

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
737 BUENA VISTA LLC,)
Appellant(s))
vs.)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF URBAN FORESTRY,)
Respondent)

Appeal No. **22-086**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on November 28, 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 14, 2022, of a Public Works Order (DENIAL of an application to remove two street trees with replacement; Tree # 1 is 45 feet high with a 15-foot spread; the tree is in fair condition and not an immediate threat to safety; Tree # 2 is 45 feet high with a 25-foot spread; the tree is in poor to fair condition but not an urgent or immediate threat to safety) at 737 Buena Vista Avenue West.

ORDER NO. 207311

FOR HEARING ON February 1, 2023

Address of Appellant(s):

Address of Other Parties:

737 Buena Vista LLC, 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 28, 2022

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

PRELIMINARY STATEMENT FOR APPEAL NO. 22-086

I / We, **737 Buena Vista LLC**, hereby appeal the following departmental action: **ISSUANCE of Public Works Order No. 207311 (Denial of tree removal application)** which was issued or became effective on: **November 14, 2022**, to: **737 Buena Vista LLC** for the property located at: **737 Buena Vista Avenue West**.

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 **January 12, 2023, (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 **January 26, 2023, (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, February 1, 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

Signature: Via Email

Print Name: Justin Zucker, attorney for appellant

REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

November 28, 2022

Delivered Via E-mail

Julie Rosenberg, Executive Director
San Francisco Board of Appeals
49 South Van Ness, Suite 1475
San Francisco, CA 94103
boardofappeals@sfgov.org

Re: Appeal of Public Works Order No. 207311
737 Buena Vista Avenue West
Our File No.: 5601.05

Dear Director Rosenberg:

Our office is working with 737 Buena Vista LLC, owner of 737 Buena Vista Avenue West who is proposing removal of two street trees. On November 14, 2022, the Department of Public Works denied removal of the subject street trees (the, “**Denial**,” *see* Public Works Order No. 207311). Owner respectfully appeals the Denial because it is an abuse of discretion. The Denial is inequitable, considering: (1) the trees are in poor condition, (2) three trees under prior tree removal permit No. 781189 are proposed to be planted now that construction and utility placement is complete, and (3) the sidewalk, which has been tagged for repair, is proposed to be replaced. The subject trees, and had the three trees been planted before sidewalk replacement, are likely to fail from the sidewalk replacement. Accordingly, we respectfully request approval to remove the two subject street trees and planting five new trees.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

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One Bush Street, Suite 600, San Francisco, CA 94104
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office
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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: 207311

This Order supersedes Order No. 207304 to correct the appeal window date.

The Director of Public Works held a Public Hearing on Wednesday October 5, 2022, commencing at 10:00 AM 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. 207158 (permit no. 792850), removal of two (2) street trees with replacement adjacent to 737 Buena Vista Ave West. Staff denied the request to remove the trees and the applicant has appealed.

Findings:

The Department's presentation was made by Chris Buck, Bureau of Urban Forestry.

The application for removal was submitted by the property owner. The applicant stated that trees are in declining health, and public safety concerns due to sidewalk damage and potential damage due to limb failure.

Public Works staff denied the removal request. Staff assessed the tree health. Tree #1 is 45 ft high, 15 ft spread. Fair condition, tree branches have been extensively pruned to reduce the risk of limb failure. Tree stakes are too close to the trunk. Not an urgent or immediate threat to safety.

Tree #2 is 45 ft high, 25 ft spread. Poor to fair condition, tree branches have been pruned to reduce the risk of limb failure. Tree stakes are too close to the trunk. Not an urgent or immediate threat to safety. Tree canopy will fill back out. Previous permit for removal of other trees on property not followed with replacement of all 4 trees.

The applicant followed up with an additional replacement plan following the hearing which was evaluated by staff.

During public comment, members of the public protested the removal.

During General public comment there was a request to also be as visually descriptive as possible.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to uphold the staff recommendation and deny the removal of the trees.

Appeal: This Order and permit no. 792850 may be appealed to the Board of Appeals within 15 days of November 14th, 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

January 12, 2023

Delivered Via E-Mail

Julie Rosenberg, Executive Director
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94013
boardofappeals@sfgov.org
julie.rosenberg@sfgov.org

Re: Appeal No. 22-086 | 737 Buena Vista Avenue West
Appellant's Brief in Support of Appeal of DPW Order No. 207311
Hearing Date: February 1, 2023
Our File No.: 5601.05

Dear President Swig and Commissioners:

This office is working with 737 Buena Vista LLC (“**Applicant**”), owners of 737 Buena Vista Avenue West (the, “**Property**”) and proponent for a Department of Public Works permit to remove and replace two (2) street trees in front of the Property. The Bureau of Urban Forestry denied the Applicant’s request to remove and replace the subject trees. The trees are in poor/fair condition and likely not to survive replacement of the sidewalk, which has been tagged by the City to be fixed. In addition, the Applicant is planting several other street trees. The subject trees can be replaced to create a consistent streetscape across from a prominent City Park. Accordingly, we respectfully ask you approve the Applicant’s tree removal and replanting 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 Applicant’s permit is an abuse of discretion and against its interest. (SF Charter, § 4.106.) The Applicant respectfully asks this Board to grant the permit to remove and replace two (2) street trees next to the Property.

