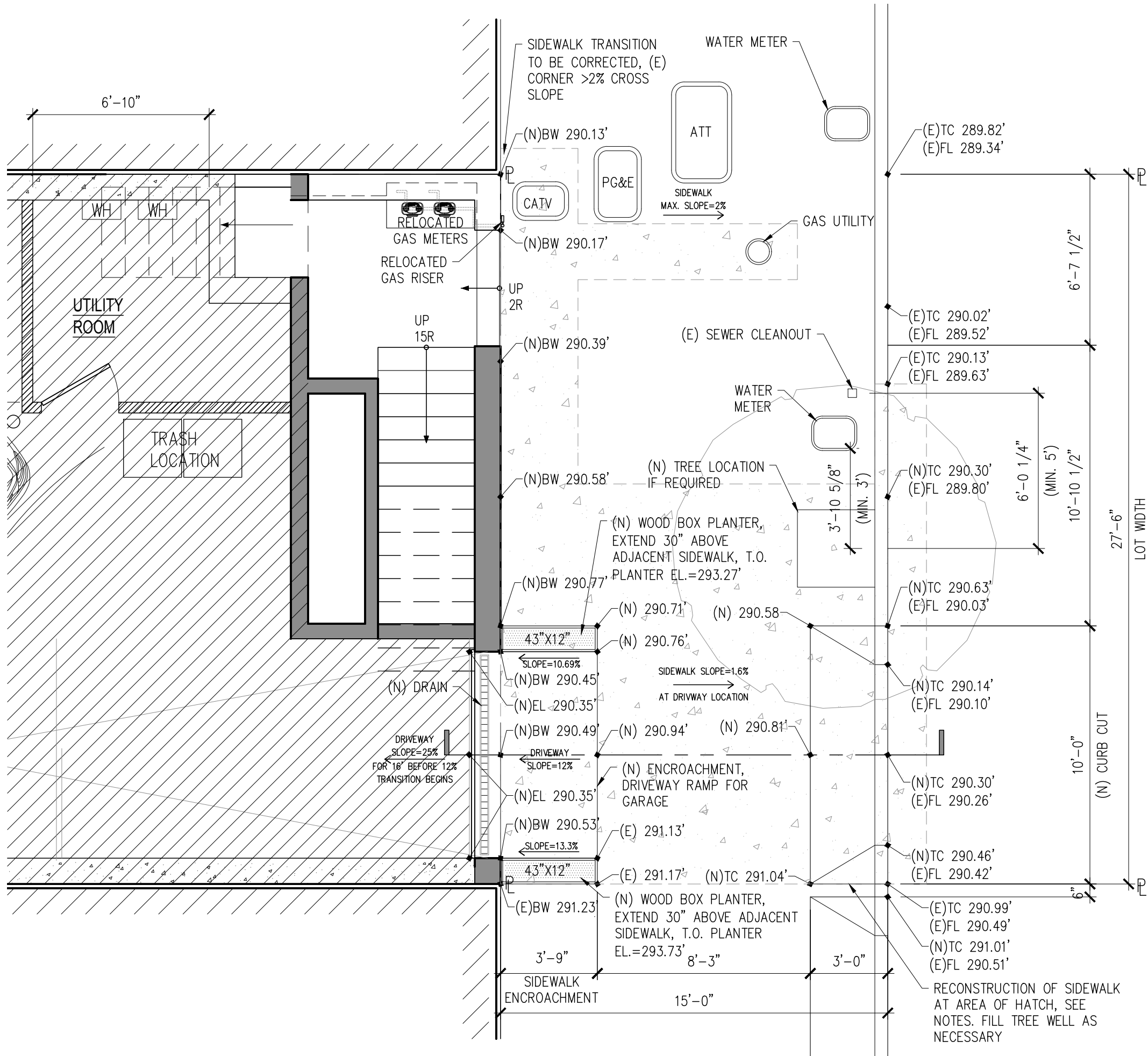
- I have personally inspected the subject tree, and the area on the property referred to in this report and have stated my findings accurately. The extent of the evaluation or appraisal is stated in the attached information and the Terms of Assignment.
- I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias concerning the parties involved.
- The analysis, opinions, and conclusions stated herein are my own and are based on current scientific procedures and facts.
- My analysis, opinions, and conclusions have been developed, and this report has been prepared for commonly accepted arboricultural practices.
- No one provided significant professional assistance to me except as indicated within the report.
- My compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party or upon the assessment results, the attainment of stipulated outcomes, or the occurrence of any subsequent events.

I further certify that I am a member of good standing of the American Society of Consulting Arborists and the International Society of Arboriculture. I have been involved in the field of Arboriculture and the care and study of trees for over 33 years.

Signed: *Tony Wayne Wolcott*

Date: December 12, 2022

EXHIBIT B



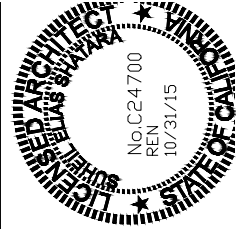
MINOR SIDEWALK ENCROACHMENTS:

SIDEWALK AREA: 412.5 SQ.FT.
10% OF ALLOWED ENCROACHMENT AREA: 41.25 SQ.FT.

PROPOSED SIDEWALK ENCROACHMENT: 37.5 SQ.FT.

NOTES:

- FOR RECONSTRUCTION OF CONCRETE CURB, GUTTER/PARKING STRIP, AND DRIVEWAY CURB CUTS, SAW-CT MINIMUM 2FT FOR AC CONFORM AND REPLACE WITH 2" ACWS OVER 8" CONCRETE BASE. ALL WORK DIRECTED BY THE PUBLIC WORKS INSPECTOR.
- NO NEW UTILITIES OR UPGRADES AT SIDEWALK
- TWO EXISTING STREET TREES, ONE STREET TREE TO BE REMOVED AT LOCATION OF PROPOSED NEW DRIVEWAY. OTHER TO BE MAINTAINED
- NEW SIDEWALK TO MATCH EXISTING SIDEWALK ELEVATION, COLOR, PATTERN



DPW

ALTERNATIVE SIDE WALK PLAN

SCAI F · 1/4"=1'-0" 11-16-2022

PROJECT

RESIDENTIAL REMODEL

ADDRESS

3312 CLAY

SAN FRANCISCO, CA

BLOCK: 0997 | LOT:005

SHATARA ARCHITECTURE INC.

890 7TH ST

SAN FRANCISCO, CA

415 512-7566

suhel@shataraarch.com

EXHIBIT C



CEQA Exemption Determination

PROPERTY INFORMATION/PROJECT DESCRIPTION

Project Address		Block/Lot(s)
3312 CLAY ST		0997005
Case No.		Permit No.
2021-003619ENV		202103025693
<input checked="" type="checkbox"/> Addition/ Alteration	<input type="checkbox"/> Demolition (requires HRE for Category B Building)	<input type="checkbox"/> New Construction
Project description for Planning Department approval. Create habitable space within the existing storage area below the two flats, excavation of the rear yard for light and ventilation at the new level and excavating below.		

STEP 1: EXEMPTION TYPE

The project has been determined to be exempt under the California Environmental Quality Act (CEQA).	
<input checked="" type="checkbox"/>	Class 1 - Existing Facilities. Interior and exterior alterations; additions under 10,000 sq. ft.
<input type="checkbox"/>	Class 3 - New Construction. Up to three new single-family residences or six dwelling units in one building; commercial/office structures; utility extensions; change of use under 10,000 sq. ft. if principally permitted or with a CU.
<input type="checkbox"/>	Class 32 - In-Fill Development. New Construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described below: (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than 5 acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.
<input type="checkbox"/>	Other _____
<input type="checkbox"/>	Common Sense Exemption (CEQA Guidelines section 15061(b)(3)). It can be seen with certainty that there is no possibility of a significant effect on the environment.