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Appreciating the subject trees proposed to be removed are mature (albeit not in great condition as discussed in Section C.1) and PG&E's placement of a utility vault in the sidewalk, eliminating an existing tree well, the Applicant proposes the following mitigation plan:

- a) Plant 48-inch box replacement trees that are approximately 3-inches in diameter rather than standard approximate 1-inch diameter trees, in acknowledgement of the biomass of the mature trees, with the southern tree (Tree #1) 18-inches in diameter and the northern tree (Tree #2) 15-inches in diameter;
- b) Plant three (3) 48-inch box trees for further biomass offsetting rather than standard trees as required by the February 27, 2018, Department of Public Works Permit No. 781189 (attached as **Exhibit A**);
- c) In line with Department of Public Works Permit No. 781189, payment of the current in-lieu fee, \$2,302 for the unanticipated loss of a tree planting location due to PG&E's placement of a utility vault under the sidewalk in a previously existing tree well;¹ and
- d) For further biomass offsetting, replacing the recently vandalized, approximately 1-inch magnolia tree in front of the property to the north, with an approximately 3-inch tree consistent with the trees proposed in front of the Property. The neighbor welcomes replacement of this tree to create a consistent streetscape. (Letter of support from this neighbor and others are attached as **Exhibit B**.)

¹ Permit No. 781189 allows for payment of a \$1,973 in-lieu fee if a significant tree can not be replaced. While not explicitly stated in Permit No. 781189, an in-lieu fee due to inability to plant a street tree is within the spirit of the permit. The Public Works Code calls for one (1) tree for every twenty (20) feet of street frontage. With seventy-five (75) feet of frontage, only four (4) street trees are required. (Public Works Code [Section 806\(d\)\(2\)](#).)

Three (3) new trees will be planted, and three (3) trees will be replaced. In total, six (6) approximately 3-inch street trees will be planted, the biomass equivalent of an 18-inch tree, with five (5) in front of the Property.

A. THE PROPERTY AND NEIGHBORHOOD CONTEXT

The Property is improved with the Spreckels Mansion, designed by architect Edward J. Vogel and constructed in 1897 for Richard Spreckels, a member of the Spreckels family that owned the Western Sugar Refinery in Potrero Hill. The Property is in the Haight Ashbury neighborhood. The Property is directly across the street from Buena Vista Park to the west. Buena Vista Park is the City's oldest park and third largest spanning thirty-seven (37) acres and reaching a peak of 575 feet, which became a lookout spot to watch fires around the City after the 1906 earthquake.²

Being such a prominent park, Buena Vista Park has had many boosters over the years. "Around 1910, park neighbors organized an improvement club to press for renovation of the park and the roads around it." Friends of Buena Vista Park was established in 1981 as a stewardship group for the park. In 1987, at the urging of the Buena Vista Neighborhood Association, which was founded in 1964, Recreation and Park crafted a \$2 million master plan with implementation over five (5) to eight (8) years.

Over its 125-year history, the Property has been home or host to several notable San Francisco residents:

- Jack London lived at the Property and is said to have written his classic White Fang in 1906 while living at the Property.³

² https://www.foundsf.org/index.php?title=Buena_Vista_History, last visited January 11, 2023.

³ <http://www.historyshomes.com/detail.cfm?id=554>, last visited January 10, 2023.

- Short story writer Ambrose Bierce resided at the mansion.
- In the 1960s, the top floor functioned as a sound studio, the Buena Vista Studios, where the Grateful Dead in their first session after changing their name from The Warlocks, Quicksilver Messenger Service, and the Steve Miller Band recorded music.⁴
- In the 1970s, Graham Nash though rumored to own and live at the Property actually owned and lived next door at 731 Buena Vista Avenue West. It seems the two homes were connected at that time, however, not anymore.⁵
- In 1990, Danny Glover and his then wife purchased the Property with her holding it until being sold to the Applicant.

B. HOME RENOVATION AND PRIOR TREE REMOVAL PERMIT

In 2014, Applicant purchased the Property. When Applicant purchased the Property, the Property had suffered some deferred maintenance. The existing landscaping was overgrowing with numerous trees and plants. In fact, some were growing into the home.

1. 2015 Home Addition and Renovation

In 2015, Applicant filed building permit application No. [2015.12.28.5984](#) for an addition and renovation of the Property (the “**Site Permit**”).⁶ The Site Permit’s scope includes the construction of a three-story horizontal addition at the rear, the modification of the rear roofline, the rehabilitation of the building to its historic appearance, the demolition of the existing garage,

⁴ <http://jerrygarciasbrokendownpalaces.blogspot.com/2012/08/buena-vista-studio-737-buena-vista-west.html>, last visited January 10, 2023.

⁵ Though some sources indicate that Graham Nash resided at 737 Buena Vista Avenue West, he resided at 731 Buena Vista Avenue West where he commissioned the elaborate metal gate constructed by E.A. Chase in 1979. (https://socketsite.com/archives/2008/05/no_real_story_but_the_gate_somewhat_seems_ever_so_san_fr.html, last visited January 10, 2023; <http://www.eachasemetalsmithing.com/comsion.html>, last visited January 10, 2023.)

⁶ Permit Tracking Report attached as **Exhibit C**.

construction of a new two-car detached garage structure, along with new hardscaping and landscaping (the “**Project**”).

The Site Permit called for removal of the two subject trees. On March 27, 2017, Section 311 notice for the Site Permit (associated plans attached as **Exhibit D**) was issued, providing notice that the two (2) subject trees were to be removed as part of the overall rehabilitation of the Property. While a Discretionary Review request was submitted it was withdrawn.

The Project’s landscaping and hardscaping programming includes the removal of the existing sidewalk and replacement with permeable pavers. (Sidewalk improvement plan attached as **Exhibit E**.) The installation of permeable pavers is an improvement to the public realm, both aesthetically and hydrologically. Permeable pavers allow for absorption of surface and rainwater into the earth. The absorption of water is beneficial for storm and surface water management as well as for the growth of street trees. With the deluge of atmospheric rivers this month, we have been reminded of the benefits of surface water management and stormwater mitigation.

2. Construction Hiccups and Completion

The Site Permit was issued at the end of 2017. After issuance of the Site Permit, corresponding addenda were submitted and received through 2018, with the last addenda issued October 29, 2018.⁷

Throughout the process, the Project was subjected to several setbacks, delaying construction. The initial architect no longer became involved and a new architect had to be brought on, which took time for them to get up to speed. Construction was brought to a screeching halt along with all other construction projects March 13, 2020, due to COVID-19. At first, it was the

⁷ Site Permit Addenda Permit Tracking Report attached as **Exhibit E**.

shelter-in-place order. But even after construction was allowed again, it could only resume at a reduce pace to observe OSHA COVID-19 health and safety protocols. Also in 2020, the Project manager's house burned down, which disrupted the flow of information for some time. Subsequently, a development lead for the Project who pulled the original permits unexpectedly passed away, causing additional delay and loss of institutional knowledge.

Construction completed in early 2022. Certificate of completion No. 5903990 for the Project was issued on March 1, 2022.

3. 2018 Significant Tree Removal Permit

At the start of Project construction, it was determined that six (6) significant trees needed to be removed. A tree removal permit was submitted to the Department of Public Works. On February 27, 2018, Permit No. 781189 ("**2018 Tree Permit**") was issued authorizing removal of six (6) significant trees. The 2018 Tree Permit authorized the removals with the condition that "4 trees can be replanted in the existing basins in the Public Right of Way. 2 additional trees will need to be planted in the significant zone or 2 in lieu fees to be paid (\$1,973/tree)." (See Exhibit A.)

a. PG&E Vault Placement

As part of the Project's rehabilitation of the historic home, a solar panel system was installed. (See Building Permit Application No. [2019.01.04.9621](#).) Along with other electrical improvements, an electric utility vault was required to service the historic home. An electric utility vault was placed by PG&E on the sidewalk. It is in the location of an empty tree well that was to be filled with a new street tree pursuant to the 2018 Tree Permit.

Location of the utility vault was determined by PG&E. Every two (2) years, PG&E typically publishes the PG&E Electric and Gas Service Requirements (aka The [Greenbook](#)), which

outlines requirements for placement of their utilities. Utility placement is done pursuant to the regulations set forth in the Greenbook and without input from the Applicant.

Due to where PG&E placed the utility vault, one (1) of the existing empty tree wells was removed. There is no longer space on the sidewalk to plant four (4) new street trees as required by the 2018 Tree Permit.

b. Planting of Significant Trees

Until Project construction was essentially complete, no trees were planted either on site or on the sidewalk. This is typical because there is a high risk of damage or destruction to newly planted trees from construction activities, including from compaction of soil/roots and/or inadvertent limb breakage. As part of the landscape programming to comply with the 2018 Tree Permit, two (2) cherry trees were planted within the significant zone at the front of the property flanking the front entrance (photo attached as **Exhibit G**).

c. Site Permit Certificate of Final Completion

Typically, development-related tree planting requirements are tied to the corresponding building permit. It becomes a condition. A certificate of final completion (“CFC”) for the building permit cannot be obtained until it is established that the tree planting requirements have been satisfied. While the 2018 Tree Permit was development related, for unknown reasons, its requirements were not included in the Site Permit.