STEP 2: ENVIRONMENTAL SCREENING ASSESSMENT**TO BE COMPLETED BY PROJECT PLANNER**

<input type="checkbox"/>	Air Quality: Would the project add new sensitive receptors (specifically, schools, day care facilities, hospitals, residential dwellings, and senior-care facilities within an Air Pollution Exposure Zone? Does the project have the potential to emit substantial pollutant concentrations (e.g. use of diesel construction equipment, backup diesel generators, heavy industry, diesel trucks, etc.)? <i>(refer to the Environmental</i>
<input checked="" type="checkbox"/>	Hazardous Materials: <input checked="" type="checkbox"/> Mahe or <input type="checkbox"/> Cortese Is the project site located within the Maher area or on a site containing potential subsurface soil or groundwater contamination and would it involve ground disturbance of at least 50 cubic yards or a change of use from an industrial use to a residential or institutional use? Is the project site located on a Cortese site or would the project involve work on a site with an existing or former gas station, parking lot, auto repair, dry cleaners, or heavy manufacturing use, or a site with current or former underground storage tanks? <i>if Maher box is checked, note below whether the applicant has enrolled in or received a waiver from the San Francisco Department of Public Health (DPH) Maher program, or if Environmental Planning staff has determined that hazardous material effects would be less than significant.</i> Note that a categorical exemption shall not be issued for a project located on the Cortese List
<input type="checkbox"/>	Transportation: Does the project involve a child care facility or school with 30 or more students, or a location 1,500 sq. ft. or greater? Does the project have the potential to adversely affect transit, pedestrian and/or bicycle safety (hazards) or the adequacy of nearby transit, pedestrian and/or bicycle facilities? Would the project involve the intensification of or a substantial increase in vehicle trips at the project site or elsewhere in the region due to autonomous vehicle or for-hire vehicle fleet maintenance, operations or
<input checked="" type="checkbox"/>	Archeological Resources: Would the project result in soil disturbance/modification greater than two (2) feet below grade in an archeological sensitive area or eight (8) feet in a non-archeological sensitive area? If yes, archeology review is required.
<input type="checkbox"/>	Subdivision/Lot Line Adjustment: Does the project site involve a subdivision or lot line adjustment on a lot with a slope average of 20% or more? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, Environmental Planning must issue the exemption.
<input type="checkbox"/>	Average Slope of Parcel = or > 25%, or site is in Edgehill Slope Protection Area or Northwest Mt. Sutro Slope Protection Area: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, or (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, a geotechnical report is likely required and Environmental Planning must issue the exemption.
<input type="checkbox"/>	Seismic Hazard: <input type="checkbox"/> Landslide or <input type="checkbox"/> Liquefaction Hazard Zone: Does the project involve any of the following: (1) New building construction, except one-story storage or utility occupancy, (2) horizontal additions, if the footprint area increases more than 50%, (3) horizontal and vertical additions increase more than 500 square feet of new projected roof area, or (4) grading performed at a site in the landslide hazard zone? <i>(refer to the Environmental Information tab on https://sfplanninggis.org/PIM/)</i> If box is checked, a geotechnical report is required and Environmental Planning must issue the exemption.
Comments and Planner Signature (optional): Don Lewis The department's staff archeologist conducted preliminary archeological review on 6/22/2021 and determined that no CEQA-significant archeological resources are expected within project-affected soils. The sponsor enrolled in the Maher Program and received a wavier from the health department on 3/30/2021.	

STEP 3: PROPERTY STATUS - HISTORIC RESOURCE
TO BE COMPLETED BY PROJECT PLANNER

PROPERTY IS ONE OF THE FOLLOWING: (refer to *Property Information Map*)

<input checked="" type="checkbox"/>	Category A: Known Historical Resource. GO TO STEP 5.
<input type="checkbox"/>	Category B: Potential Historical Resource (over 45 years of age). GO TO STEP 4.
<input type="checkbox"/>	Category C: Not a Historical Resource or Not Age Eligible (under 45 years of age). GO TO STEP 6.

STEP 4: PROPOSED WORK CHECKLIST
TO BE COMPLETED BY PROJECT PLANNER

Check all that apply to the project.

<input type="checkbox"/>	1. Change of use and new construction. Tenant improvements not included.
<input type="checkbox"/>	2. Regular maintenance or repair to correct or repair deterioration, decay, or damage to building.
<input type="checkbox"/>	3. Window replacement that meets the Department's <i>Window Replacement Standards</i> . Does not include storefront window alterations.
<input type="checkbox"/>	4. Garage work. A new opening that meets the <i>Guidelines for Adding Garages and Curb Cuts</i> , and/or replacement of a garage door in an existing opening that meets the Residential Design Guidelines.
<input type="checkbox"/>	5. Deck, terrace construction, or fences not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	6. Mechanical equipment installation that is not visible from any immediately adjacent public right-of-way.
<input type="checkbox"/>	7. Dormer installation that meets the requirements for exemption from public notification under <i>Zoning Administrator Bulletin No. 3: Dormer Windows</i> .
<input type="checkbox"/>	8. Addition(s) that are not visible from any immediately adjacent public right-of-way for 150 feet in each direction; does not extend vertically beyond the floor level of the top story of the structure or is only a single story in height; does not have a footprint that is more than 50% larger than that of the original building; and does not cause the removal of architectural significant roofing features.

Note: Project Planner must check box below before proceeding.

<input type="checkbox"/>	Project is not listed. GO TO STEP 5.
<input type="checkbox"/>	Project does not conform to the scopes of work. GO TO STEP 5.
<input type="checkbox"/>	Project involves four or more work descriptions. GO TO STEP 5.
<input type="checkbox"/>	Project involves less than four work descriptions. GO TO STEP 6.

STEP 5: ADVANCED HISTORICAL REVIEW
TO BE COMPLETED BY PRESERVATION PLANNER

Check all that apply to the project.

<input type="checkbox"/>	1. Reclassification of property status. (Attach <i>HRER Part I</i>) <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Reclassify to Category A a. Per HRER 09/17/2021 b. Other (specify): </div> <div> <input type="checkbox"/> Reclassify to Category C (No further historic review) </div> </div>	
<input checked="" type="checkbox"/>	2. Project involves a known historical resource (CEQA Category A) as determined by Step 3 and conforms entirely to proposed work checklist in Step 4.	
<input type="checkbox"/>	3. Interior alterations to publicly accessible spaces that do not remove, alter, or obscure character defining features.	
<input type="checkbox"/>	4. Window replacement of original/historic windows that are not "in-kind" but are consistent with existing historic character.	
<input type="checkbox"/>	5. Façade/storefront alterations that do not remove, alter, or obscure character-defining features.	

<input type="checkbox"/>	6. Raising the building in a manner that does not remove, alter, or obscure character-defining features.
<input type="checkbox"/>	7. Restoration based upon documented evidence of a building's historic condition, such as historic photographs, plans, physical evidence, or similar buildings.
<input type="checkbox"/>	8. Work consistent with the <i>Secretary of the Interior Standards for the Treatment of Historic Properties</i> (Analysis required):
<input checked="" type="checkbox"/>	9. Work compatible with a historic district (Analysis required): The project is consistent with the CDFs of the district and will not impact the structure's ability to convey its significance as a contributor to the district.
<input checked="" type="checkbox"/>	10. Work that would not materially impair a historic resource (Attach HRER Part II).
Note: If ANY box in STEP 5 above is checked, a Preservation Planner MUST sign below.	
<input checked="" type="checkbox"/>	Project can proceed with exemption review. The project has been reviewed by the Preservation Planner and can proceed with exemption review. GO TO STEP 6.
Comments (optional):	
Preservation Planner Signature: Katherine Wilborn	

STEP 6: EXEMPTION DETERMINATION

TO BE COMPLETED BY PROJECT PLANNER

<input checked="" type="checkbox"/>	No further environmental review is required. The project is exempt under CEQA. There are no unusual circumstances that would result in a reasonable possibility of a significant effect.	
	Project Approval Action: Building Permit	Signature: Katherine Wilborn
	If Discretionary Review before the Planning Commission is requested, the Discretionary Review hearing is the Approval Action for the	09/21/2021
	<p>Supporting documents are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/PIM/. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental record number (ENV) and then clicking on the "Related Documents" link. Once signed or stamped and dated, this document constitutes an exemption pursuant to CEQA Guidelines and Chapter 31 of the Administrative Code.</p> <p>In accordance with Chapter 31 of the San Francisco Administrative Code, an appeal of an exemption determination to the Board of Supervisors can only be filed within 30 days of the project receiving the approval action.</p>	

STEP 7: MODIFICATION OF A CEQA EXEMPT PROJECT

TO BE COMPLETED BY PROJECT PLANNER

In accordance with Chapter 31 of the San Francisco Administrative Code, when a California Environmental Quality Act (CEQA) exempt project changes after the Approval Action and requires a subsequent approval, the Environmental Review Officer (or his or her designee) must determine whether the proposed change constitutes a substantial modification of that project. This checklist shall be used to determine whether the proposed changes to the approved project would constitute a "substantial modification" and, therefore, be subject to additional

MODIFIED PROJECT DESCRIPTION

Modified Project Description:

DETERMINATION IF PROJECT CONSTITUTES SUBSTANTIAL MODIFICATION

Compared to the approved project, would the modified project:

- | | |
|--------------------------|--|
| <input type="checkbox"/> | Result in expansion of the building envelope, as defined in the Planning Code; |
| <input type="checkbox"/> | Result in the change of use that would require public notice under Planning Code Sections 311 or 312; |
| <input type="checkbox"/> | Result in demolition as defined under Planning Code Section 317 or 19005(f)? |
| <input type="checkbox"/> | Is any information being presented that was not known and could not have been known at the time of the original determination, that shows the originally approved project may no longer qualify for the exemption? |

If at least one of the above boxes is checked, further environmental review is required

DETERMINATION OF NO SUBSTANTIAL MODIFICATION

- | | |
|--------------------------|---|
| <input type="checkbox"/> | The proposed modification would not result in any of the above changes. |
|--------------------------|---|

If this box is checked, the proposed modifications are exempt under CEQA, in accordance with prior project approval and no additional environmental review is required. This determination shall be posted on the Planning Department website and office and mailed to the applicant, City approving entities, and anyone requesting written notice. In accordance with Chapter 31, Sec 31.08j of the San Francisco Administrative Code, an appeal of this determination can

Planner Name:

Date:

EXHIBIT D



San Francisco Public Works
General – Director's Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 207275

The Director of Public Works held a Public Hearing on Monday October 24, 2022, commencing at 5:30 PM via teleconference to consider several items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 207222 (permit no. 792627), removal of one (1) street tree without replacement at 3312 Clay St. Staff denied the removal and the applicant has appealed.

Findings:

The Department's presentation was made by Susan Nawbary, Bureau of Urban Forestry. In summary, the Department denied the removal of one street tree without replacement. The Planning Department approved construction at the property that would add a garage and necessitate the removal of the tree. The tree is in good condition with minor structural concerns and a wound. There is a second street tree in front of the property and staff is concerned that the curb cut may cause the second tree to decline irreparably and cannot be replaced due to utility conflicts. Staff noted that the applicant submitted the names of two arborists who would work on the tree protection plan. Staff presented the appraised value of the subject tree as \$11,200.00; Article 16 of Public Works Code permits the collection of appraised value if it is greater than the in-lieu fee. Bureau of Urban Forestry stated that while SF Planning may approve a design, Planning's process bears little weight on Public Works Code, policies, and procedures, as Planning's purview is within the building design only.

Mr. Suheil Shatara, from Shatara Architecture, Inc., spoke on behalf of the project and stated that the property was originally built in 1903 and requires foundation repair. He stated that there is water intrusion that needs to be addressed and that the only access for the foundation work is via Clay Street through the area where subject tree is. He stated that the garage is a bonus to the foundation work which is necessary to stabilize the house. In his appeal letter, Mr. Shatara also stated that the project would provide a tree protection plan for the remaining tree and that an arborist would be consulted on best practices for its protection.

The hearing officer noted that the appeal letter states that the "basis of the project is to excavate down and provide a garage...." The applicant de-emphasized the need to install the garage during his testimony. Elevations were provided subsequent to hearing showing excavation required for habitable space per permit 202103025693.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to deny the removal of the tree.

Appeal: This Order and permit no. 792627 may be appealed to the Board of Appeals within 15 days of November 4th, 2022.

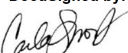
Board of Appeals
49 South Van Ness Ave. suite 1475 (14th Floor)
San Francisco, CA 94103
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NOTE: Board of Appeals office is closed until further notice, due to COVID-19

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X

DocuSigned by:



Short, Carla 073CF73A4EA6486...

Interim Director

BRIEF SUBMITTED BY THE DEPARTMENT



Urban Forestry

urbanforestry@sfdpw.org | T. 628.652.8733 | 49 South Van Ness Ave. Suite 1000, San Francisco, CA 94103

December 29, 2022

Appeal No. 22-081 (3312-3314 Clay St.) Respondent's Brief

Tree Removal Permit Application No. 792627 (Public Works Order No. 207275)

RE: Removal of one (1) street tree without replacement

Dear Commissioners:

The property owner submitted tree removal permit no. 792627 seeking the removal without replacement of one (1) street tree adjacent to 3312-3314 Clay St. The subject tree is a 15" inch diameter Victorian box tree (*Pittosporum undulatum*) and the overall condition of the tree is good. Based upon the staff review, the request to remove the tree was denied by staff. The applicant appealed this staff level denial and Public Works scheduled the matter for review at our monthly tree hearing on October 24th, 2022.

The reasons for removal stated on the tree removal application is "New curb cut for driveway has been proposed. Part of BPA 202103025693".

At the hearing, staff explained that the basis for the denial was that the tree is in good health and provides many urban forest ecosystem benefits and if removed, the placement of the garage and curb cut will permanently eliminate a tree planting site adjacent to the property. There are two street trees in the public right-of-way (PROW) adjacent to the property, and at the hearing it was also discussed that while the tree to the

east may remain, it will also likely be impacted by the change in sidewalk grade during the construction of the proposed curb cut by impacting roots of the tree.

While the tree to the east is not being pursued for removal, we wanted the applicant to be aware that this tree could potentially decline either due to impacts from the construction or impacts from *Pittosporum* decline and it appears that this site is not replantable, due to conflicts with the sewer line and other utilities. For the placement of trees in the PROW we require a minimum of 5' of clearance from the sewer lateral, and in this case, the east tree is just one foot or less from the sewer lateral. If this tree needed to be removed in the future, it does not look likely that replacement would be possible due to a number of utility conflicts. The placement of trees within the PROW is subject to the guidelines outlined in Order No. 187246, a Director's Order that "Regulates the Planting, Maintenance, or Removal of Trees and Landscape Material on Public Sidewalk Areas".

Pittosporum decline

The tree species of both trees is *Pittosporum undulatum* ("Victorian box") and although it has been a robust, solid performer in San Francisco and the state of California as a street tree for many decades, in the last ten years or so, the species in general is beginning to show signs of impacts from either drought or root disease, which is not well-understood and not something for which there is a realistic treatment. While this broadleaf evergreen species would typically have very lush, dark green, thick foliage year-round, many of this species across San Francisco are showing impacts from drought or a canker disease. Experts now refer to this as "Pittosporum decline". The Department is concerned that allowing the

tree to the west to be approved for removal, also subjects the tree to the east to construction impacts which may hasten its decline. In five years there may be a garage and the curb cut, but no trees adjacent to the property.

The Department acknowledges that both trees may eventually suffer the impacts of Pittosporum decline, but it also may take years for that to occur, and many example of this species continue to perform well. A brief review of the trees on the block shows that there are approximately fourteen of this species total, with four of them showing signs of Pittosporum decline, and ten trees not yet showing signs of decline. The two trees adjacent to this property are not showing signs of Pittosporum decline, and are included in the count totals above. There are a total of approximately 30 trees on the odd and even sides of this 3300 block of Clay St, including the subject tree.

Public Works Hearing Order No. 207275

The following is a summary of the resulting hearing recommendation following the October 24th, 2022 Public Works tree hearing.

The Planning Department approved construction at the property that would add a garage and necessitate the removal of the tree. The tree is in good condition with minor structural concerns and a wound. There is a second street tree in front of the property and staff is concerned that the curb cut may cause the second tree to decline irreparably and cannot be replaced due to utility conflicts. Staff noted that the applicant submitted the names of two arborists who would work on the tree protection plan. Staff presented the appraised value of the subject tree as \$11,200.00; Article 16 of Public Works Code permits the collection of appraised value if it is greater than the in-lieu fee. Bureau of Urban Forestry

stated that while SF Planning may approve a design, Planning's process bears little weight on Public Works Code, policies, and procedures, as Planning's purview is within the building design only.

Mr. Suheil Shatara, from Shatara Architecture, Inc., spoke on behalf of the project and stated that the property was originally built in 1903 and requires foundation repair. He stated that there is water intrusion that needs to be addressed and that the only access for the foundation work is via Clay Street through the area where subject tree is. He stated that the garage is a bonus to the foundation work which is necessary to stabilize the house. In his appeal letter, Mr. Shatara also stated that the project would provide a tree protection plan for the remaining tree and that an arborist would be consulted on best practices for its protection.

New garages and impacts to street trees

Conflicts between existing street trees and the proposed installation of a new garage/driveway curb cut is a somewhat regular occurrence in San Francisco and is the subject of a few appeals to Board of Appeals annually. Public Works and the Planning Department have made process improvements over the last 10 or more years to reduce the likelihood that a garage/curb cut obtains full approvals without first having the tree conflicts determined. Perhaps in an ideal world, both the construction and potential tree impacts could be considered at the same hearing, so that neighbors approach the proposal with eyes wide open to what may be required. However, some garage construction does not require hearings if no discretionary reviews have been filed.