While two (2) trees were planted in the significant zone prior to completion of construction, the four (4) required street trees to be planted had not because the sidewalk is to be replaced.

On March 1, 2022, CFC No. 5903990 was issued for the Site Permit.

C. CURRENT TREE REMOVAL AND REPLACEMENT PERMIT

In 2022, the subject tree removal permit was submitted for the two (2) subject street trees with replacement along with planting of street trees required by the 2018 Tree Permit. Because the landscaping and hardscaping program for the Project includes replacement of the sidewalk, it was not advisable to plant the three (3) street trees required by the 2018 Tree Permit until afterwards. New trees are vulnerable to shock. Replacement of the sidewalk requires approximately 8-inches to 10-inches of excavation for installation. (Arborist report regarding sidewalk replacement attached as **Exhibit H.**)

Replacement of the two (2) subject trees is warranted because they are not in good condition and not likely to survive replacement of the sidewalk. To create a cohesive streetscape, removal of the two (2) subject trees has always been proposed as noticed in the Section 311 notice. To this end, The Department of Public Works has conditioned processing the sidewalk replacement permit on tree removal and replacement. (Request for Additional Information for Special Sidewalk Permit No. 22SW-00017 attached as **Exhibit I.**)

1. Subject Trees are not in Good Condition Warranting Replacement

Colin Blackie, Certified Arborist (with Tree Risk Assessment Qualification) with the International Society of Arboriculture and Michael Young, a Certified Arborist with the International Society of Arboriculture, provided an Arborist Report regarding the Subject Trees, dated April 14, 2022, and tree appraisal valuations attached as **Exhibit J.** Messrs. Blackie and Young found the Subject Trees “have overgrown their planting spaces and are either declining, in danger of failure, or both . . . [and] recommended to replace the hazardous Eucalyptus trees.”

They observed that the subject trees merit removal and replacement for the following reasons:

1. Both trees have overgrown their planting space;
2. Roots for both trees are actively cracking the surrounding concrete causing uplifting of the sidewalk, creating a trip hazard for pedestrians (photos attached as **Exhibit K**);
3. The southern tree (Tree #1) has a poor/fair rating for both health and structure. The tree's canopy is thinning indicating decline and has "a large codominant leader directly overhanging parked cars with a high potential for failure due to the tree's low vitality and concentration of end weight on this leader." The Department of Public Works Order No. 207311 (attached as **Exhibit L**) likewise found the southern tree to be in "[p]oor to fair condition." Acknowledging the deficient canopy comparatively to a healthy tree – even looking at the two subject trees a noticeable difference is visible at first glance (photos attached as **Exhibit M**), Order No. 207311 optimistically states the "[t]ree canopy will fill back out."
4. The northern tree (Tree #2) has a fair rating for health and poor/fair rating for structure.

Subsequent from the arborists' initial inspection in April 2022, on November 28, 2022, they re-evaluated the potential impacts from sidewalk replacement. This was done after a notice of sidewalk repairs was posted on November 10, 2022.⁸ It was determined that:

⁸ Notice That Sidewalk Repairs are Required attached as **Exhibit N**. Though the notice lists 755 Buena Vista Avenue West, the Property was the targeted property tagged with the notice and responsible for the sidewalk replacement.

The construction activities necessary to replace the sidewalk near [the trees] root zone will cause further decline in [the trees]. The sidewalk replacement will result in further root loss and soil compaction that will lead to limb failure and the ultimate death of the tree[s]. The existing sidewalk is already cracking making it clear that the roots are close to the surface and the 8” – 10” of excavation needed for the installation of the new sidewalk will not be possible without removing the tree, furthering our conclusion that removal is the only option.” (See Exhibit I.)

Because the trees are not in good condition and not anticipated to survive replacement of the sidewalk with permeable pavers, replacement of the two (2) street trees is warranted.

2. Mitigation Plan

Because the two (2) trees to be removed are mature, albeit generally in fair/poor condition, Applicant proposes a mitigation plan to offset impacts. The mitigation plan includes:

- a) Replacing the two (2) subject trees with 48-inch box replacement trees that are approximately 3-inches in diameter rather than standard approximate 1-inch trees;
- b) Plant three (3) 48-inch box trees to fulfill Department of Public Works Permit No. 781189 rather than standard approximate 1-inch trees;
- c) Payment of the current in-lieu fee, \$2,302 for the unanticipated loss of a tree planting location due to PG&E’s placement of a utility vault under the sidewalk in a previously existing tree well; and
- d) Replacing the recently vandalized, approximately 1-inch magnolia tree in front of the property to the north, 755 Buena Vista Avenue West with an approximately 3-inch tree consistent with trees proposed in front of the Property. The neighbor welcomes replacement of this tree to create a consistent streetscape. (See Exhibit B.)