Fifteen years ago we would be looking at a fully constructed garage, with a tree and curb directly adjacent to the opening. Now, instead of being “held up” at the end of an application process, the tree issue is placed up front, or, sometimes moves in parallel tracking. There are still instances where Planning staff may have approved the installation of a garage already, such as the current case. If this occurs, it is not likely due to a failure in protocol, as much as there may be various scenarios which haven’t been accounted for. Neighbors on the block may be fine with a proposal and the construction does not trigger a hearing, yet our Department and tree advocates across the City may feel differently.

Tree Appraisal

To be consistent with how we have handled similar cases, when a tree in good health is proposed for removal due to construction impacts, but is not able to be replaced within the public right-of-way, directly adjacent to the same property, due to the permanent loss of a planting site and the loss of the value of the subject tree to be removed, the Public Works code directs staff to determine the appraised value of the tree. SEC 806 (b)(3)(A). Article 16 of the Public Works Code states that:

If the Department grants a Tree removal permit, it shall require that a Street Tree or Trees of equivalent replacement value to the one removed be planted in the place of the removed Tree or impose an in-lieu fee unless it makes written findings detailing the basis for waiving or modifying this requirement.

In this case, the appraised value of the subject tree determined by staff is \$11,200.00 and is far greater than the basic in-lieu fee of \$2,302.00. In this case, as outlined in the resulting hearing decision, if the tree is approved for removal, the applicant is required to pay \$11,200.00 which is deposited into the Department's Adopt-a-Tree program which funds the planting of new trees across the City. Paying this required fee was not mentioned in the appellant's brief so we are under the assumption that if our decision to deny the tree removal is overturned, it will be on the condition that the fee of \$11,200.00 is paid.

Tree appraisal has been established through the Council of Tree and Landscape Appraisers and is now in its 10th edition as the "Guide for Plant Appraisal" and published by the International Society of Arboriculture. Public Works staff have the required training to perform the appraisal process for street trees and we have done so for at least 20 years.

The tree appraisal worksheet is included as an attachment to our brief. While we disagree as to the severity of the lower trunk injuries to the subject tree as observed in the appellants brief (we believe they are superficial and of little import), we do agree that the structure of the tree is not perfect and reduced that value accordingly from 100% to 65%, so that a reduction in the overall value of the tree accounts for those defects. We believe our appraisal estimate is reasonable and fair.

Review of the Applicant's Tree Protection Plan

We have reviewed the applicant's tree protection plan, the goal of which is to reduce as much as possible, the impacts construction may have on the tree to the east, which is proposed to remain and be protected. The brief submitted by the appellant overall

is very detailed and thorough, and our Department appreciates the care and effort demonstrated by the applicant.

The residents of San Francisco value street trees and have mandated their protection. The goal of our Bureau and Department is to protect, maintain and grow the urban forest. Protecting existing established street trees is a critical role in achieving all the ecosystem services that street trees are expected to deliver.

While our preference is for existing trees in good health to remain, if the Commissioners overturn the Department's denial to grant permission to remove the subject tree, to be consistent with how we have handled similar cases our Department will need to require that the appraised value of \$11,200.00 be paid to the City's Adopt-a-Tree fund which is used to plant trees across the City. We do not believe that planting two young trees nearby captures the same value as the removal of the 15" diameter Victorian box tree.

Respectfully

A handwritten signature in blue ink, appearing to read "Chris Buck", is positioned above the printed name.

Chris Buck

Urban Forester

(Attachments follow)

Field Appraisal Sheet

Tree Number		1	2	3	4	5
Species		Pittosporum undulatum				
Basic Tree Cost	#1	Trunk Circumference				
	#2	Trunk Diameter (#1 / 3.14)	15 in	in	in	in
	#3	Trunk Area (#2 ² / 4 x 3.14)	176.6 in	.0 in	.0 in	.0 in
	#4	Unit Tree Cost	\$100 / sq in	\$100 / sq in	\$100 / sq in	\$100 / sq in
	#5	Basic Tree Cost (#5 * #6 + #7)	\$17,662.50	\$0.00	\$0.00	\$0.00
Condition	#6	Health (10-100%)	80%			
	#7	Structure (10-100%)	65%			
	#8	Form (10-100%)	90%			
	#9	Condition Rating (combine #6-#8)	78%	0%	0%	0%
Limitations	#10	Functional Limitations	90%			
	#11	External Limitations	90%			
	#12	Depreciated Cost (#5 x #9 x #10 x #11 x #12)	\$11,206.86	\$0.00	\$0.00	\$0.00
Additional Costs	#13	Additional Costs				
	#14	Total Cost	\$11,206.86	\$0.00	\$0.00	\$0.00
	#15	Assignment Result (round #14)	\$11,200.00	\$0.00	\$0.00	\$0.00

Table of Values for Functional and External Limitations:

- No impact on value 81%-100%
- Minor impact 61%-80%
- Moderate impact 41%-60%
- Severe impact 21%-40%
- Extreme impact 0%-20%

Condition Rating: Combination of Health, Structure, and Form ratings. It may be either:

- 1) The lowest of the three;
- 2) The mean value of the three; used here
- 3) A weighted average of the three; or
- 4) Intuitively chosen by appraiser experience.

Spreadsheet Key

<http://www.jameskomen.com/resources/Spreadsheet%20Key.pdf>

condition should not be an avg of health structure and form. A dead tree with perfect structure an form should not be avg or 0, 100, 100. it should be 0



San Francisco Public Works
General – Director's Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 207275

The Director of Public Works held a Public Hearing on Monday October 24, 2022, commencing at 5:30 PM via teleconference to consider several items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 207222 (permit no. 792627), removal of one (1) street tree without replacement at 3312 Clay St. Staff denied the removal and the applicant has appealed.

Findings:

The Department's presentation was made by Susan Nawbary, Bureau of Urban Forestry. In summary, the Department denied the removal of one street tree without replacement. The Planning Department approved construction at the property that would add a garage and necessitate the removal of the tree. The tree is in good condition with minor structural concerns and a wound. There is a second street tree in front of the property and staff is concerned that the curb cut may cause the second tree to decline irreparably and cannot be replaced due to utility conflicts. Staff noted that the applicant submitted the names of two arborists who would work on the tree protection plan. Staff presented the appraised value of the subject tree as \$11,200.00; Article 16 of Public Works Code permits the collection of appraised value if it is greater than the in-lieu fee. Bureau of Urban Forestry stated that while SF Planning may approve a design, Planning's process bears little weight on Public Works Code, policies, and procedures, as Planning's purview is within the building design only.

Mr. Suheil Shatara, from Shatara Architecture, Inc., spoke on behalf of the project and stated that the property was originally built in 1903 and requires foundation repair. He stated that there is water intrusion that needs to be addressed and that the only access for the foundation work is via Clay Street through the area where subject tree is. He stated that the garage is a bonus to the foundation work which is necessary to stabilize the house. In his appeal letter, Mr. Shatara also stated that the project would provide a tree protection plan for the remaining tree and that an arborist would be consulted on best practices for its protection.

The hearing officer noted that the appeal letter states that the "basis of the project is to excavate down and provide a garage...." The applicant de-emphasized the need to install the garage during his testimony. Elevations were provided subsequent to hearing showing excavation required for habitable space per permit 202103025693.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to deny the removal of the tree.

Appeal: This Order and permit no. 792627 may be appealed to the Board of Appeals within 15 days of November 4th, 2022.

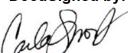
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DocuSigned by:



Short, Carla 073CF73A4EA6486...

Interim Director

CITY AND COUNTY OF SAN FRANCISCO

SAN FRANCISCO PUBLIC

DIRECTOR'S ORDER NO. 187,246

PURSUANT TO ORDINANCE NO. 165-95, REGULATING THE PLANTING, MAINTENANCE, OR REMOVAL OF TREES AND LANDSCAPE MATERIAL ON PUBLIC SIDEWALK AREAS AND SUPERCEDING ORDER NO. 170,735 AND NO. 169,946.

I. PURPOSE

A. *Objective.* Planting street trees and landscaping in the public right-of-way enhances the physical, ecological, and cultural aspects of the city. Because street trees are the most important organizing element of the streetscape environment, appropriate tree species selection, location and design of the planting site is essential. Proper tree selection and planting will ensure the healthy growth and longevity of trees, enhance streetscape character, maximize environmental benefits, and maximize the City's investment.

B. *Authority.* Article 16 of the Public Works Code authorizes the Director of Public Works to regulate the planting, maintenance, or removal of trees and landscape material on the public sidewalk. This San Francisco Public Works Director's Order provides detailed guidelines regarding tree and landscape plantings in the public right-of-way. These guidelines are intended to provide sufficient information for plan development and submission.