D. CONCLUSION

Removal of the subject trees is warranted because they are not in good condition and are not anticipated to survive the necessary sidewalk replacement. The Department of Public Works' denial of the subject tree removal permit is an abuse of discretion and against the Applicant's interests. Due to the maturity of the two trees to be removed, eighteen (18) inches of new biomass, from six (6) street trees, is proposed to be planted along with payment of an in-lieu fee for the loss of a planting location from PG&E's placement of a utility vault. For these reasons and those in the record, the Applicant respectfully asks the Board of Appeals to overrule the Department of Public Work's determination and allow removal and replacement of the subject trees.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

Enclosures:

- Exhibit A - Public Works Permit No. 781189 [2018 Tree Permit]
- Exhibit B - Neighbor Support Letters
- Exhibit C - Permit Tracking System Report for Site Permit
- Exhibit D - Site Permit 311 Plan Set
- Exhibit E - Proposed Sidewalk Improvement Plan
- Exhibit F - Permit Tracking System Report for Site Permit Addenda
- Exhibit G - Photos of Two Significant Trees Planted
- Exhibit H - Arborist Report regarding sidewalk replacement
- Exhibit I - Special Sidewalk Permit No. 22SW-00017 and Request for Information
- Exhibit J - Arborist Report
- Exhibit K - Photos of sidewalk damage and uplifting
- Exhibit L - Public Works Order No. 207311
- Exhibit M - Photos of the two (2) subject trees
- Exhibit N - Notice of Sidewalk Repairs Required

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

Exhibit A



City and County of San Francisco

San Francisco Public Works · Bureau of Urban Forestry

49 South Van Ness Ave, Suite 1000 • San Francisco, CA 94103

sfpublicworks.org · tel 628-652-8733

PERMIT FOR PLANTING, MAINTENANCE OR REMOVAL OF SIDEWALK TREES

Pursuant to the provisions of Article 16, Sec. 806 of the Public Works Code, as amended, permission is hereby granted to:

737 BVA WESR LLC

owner

737 Buena Vista Ave West

San Francisco CA 94117

This permit specifically grants permission for:

Permit Remove Tree - 6

Permit Plant Tree - 6

on the sidewalk adjacent to the premises at:

737 Buena Vista Ave West

Permittee agrees to hold harmless the City and County of San Francisco, its officers, agents and employees from any damage or injury caused by reason of the planting or the placement or maintenance of the planter plants. The owner or owners of the respective property shall be solely liable for any damage. Per Article 16: Section 806.5.(b).(1) all work associated with a street tree permit must be completed within six (6) months of issuance, unless an extension has been granted by the Department. This permit must be on site when permission has been granted for removal of a street tree. If a tree species is not specified above, please contact Bureau of Urban Forestry to discuss an appropriate and approved species to plant.

Special Conditions: Permit to remove 6 significant trees within 10' behind the Public Right of Way. Trees included as significant are: 1 Mexican Fan Palm, 2 Corydlines, 2 Ilex, and 1 pittosporum. 4 trees can be replanted in the existing basins in the Public Right of Way. 2 additional trees will need to be planted in the significant zone or 2 in lieu fees to be paid (\$1,973/tree). Trees need to be maintained and established by the property owner for three years. At which point the city will inspect the trees for health and determine if we can take back the maintenance of the new trees. Please plant using 3" of mulch and water 20 gallons a week for three years for optimal health.

Date Issued: 2/27/2018

Permit No: 781189

Approved:

Director, Department of Public Works

Chris Buck, Urban Forester

Bureau of Urban Forestry

Exhibit B

Justin A. Zucker

From: Erik Jorgensen <ejorgensen@redhorseconstructors.com>
Sent: Tuesday, January 10, 2023 12:52 PM
To: Justin A. Zucker
Subject: FW: 737 BVW Tree Removal

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Erik Jorgensen
Redhorse Constructors
36 Professional Center Parkway
San Rafael, CA 94903
510.384.5755 c
415.492.2020 p
415.492.2016 f

From: Ianthia Smith <ikhsmith@gmail.com>
Sent: Tuesday, January 10, 2023 12:19 PM
To: Erik Jorgensen <ejorgensen@redhorseconstructors.com>
Subject: 737 BVW Tree Removal

****Non-RHC Email****

To: Joby and Jackie,

We've lived on Buena Vista West for more than 40 years and the current tree situation in front of 737 BVW is about the worst we've seen. The 2 surviving (of 5) corymbia ficifolia trees shed leaves, gum, pods and red clusters all over the sidewalk, street and any cars unlucky enough to park underneath. The overgrown roots continuously damage the sidewalk. In fact, even though the trees do not belong to us, roots came up under OUR sidewalk in 2014 and we were forced by then city law (NTR # 1017227) to pay to replace damaged squares. It's a situation that was dangerous then, and is dangerous now.