****Please note that all permit applications are reviewed on a case-by-case basis, and Public Works must approve tree and landscape applications before any installation begins.**

C. *Relation to Sidewalk Landscape Permit.* Street trees and landscaping are both elements of the city's urban forest. Generally, this Public Works Director's Order provides guidance on placement of street trees and the size and dimensions of tree basins. In many cases, the City encourages tree basins larger than those recommended in this Director's Order so as to allow landscaping and increased permeability within the right-of-way. A sidewalk landscape permit is required for planters, with or without a street tree, that are sized larger than the standard dimensions included in this Director's Order. See Public Works Sidewalk Landscaping Permit Application for guidelines regarding these planters.

D. *Relation to above ground planters.* Public Works generally discourages the placement of above ground planters because they require water for the duration of

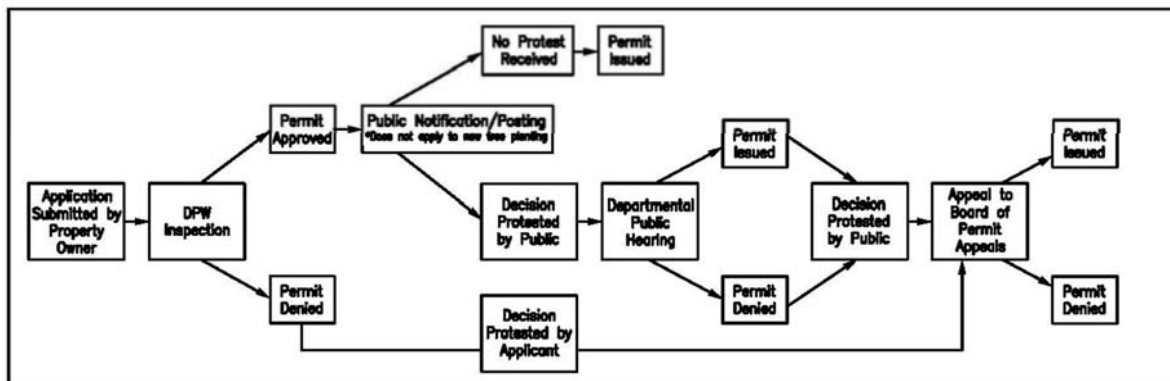
the installation and are never able to become established plants. However Public Works has issued Director's Order number 179,231 regarding the placement of above ground containers in the public right-of-way.

E. *Relevance to Vision Zero policy.* The City and County of San Francisco has adopted a Vision Zero policy that seeks to eliminate traffic fatalities. One of the purposes of this Director's Order is to prevent plantings from blocking critical driver safety sight lines or create other safety issues such as blockages of traffic signals and safety signs, as well as reduced crosswalk illumination.

F. *Relevance to Adopted Plans and Documents.* The City and County of San Francisco has adopted and completed a comprehensive list of plans, documents and guidelines for Greening, including but not limited to; The San Francisco Urban Forest Plan; the Better Streets Plan; the Stormwater Design Guidelines, and the Climate Action Plan. The Director's Order on Planting should support the guidelines and greening policies in these documents to establish and build upon the urban forest of San Francisco by creating a more walkable, livable and sustainable city by cleaning our air and water, calming traffic, improving public health, providing wildlife habitat, and absorbing greenhouse gases.

II. STREET TREE AND LANDSCAPE MATERIAL PERMIT APPLICATION AND APPROVAL PROCESS

A. *Adding or removing a tree.* Contact Public Works, Bureau of Urban Forestry, to request a permit to plant or remove trees or landscape material on a public sidewalk. The application process is summarized in the following flow chart:



A removal permit is required for removal of any tree (alive or dead) in the public right-of-way, and certain protected trees on private property. See Section 810 of Article 16 of the Public Works Code regarding "Significant" and "Landmark" trees. Public Works may not grant all tree removal permit applications. A Public Works certified arborist will evaluate the tree and determine if it is healthy and structurally

sound. In most cases a tree removal permit will not be granted if the tree is healthy and structurally sound.

Public Works will typically approve a removal permit application for tree removal in the following cases:

- i. If the tree is unhealthy, and not likely to recover; or has structural wounds or deficiencies that represent a potential public safety hazard; or if the tree poses another risk to public safety; or if the tree is dead or dying; or
- ii. If the applicant proposes to relocate the existing tree at the same property and Public Works determines the transplant is likely to succeed.

In select cases if the tree proposed for removal can be replaced with a tree (or trees) that matches or exceeds the canopy and trunk diameter of the tree to be removed, Public Works may grant the removal application. The canopy and trunk diameter of the replacement tree(s) must match or exceed that of the tree to be removed at the time of planting.

If Public Works approves a tree removal permit application, a notice is placed on the tree, as described in Sec. 806 (a) of Article 16 of the Public Works Code. Members of the public can appeal the decision and a public hearing will be held by Public Works.

B. Fee schedule for street tree activities:

- i. A street tree removal permit fee, as described in Sec.806. (b)(3) of Article 16 of the Public Works Code, is payable upon submittal of the application. Contact Public Works, Bureau of Urban Forestry for a fee schedule and application.
- ii. An "In Lieu" planting fee is required, as described in Sec.802. (h) of Article 16 of the Public Works Code, for each tree not planted pursuant to Section 806 (d) of the Public Works Code, for existing trees removed without replacement, or for empty tree basins not planted.

C. Enforcement. Pursuant to Sec. 118 of the Public Works Code, violators of this Director's Order may be subject to criminal, civil or administrative penalties.

D. Exceptions. Exceptions due to hardship or unusual circumstances may be submitted for approval to Public Works. Public Works will conduct reviews on a case-by- case basis.

III. SELECTING AN APPROPRIATE TREE SPECIES

Objective. The selection of tree species and their placement in the public right-of-way should be consistent with the City's goals for a particular street. Ceremonial streets, major thoroughways, commercial streets and other streets important to the city pattern should use formal, consistent planting palettes chosen for their distinct design qualities to provide strong aesthetic character and facilitate place recognition. Neighborhood residential or smaller streets may use a more diverse, less formal planting palette to indicate neighborhood preference and create a rich planting variety. The Public Works Bureau of Urban Forestry may require specific tree species. All species selections must be approved by Public Works prior to planting.

B. *Guidelines.*

- Climate-appropriate trees are required;
- Trees with columnar form are appropriate for narrower planting spaces such as small streets and alleys, narrow medians, or narrow sidewalks with minimal building setback (some columnar species may be inappropriate due to low branching);
- Medium-sized trees with light to medium density foliage are appropriate on neighborhood residential and commercial streets;
- Trees with overarching canopies and medium density foliage are appropriate on wider streets, such as mixed-use streets, thoroughways and boulevards.

IV. SELECTING AN APPROPRIATE SITE FOR NEW TREES

A. *Spacing.* Street tree spacing should be determined by the expected mature size of the tree. Generally, trees should be planted with the following spacing:

- Small trees (less than 20-foot crown diameter at maturity) should be planted 15 to 20 feet on center;
- Medium trees (20-foot to 35-foot crown diameter at maturity) should be planted 20 to 25 feet on center;
- Large trees (greater than 35' crown diameter at maturity) should be planted 35 feet on center.

B. *Clearances from elements on the sidewalks and medians:*

- i. If other sidewalk elements interfere with a planting site, it is generally preferable to move the tree site a few feet in either direction than to skip a planting site entirely.
- ii. Wherever feasible, when designing a new street or renovating an existing

street, effort should be made to locate or relocate utilities and other elements so that the regular tree spacing listed in Section IV(A) can be attained.

- iii. When adding trees to an existing streetscape, movable site furnishings should be relocated, where feasible, to allow for street tree planting at an appropriate spacing listed above in section IV(A).
- iv. Tree clearance from typical sidewalk furniture:

<i>SIDEWALK FURNISHINGS</i>	<i>CLEARANCE FROM SITE FURNISHINGS*</i>
Utility Boxes & Cabinets	3 Feet
Sewer Vents	5 Feet
Fire Hydrants	5 Feet
Parking Meters	3 Feet
Fire Escapes	10 Feet
Pedestrian Furniture	3 Feet
Utility Poles (excluding street lights, critical safety signs and traffic signals)	5 Feet
Parking Sign	3 Feet
Other traffic control signs	5 Feet
Critical safety signs – as designated by SFMTA (Stop signs, yield signs, pedestrian warning, etc.)	20 feet

*Measurement is from the center of the tree basin to the edge of the utility or furniture. These are general guidelines and not all inclusive. It is the responsibility of the permittee to contact the Underground Service Alert to confirm utility locations.

- v. Clearances from parking and traffic signs:

- a) No tree should be planted within 3-feet of an existing parking sign. Consider sign relocation where feasible and approved by the SFMTA.