We support your plan to remove the trees, replace them with something more appropriate, as well as repair or replace sidewalk squares as needed. The recent construction project resulted in the loss of our two street front flowering cherry trees leaving one empty tree basin and one struggling magnolia sapling in front of our home. As a matter of fact, replacing our magnolia tree with something

matching those planned for 737 BVW would be welcome. The resulting uniform landscaping along our block would be a plus for the entire neighborhood.

William and Ianthia Smith
755 BUENA VISTA AVE WEST

--

Hall & Smith
Buena Vista West
San Francisco,CA

From: [Erik Jorgensen](#)
To: [Justin A. Zucker](#)
Subject: FW: tree removal and replant at 737 BVW
Date: Sunday, January 8, 2023 1:57:00 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Justin,

This is from Judy the neighbor 2 doors to the north.

Erik

Erik Jorgensen
Redhorse Constructors
36 Professional Center Parkway
San Rafael, CA 94903
510.384.5755 c
415.492.2020 p
415.492.2016 f

From: Judy Soong <judy23sf@gmail.com>
Sent: Sunday, January 8, 2023 1:03 PM
To: Erik Jorgensen <ejorgensen@redhorseconstructors.com>
Subject: Re: tree removal and replant at 737 BVW

****Non-RHC Email****

Hi Erik

I very much am in support of replacing the two trees at 737 Buena Vista West because of safety and waste. Those tree roots cause unsafe conditions for pedestrians because of uneven sidewalks and rolling pods. The many pods that drop are all over the sidewalk and run down my driveway.

Thanks for your help in trying to replace these trees with more appropriate ones.

Judy Soong
759 BVW

On Thu, Jan 5, 2023 at 2:50 PM Erik Jorgensen <ejorgensen@redhorseconstructors.com> wrote:

Hi Judy! HNY!

Would you be willing to write a brief email signifying your support of the removal of the existing trees, the hope for a uniform replanting and the need for the sidewalk to be

repaired? Of particular desire is to hear how you'd really like the existing trees removed, due to their dangerous nature, appearance etc. Ive reached out to Bill and Ianthia and Johnathan from up the street and they are writing an email. Please send to me in the next few days so I can include in our submittal, if you can.

Thank you,

Erik

Erik Jorgensen

Redhorse Constructors

36 Professional Center Parkway

San Rafael, CA 94903

510.384.5755 c

415.492.2020 p

415.492.2016 f

Justin A. Zucker

From: Erik Jorgensen <ejorgensen@redhorseconstructors.com>
Sent: Tuesday, January 10, 2023 5:37 AM
To: Justin A. Zucker
Subject: Fwd: 737 BVW trees

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender.

Justin,

Here's another letter from a neighbor to the south.

Erik

Erik Jorgensen
510.384.5755

Begin forwarded message:

From: johnsmith <gridsnap@gmail.com>
Date: January 10, 2023 at 12:27:26 AM PST
To: Erik Jorgensen <ejorgensen@redhorseconstructors.com>
Subject: Re: 737 BVW trees

****Non-RHC Email****

Hey Erik,
Happy New Year to you too!

Sorry for the late reply, we had family in town and I'm sure you know how much of a time suck family can be! ;)

So, here's a draft that we crafted. Let me know if you want to add or change anything.

Thanks,

-john

January 10, 2023

715 Buena Vista Ave W
San Francisco, CA 94117

To Whom It May Concern:

We have learned that our neighbor's request to replace the trees in front of their home at 737 Buena Vista Ave W has been denied by the city. We are very disappointed and surprised by the decision as the current trees pose a huge safety threat caused by the uplifting of the sidewalk due to the overgrown roots and by the large seeds that are continuously dropped creating an uneven and slippery mess.

The condition of that sidewalk caused by the existing trees is a massive liability to them and the city. If anyone were to be injured and a lawsuit filed, it seems a shame that our neighbors were willing to replant new trees and the city failed to grant them that request.

We would greatly appreciate you taking a moment to reconsider the decision as it seems that it would only benefit our city both for the safety and the beautifying of our neighborhood.

Respectfully,
Eri Chaya & John Smith

January 10, 2023

To Whom It May Concern:

We have learned that our neighbor's request to replace the trees in front of their home at 737 Buena Vista Ave W has been denied by the city. We are very disappointed and surprised by the decision as the current trees pose a huge safety threat caused by the uplifting of the sidewalk due to the overgrown roots and by the large seeds that are continuously dropped creating an uneven and slippery mess.