Permittee is required to pay for the sign relocation costs if the relocation is necessary.

- b) No tree should be planted in such a way that it would block the view of traffic control signs from the intended user on the roadway. Traffic control signs are typically installed above 7 to 8 feet from the ground. Recommended clearance is a minimum 5-foot clearance for all traffic control signs and a minimum 20-foot clearance for critical safety signs as designated by the SFMTA. Consider sign relocation where feasible and approved by the SFMTA. Permittee is required to pay for the sign relocation costs if the relocation is necessary.

vi. *Existing Trees*

- a) Existing street trees will not be removed for the sole purpose of achieving minimum clearances (as specified in this document) from any existing or proposed sidewalk furnishing elements listed above (ie: utility poles, traffic control signs, streetlights, etc).
- b) Existing street trees may need to be removed if they do not meet minimum clearances (as specified in this document) and present a clear conflict (that cannot be mitigated through pruning) with an existing traffic or pedestrian safety element.

vi. *Clearances from street lights:*

SIZE OF TREE* (at maturity)	CLEARANCE FROM STREET LIGHT**
Small	No Closer than 9 Feet
Medium	No Closer than 15 Feet
Large	No Closer than 21 Feet

*Mature size of tree determined as shown in IV(A), and by the Bureau of Urban Forestry

**Distances from center of tree basin/trunk

vii. *Clearances from overhead trolley wires:*

- a) No tree, as measured from the center of the tree basin/trunk, should be planted within 8-feet of an existing overhead trolley wire. Trees planted adjacent to overhead trolley wires should be selected so that mature tree canopy will not interfere with trolley wires. Refer to

California Public Utilities Commission General Order No. 95 (Rules for Overhead Electric Line Construction).

C. Maintaining visibility when planting trees or landscape material adjacent to a street intersection:

Visibility requirements on city streets are guided by the concept of stopping sight distances. These distances are sensitive to the speed that vehicles travel on a street as well as other geometric features of the roadway such as curves and hills. Landscaping and tree planting should not be installed in such a manner as to block the view of conflicting movements of traffic, including pedestrian traffic, nor block the view of traffic control devices such as traffic signs, traffic signals, and other traffic warning devices.

Use the latest CalTrans Highway Design Manual (HDM) to determine the Stopping Sight Distance (SSD) from Table 201.1 Sight Distance Standards. Example of table below.

**Table 201.1
Sight Distance Standards**

Design Speed ⁽¹⁾ (mph)	Stopping ⁽²⁾ (ft)	Passing (ft)
20	125	800
25	150	950
30	200	1,100
35	250	1,300
40	300	1,500
45	360	1,650
50	430	1,800
55	500	1,950
60	580	2,100
65	660	2,300
70	750	2,500
75	840	2,600
80	930	2,700

In order to provide adequate safety and visibility at intersections, street trees and landscaping adjacent to intersections should be located per the following general guidelines:

- i. Within the 25' near side and 5' far side zones, landscape material may be planted up to the crosswalk edge on sidewalks and medians provided that it does not exceed 2 feet high as measured from the street.
- ii. Trees may be planted up to 25' from the crosswalk edge on sidewalks and medians at the near side of intersections provided the tree is in line

with the remainder of the tree line of the block. No trees may be planted within 25 feet of the approach to any pedestrian crosswalks, such as crosswalks located in the middle of a block.

- iii. Trees and landscaping installed on sidewalk bulbs away from existing tree line of the block must be reviewed for impacts on stopping sight distances and view of traffic control devices prior to approval.
- iv. Trees should not be installed opposite the stem of a T intersection unless such trees can be guaranteed to not block traffic control devices such as signals, overhead street illumination, and pedestrian sight lines.
- v. Trees may be planted no closer than 5' from the crosswalk edge on sidewalks and medians at the far side of intersections.
- vi. Trees may be planted within 25' of the crosswalk edge where there are sidewalk bulbs, provided trees are kept within the tree planting line of the remainder of the block and do not block traffic stopping sight distances.
- vii. Existing trees shall not be subject to removal in order to comply with these guidelines.

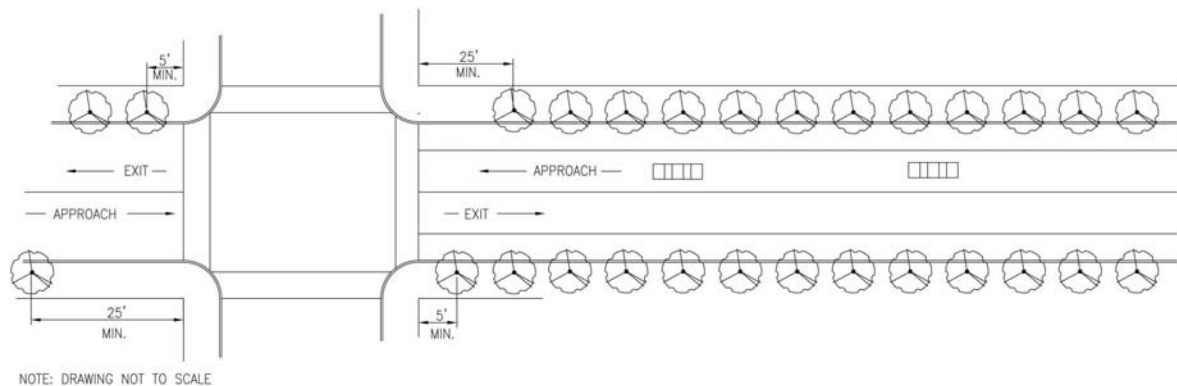


FIGURE 1
TYPICAL INTERSECTION

D. Planting a tree adjacent to a Bus Zone:

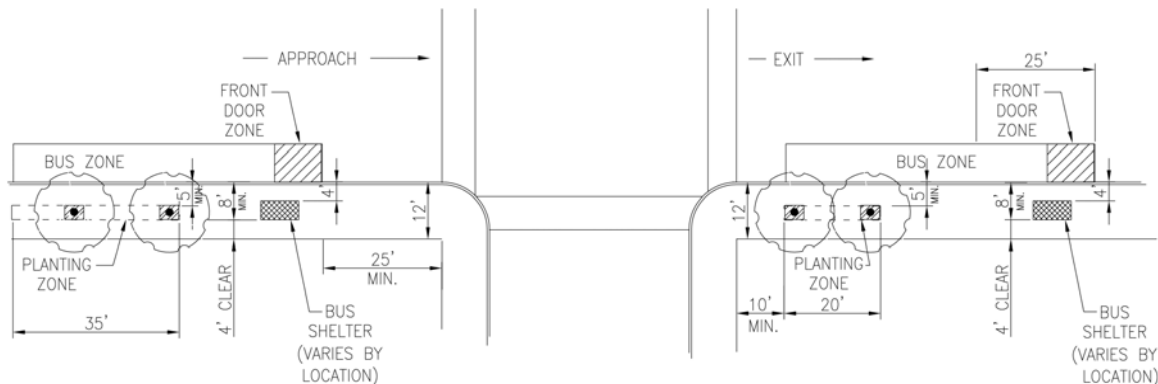
- i. No tree or landscape material should be planted adjacent to a bus zone when the sidewalk, including the curb, is less than 12-feet wide.
- ii. No sidewalk landscape material or planters will be permitted adjacent to a Bus Zone. Exceptions may be considered by Public Works and SFMTA on a case-by-case basis.
- iii. When the sidewalk is greater than or equal to 12-feet wide, including the curb, each site should be reviewed by Public Works and SFMTA on a case-by-case basis. Minimum requirements as follows (please see illustrations on next page):

- a) 8' clear from the face of curb to the edge of the tree basin must be maintained unless otherwise indicated below. This

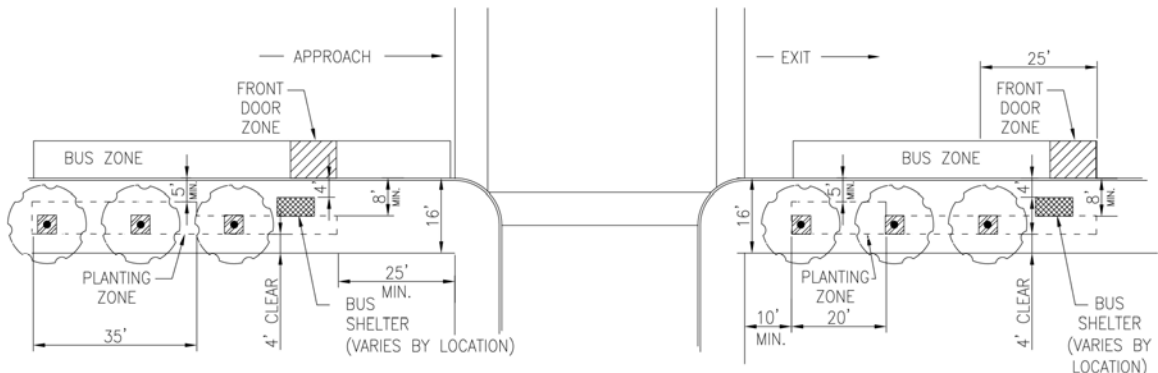
Distance may be reduced to 5' clear from the face of curb to the edge of the tree basin if not interfering with the ADA lift at the front door zone or the rear door.

- b) *Approach-Side Bus Stop.* Within 35' from the rear of the bus zone, trees may be planted as long as the basin edge is set back at least 5' from the curb edge. In remaining bus zone area, trees may be planted if 8' clear from the face of the curb to the edge of the tree basin is maintained. Trees should be set back at least 25' from the inside edge of the crosswalk.
- c) *Exit-Side Bus Stop.* Trees may be planted within 2' from the rear of the bus zone as long as the basin edge is set back at least 5' from the curb edge. In remaining bus zone area, trees may be planted if 8' clear from the face of the curb to the edge of the tree basin is maintained. Trees should not be planted within 10' of the inside edge of the crosswalk.
- d) These requirements are subject to review and change based upon the specific site situation and review by Public Works and SFMTA.

12'-0" Wide Sidewalk:



16'-0" Wide Sidewalk:



- e) Clearances. When planting a tree within a Bus Zone, a minimum of 6' clear from the bus shelter must be maintained. If site furniture or other obstructions are movable, consider relocating obstruction(s) to accommodate tree planting. Consolidating newsracks should also be considered.

E. Planting a tree or landscaping adjacent to a restricted parking Blue Zone:

No tree or landscape material should be planted adjacent to a restricted parking Blue Zone when the sidewalk, including the curb, is less than 12' wide. If the sidewalk is wider, trees may be planted so long as 8' is maintained clear as measured from the curb.

V. GUIDELINES FOR NEW TREE BASIN CONSTRUCTION AND DIMENSIONS

A. Description and Intent. The tree basin is the sidewalk area removed for tree planting. The size of the tree basin varies based on many site opportunities and constraints. A larger tree basin provides required air and water for tree health, increased stormwater benefit and also allows more area for root growth, both of which are beneficial for the tree. The tree basin size should also be balanced with available sidewalk area and maintenance needs.

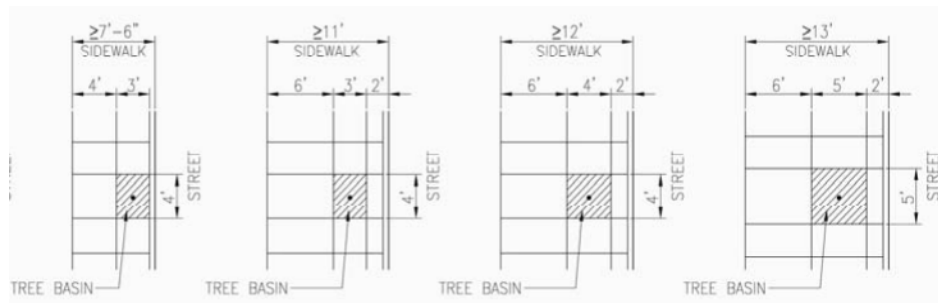
B. Placement on Sidewalk.

- i. A street tree should be planted in the center of the tree basin. In no case may new street trees result in an unobstructed sidewalk width of less than four feet. Trees should be placed in alignment with existing trees. In locations where minimum unobstructed sidewalk width will not be impacted, trees should be setback from the curb. Alignment should be approved by Public Works.
- ii. No street tree planting will be allowed in sidewalks with a width less than 7'-6". Exceptions may be granted on a case-by-case basis, as approved by Public Works.

iii. The diagrams below list minimum tree basin standards. It is recognized that larger basins allow for greater tree health, increased water permeability, reduced sidewalk upheaval by tree roots, and greater opportunities for landscaping. Larger basins and/or rectangular basins, where the dimension parallel to the curb is longer, are encouraged but must be reviewed on a case by case basis by the Bureau of Urban Forestry and may require a sidewalk landscaping permit issued by the Bureau of Urban Forestry. *See also Section I(C).*

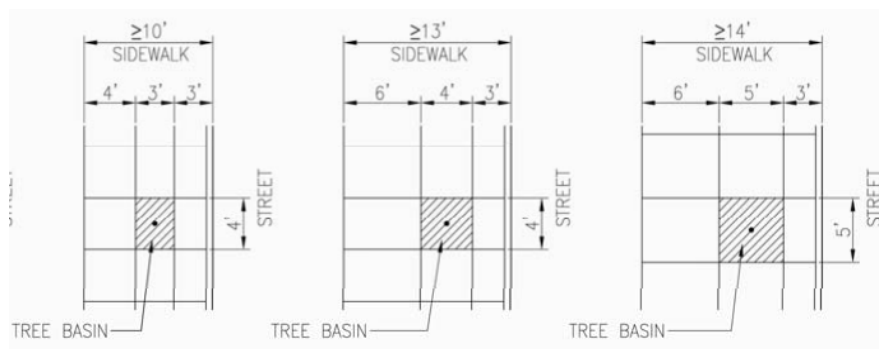
iv. *Tree basins where parallel or no parking exists:*

The diagrams below show standard recommended basin placement for some typical sidewalk widths. Alternate basin sizes and layouts may be approved by Public Works on a case-by-case basis.



v. *Tree basins where perpendicular or angled parking exists:*

In order to prevent the overhang of vehicles from damaging a tree, planters should be recessed from the curb edge such that the tree trunk or center line is located a minimum of 3 feet from the curb edge. It is also possible to locate the tree in alignment with the parking stripe if the above recess is not feasible. Exceptions may be granted on a case by case basis by the Bureau of Urban Forestry.



vi. *Planters where perpendicular or angled parking is proposed.*

Where existing trees have been planted within the first 3 feet in from the curb, parking stalls should be demarcated such that

existing trees align with the parking stripes to avoid conflicts with parking vehicles. Exceptions may be granted on a case by case basis by the Bureau of Urban Forestry and the MTA. This dimension may be reduced where bollards or wheel stops are used to protect the tree.

B. Tree basin surface and design.

- i. *Basin surfacing.* Tree basin grade should be maintained at the existing sidewalk grade. Decomposed granite and mulched surfaces may be installed and must be maintained at the existing sidewalk grade. The tree trunk should be centered within the tree basin. Tree grates and other structural basin covers are strongly discouraged, as over time, they can become a tripping hazard and can interfere with the growth of the tree. Soil underneath the rootball should be compacted to approximately 90% of dry density to prevent settlement. Soil around the lower half of the rootball should be compacted to approximately 75% of dry density to prevent rotation of the rootball within the planting hole. Soil around the upper half of the rootball should be only lightly compacted.
- ii. *Tree guards.* Tree guards are generally discouraged but may be appropriate on heavily traveled sidewalks for protection of newly planted trees that are established and no longer require staking. Tree guards must be approved by BUF.
- iii. *Basin railings and edging.* Tree basins may be edged with low planter railings between 6" and 18" in height where sidewalks have a minimum of 4 feet between the tree basin and a building wall. Railings must be continuous, and must be maintained so that they allow for water to percolate into the tree basin but do not fall into the sidewalk and do not contain pointed finials. Railings may be constructed of wood or metal so long as no sharp edges exist. Edging the planting zone with a contrasting material such as cobbles or brick paving is an appropriate design treatment and effectively demarcates the basin edge. Edging must be maintained at grade with the sidewalk, but still allow for water to percolate into the tree basin, as mentioned above.

VI. MAINTENANCE GUIDELINES FOR TREES AND LANDSCAPE MATERIAL ON PUBLIC SIDEWALKS AND MEDIANS

A. Pruning and maintenance guidelines:

- i. On the pedestrian side of the sidewalk, newly planted trees should not

have branches that extend beyond the perimeter of the tree basin below the 80" minimum vertical clearance. An 80" minimum vertical clearance from the lowest branch of a mature tree should be maintained.