The condition of that sidewalk caused by the existing trees is a massive liability to them and the city. If anyone were to be injured and a lawsuit filed, it seems a shame that our neighbors were willing to replant new trees and the city failed to grant them that request.

We would greatly appreciate you taking a moment to reconsider the decision as it seems that it would only benefit our city both for the safety and the beautifying of our neighborhood.

Respectfully,

Two handwritten signatures in black ink. The first signature on the left is stylized and appears to be 'Eri Chaya'. The second signature on the right is also stylized and appears to be 'John Smith'.

Eri Chaya & John Smith
715 Buena Vista Ave W
San Francisco, CA 94117

On Jan 4, 2023, at 9:18 AM, Erik Jorgensen <ejorgensen@redhorseconstructors.com> wrote:

Hi John,

Happy New Year!! I hope your build is moving forward seamlessly and not causing too much stress.

I'm hoping you'd be willing to write a letter indicating your support for the removal of the existing trees in front of 737. We are appealing as the city had denied our request to remove and replant and any support from the neighbors would be helpful. The plan is to remove the two and replant 4 in front of 737 and possibly more further north, final tree selection has not been made but I do know olives are in the running. The current trees

are uplifting the sidewalk and drop nasty balls which can be dangerous to walkers. Whatever we plant is going to be beautiful, fairly large sized, hopefully a 36-48" box tree, and won't have these ankle grenades.

Anyway, I hope you are well. If you would please craft an email in support of the tree removal I'd greatly appreciate it. We need to submit by 1.12 so there isn't much time.

Thank you,
Erik

Erik Jorgensen
Redhorse Constructors
36 Professional Center Parkway
San Rafael, CA 94903
510.384.5755 c
415.492.2020 p
415.492.2016 f

Exhibit C

Permit Details Report**Report Date:** 1/11/2023 10:35:38 PM

Application Number: 201512285984
 Form Number: 3
 Address(es): 1256 / 012 / 0 737 BUENA VISTA WEST AV
 Description: CONSTRUCT A 3 STORY HORIZONTAL ADDITION INCLUDING MASTER BEDROOMS, BEDROOMS, KITCHEN, FAMILY ROOM, GREAT ROOM & GARAGE TO (E) 4 STORY HO INTERIOR REMODEL.
 Cost: \$2,270,000.00
 Occupancy Code: R-3
 Building Use: 27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
12/28/2015	TRIAGE	
12/28/2015	FILING	
12/28/2015	FILED	
12/18/2017	APPROVED	
12/19/2017	ISSUED	
3/1/2022	COMPLETE	5903990 CFC ISSUED

Contact Details:**Contractor Details:**

License Number: 684764
 Name: BILL BROWN
 Company Name: BILL BROWN CONSTRUCTION
 Address: 242 PHELAN AV * SAN JOSE CA 95112-0000
 Phone: 4082973738

Addenda Details:**Description:** SITE.

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	12/30/15	12/30/15			12/30/15	SHEK KATHY	39 PAGES.
2	CP-ZOC	12/30/15	9/18/17			9/18/17	BENDIX BRITTANY	
3	CP-NP	3/16/17	9/18/17	3/16/17	3/20/17	9/18/17	BENDIX BRITTANY	Sec. 311 cover letter mailed: 3/16/17 Sec. 311 mailed exp: 4/26/17 (Milton)
4	CP-DR	4/26/17	4/26/17			9/18/17	BENDIX BRITTANY	DR accepted at pIC from KH; DR withdrawn per ag without hearing.
5	BLDG	9/18/17	10/20/17	4/18/18		11/29/17	NG JOE	Met with applicant for recheck, intake revised draw
6	SFFD	10/25/17	10/26/17			10/26/17	HARSHMAN KJELL	approved and forwarded to PPC 10-26-2017
7	DPW-BSM	10/26/17	10/30/17			10/31/17	CHOY CLINTON	Approved SITE Permit only. 10/31/17: ADDENDUM requirement(s) for sign off: Inspection Right-of-Way Conformity (final inspection) & Minor Sidewalk Encroachment (to document the existing stair enclosure on the sidewalk). Download sidewalk application(s) http://www.sfpublishworks.org/services/permits/apply forms and submit them at 1155 Market, 3rd Floor. If construction addendum will be ON-HOLD until all permit(s) are approved or the assigned BSM plan clerk may recommend sign off to the satellite office via email. Please call BSM main office at (415) 554-5810 or visit http://www.sfpublishworks.org/informationalbrochure permit application information. -CC
8	SFPUC	11/1/17	11/22/17			11/22/17	TOM BILL	Not Applicable - Not enough changes for charges. R PPC 11/22/17. 11/16/17 - Reviewed plans. Requester count.
9	SFFD	11/30/17	12/1/17			12/1/17	HARSHMAN KJELL	RESTAMP
10	DPW-BSM	12/1/17	12/5/17			12/5/17	ZHOU ANDY	Approved SITE Permit only. 12/5/17: ADDENDUM requirement(s) for sign off: Inspection Right-of-Way Conformity (final inspection) & Minor Sidewalk Encroachment (to document the existing stair enclosure on the sidewalk). Download sidewalk application(s) http://www.sfpublishworks.org/services/permits/apply forms and submit them at 1155 Market, 3rd Floor. If construction addendum will be ON-HOLD until all permit(s) are approved or the assigned BSM plan clerk may recommend sign off to the satellite office via email. Please call BSM main office at (415) 554-5810 or visit http://www.sfpublishworks.org/informationalbrochure