- ii. On the vehicular traffic side of the sidewalk, the lowest branch should provide a 14' minimum clearance.
- iii. New tree or new landscape material should not obscure traffic or parking signs/signals or vehicular sightlines.
- iv. Tree foliage should be maintained to provide a minimum 6' clearance from any public streetlight in order to provide adequate lighting for the roadway.
- v. All tree maintenance work shall comply with Pruning Standards for Public Trees in the City & County of San Francisco, available from the Bureau of Urban Forestry. Article 16 of the Public Works Code authorizes Public Works to impose fines and other penalties for excessive pruning.
- vi. The permit holder is responsible for maintaining the trees and/or landscape material in a condition that is safe to pedestrians and vehicular traffic, free of litter and unsightly weeds, and is responsible for maintaining plants with appropriate pruning, watering, and other care as needed, and ensuring that trees and/or landscape material do not encroach into the 4-foot minimum accessible path of travel as described in Section E above.
- vii. Tree basin grade should be maintained flush with the existing sidewalk grade to prevent a tripping hazard.
- viii. Pruning of mature trees around electrical hazards:
 - a. PG&E is responsible for pruning away from high voltage lines. Property owners should contact PG&E if the tree adjacent to their property is potentially impacting high voltage electrical transmission lines.
 - b. If Property owners hire their own arborist they must hire an electrical hazard certified arborist for any pruning around high voltage overhead trolley wires. Tree branches should be maintained to allow at least three feet clearance from these wires.

Director of Public Works

Approved:



**Tree Removal Hearing
October 24, 2022**

Public Works Order No: 207222

3312 Clay St .

To consider the removal of street trees with replacement adjacent to 3312 Clay St.

Staff the removal application and the appealed.

Address. Tree Site #1
Victorian Box / *Pittosporum undulatum*
Permit Application

- **Tree Height -30'**
- **DBH 15'**
- **Condition: Good**
- **Deficiencies:** minor structural concerns, wound
- **Notes:** Cannot be replaced because of garage, issued appraised value in-lieu fee.



07/29/2022 07:52:46

3312 Clay St .

Arborist Report/ Applicant Comments/ Discussion

Planning approved garage in this location.

Planning did not consult BUF or consider factors beyond property line.

BUF cannot play role of planning and must make decision based on department guidelines.

Tree appraised for \$11,200. If approved, this will take the place of the in-lieu fee for lose of permanent site.



3312 Clay Tree 2
Pittosporum undulatum
Permit Application 792788

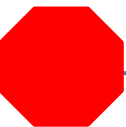
- **Tree Height 30'**
- **DBH – 14"**
- **Condition: Good**
- **Deficiencies:** structure

- **Notes:**

This tree is not proposed for removal. We are concerned that the tree may be damaged during garage curb cut installation and it also cannot be replaced due to its proximity to utilities.

Tree protection will be essential and owner required to submit Arborits report with appraised value.





PUBLIC COMMENT

Email to: boardofappeals@sfgov.org

San Francisco Board of Appeals
49 South Van Ness Suite 1475 (14th Floor)
San Francisco, CA 94103

RE: Pending appeal of "Public Works Order No. 207275" 3312-3314 Clay Street

Dear Board Members:

I am Thomas Fazekas owner for 18 years of 3320-3322 Clay Street, the adjacent westerly property abutting the proposed renovation and specifically the potential removal of one of two existing *Pitopsisporum undulatum* or commonly called Victorian box or Australian cheesewood

I have been requested to review the potential renovation and potential removal of the one of the *Pitopsisporum undulatum* located westerly and fronting my property line.

A bit of my background may help you further validate my opinion in this matter. I have a Bachelor of Science Environmental Planning and Management from UC Davis, with a minor in horticultural. I have been a vineyard owner and grower for 31 years and an avowed environmentalist, having personally saved numerous mature native oaks scheduled for destruction by adjacent property owners on the periphery of my vineyard land.

I have carefully reviewed the proposed renovation requiring major foundation upgrade; the Arborist report and have surveyed properties and existing street trees within a 1000' radius of the proposed project.

Here are my findings:

1. The proposed upgrade to a century old foundation will protect the adjacent properties in a major earthquake. A potential collapse would not only negatively affect the adjacent properties; it would potentially put our limited emergency resources, such as the fire department and public works, to name a few at greater peril in any disaster should the property sustain major collapse based upon its existing sub-standard foundation dating back a century. The existing tree removal will facilitate required access of major construction equipment for excavation and foundation upgrade.
2. Based upon my personal observation and the Arborist report the subject trees heartwood has been exposed to the elements which making is susceptible to disease, rot and weakening which may cause it to collapse in the near future. It is also my understanding is the stated regional goal is to replace all non-native plants, such as these including the additional tree to the east with California Native Tree's and/or approved street trees.

I must agree with the findings in the Arborist report and believe that the applicant can create a more user friendly garden by replacing both trees with a mature 24" box tree with suitable plantings to create vibrant streetscape. With help from the Department of Urban Forestry and Friends of the Urban Forest it would be a win-win for the resident's on Clay Street and the San Francisco environment.

3. There are major properties fronting Clay Street / Presidio/ Walnut that do not have ANY street trees. I believe this tree was added without permit by former owner's whom I knew personally. It seems unjust to require two (2) tree's on such a small street frontage when major multi-family properties on Clay Street have NONE.

The applicant has demonstrated to me that they have carefully studied the situation and based upon various professionals opinions that the best course of action for the adjacent owner's, the residents of Clay Street and the citizens of San Francisco, is to allow its removal.

Please accept this letter as my full and hearty support of this appeal to at a minimum allow the removal of the sub-standard, non-native *Pitissporum undulatum* on the western edge of the property at 3312-3314 Clay Street.

Furthermore I would appreciate the consideration of removal of both trees' to be replaced by a mature 24" box native or other approved street tree. This opportunity should not be wasted as it would greatly improve the street scape and expedite the renovation project to the benefit of those of us on Clay Street.

Cordially Yours



Thomas P Fazekas
3320-3322 Clay Street
San Francisco, CA 94118
1 415 939-4900

From: [Philip Bowles](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal 22-081: please grant!
Date: Friday, December 23, 2022 6:00:55 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The tree in front of 3312 Clay is an eyesore, and should be removed immediately. It's ridiculous that a property owner has to put up with filings, delays and permits in order to replace a half dead overgrown plant. If this were some ancient and well maintained specimen tree, or a tree that had some association with the neighborhood, I could understand objections. This is just another common street tree, unattractive, unnatural, and unwanted. If this appeal is not granted, the owner should simply stop watering it, so that whatever busybody is complaining can enjoy the beautiful stump.

Sincerely
Philip and Jamie Bowles
3323 Washington St.

--

Sent from phone, hence possible brevity, typos or spell-check oddities.

From: [BoardofAppeals \(PAB\)](#)
To: [Joshua Klipp](#)
Cc: [Rosenberg, Julie \(BOA\)](#); [Mejia, Xiomara \(BOA\)](#)
Subject: RE: Public Comment re Appeal No. 22-081 at 3312 Clay Street
Date: Tuesday, January 3, 2023 9:24:26 AM

Thank you for your email. We will add your letter to the appeal file and give a copy to the commissioners of this Board.

Alec Longaway
Legal Process Clerk, San Francisco Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103
Work PH: 1-628-652-1152
Cell: 1-415-746-0119

From: Joshua Klipp <joshuaklipp@gmail.com>
Sent: Sunday, January 1, 2023 4:16 PM
To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>
Subject: Public Comment re Appeal No. 22-081 at 3312 Clay Street

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Appeals,

Please see my below public comment regarding the above listed appeal set to be heard on January 4, 2022. Thank you, Josh

I attended SFPW's presentation regarding the proposed removal of this healthy, mature tree at an October 24, 2022, SFPW Administrative Hearing. At that hearing, it was evident from the presentation and testimony that the subject tree is proposed for removal primarily to accommodate a private garage, without replacement.

In my public comment at that hearing, I noted the importance of protecting healthy trees in San Francisco's shrinking and woefully underfunded urban forest. I additionally noted that, in the last few years alone, hundreds of street trees have been approved for removal for development projects - at 3333 California and 3700 California - within just a few blocks of this location.

To the extent the applicant claimed there was foundational work to be done, I noted that, within 2 blocks of my home in Potrero Hill, I've seen several homes perform full foundational overhauls while retaining the healthy trees that continue to live right in front of those homes.

I also noted that SF Planning has zero procedures in place to consider or protect trees that exist on the site of any proposed renovation work or new construction. And that if SFPW - and now this Board - do not put a stop to construction that is approved without regard to the existing natural environment, then we will continue to lose that environment when we need it the most.

Now is not the time to be tearing out healthy, mature trees so that we can house our combustible engines. It is also not the time to be engaging in construction that did not consider tree preservation. I respectfully request that SFPW's decision be upheld, and this appeal be denied. Thank you, Josh

--

Josh Klipp, Esq.

Certified Access Specialist with the California Division of the State Architect (CAsp-812)

Accessibility for Built and Virtual Environments. made-welcome.com

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