								http://www.sfgov.org/dbi/default.aspx?page=PermitDetails permit application information. -AZ
11	SFPUC	12/6/17	12/6/17			12/6/17	TOM BILL	Not Applicable - Not enough changes for charges. R PPC 12/6/17.
12	CP-ZOC	12/6/17	12/13/17			12/13/17	BENDIX BRITTANY	
13	PPC	12/13/17	12/13/17			12/18/17	CHEUNG DEREK	12/13/17: missing designer wet signature on both sheets; dc 12/6/17: to DCP for restamp; dc 12/6/17: PUC;EC. 12/1/17: to BSM for restamp; cp 11/30/17: for restamp (then BSM, PUC and DCP);EC. 11/27/17: bin; cp 10/26/17: to BSM; dc 10/25/17: to SFFD; dc 10/20/17: OTC denied; Plans route back to Jaime C desk;EC. 10/18/17: to supervisor for OTC approval; 10/13/17: to Jaime O'Leary's desk;EC.
14	CPB	12/18/17	12/18/17			12/19/17	GUTIERREZ NANCY	NEED CONSTRUCTOR'S INFO. SFUSD POSTED. APPROVED BY NG 10/13/17: customer paid Premi Check fee. gs

This permit has been issued. For information pertaining to this permit, please call 628-652-3450.

Appointments:

Appointment Date	Appointment AM/PM	Appointment Code	Appointment Type	Description
3/1/2022	AM	CS	Clerk Scheduled	FINAL INSPECT/APPRVD

Inspections:

Activity Date	Inspector	Inspection Description	Inspection Status
3/1/2022	Travis Kappes	FINAL INSPECT/APPRVD	CFC ISSUED
12/6/2021	Colette Cummins	SHEETROCK NAILING	SHEETROCK NAILING
6/15/2021	Carl Weaver	REINFORCING STEEL	REINFORCING STEEL
1 2 3 4 5 6 7 8 9 10 ...			

Special Inspections:

Addenda No.	Completed Date	Inspected By	Inspection Code	Description	Remarks
4	2/10/2022	VZENG	IB59	CF2R-MCH-22-H - SPACE CONDITIONING SYSTEM FAN EFFICACY	
4	2/10/2022	VZENG	IB57	CF2R-MCH-01-E - SPACE CONDITIONING SYSTEMS DUCTS AND FANS	
4	2/10/2022	VZENG	IB58	CF2R-MCH-20-H - DUCT LEAKAGE DIAGNOSTIC TEST	
4	2/10/2022	VZENG	IB13	CF2R-MCH-02-E - WHOLE HOUSE FAN	
4	2/10/2022	VZENG	VP3	CF2R-PLB-22-H - HERS VERIFIED SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
4	2/10/2022	VZENG	IP8	CF2R-PLB-22-H - HERS VERIFIED SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
4	2/10/2022	VZENG	IP7	CF2R-PLB-03-E - POOL AND SPA HEATING SYSTEMS	
4	2/10/2022	VZENG	IP5	CF2R-PLB-02-E - SINGLE DWELLING UNIT HOT WATER SYSTEM DISTRIBUTION	
4	2/10/2022	VZENG	IE17	CF2R-SPV-01-E - PHOTOVOLTAIC SYSTEMS	
4	2/10/2022	VZENG	IE1	CF2R-LTG-01-E - LIGHTING - SINGLE FAMILY DWELLINGS	
1 2 3 4 5					

For information, or to schedule an inspection, call 628-652-3400 between 8:30 am and 3:00 pm.

Station Code Descriptions and Phone Numbers

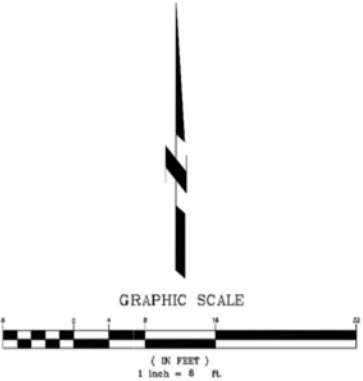
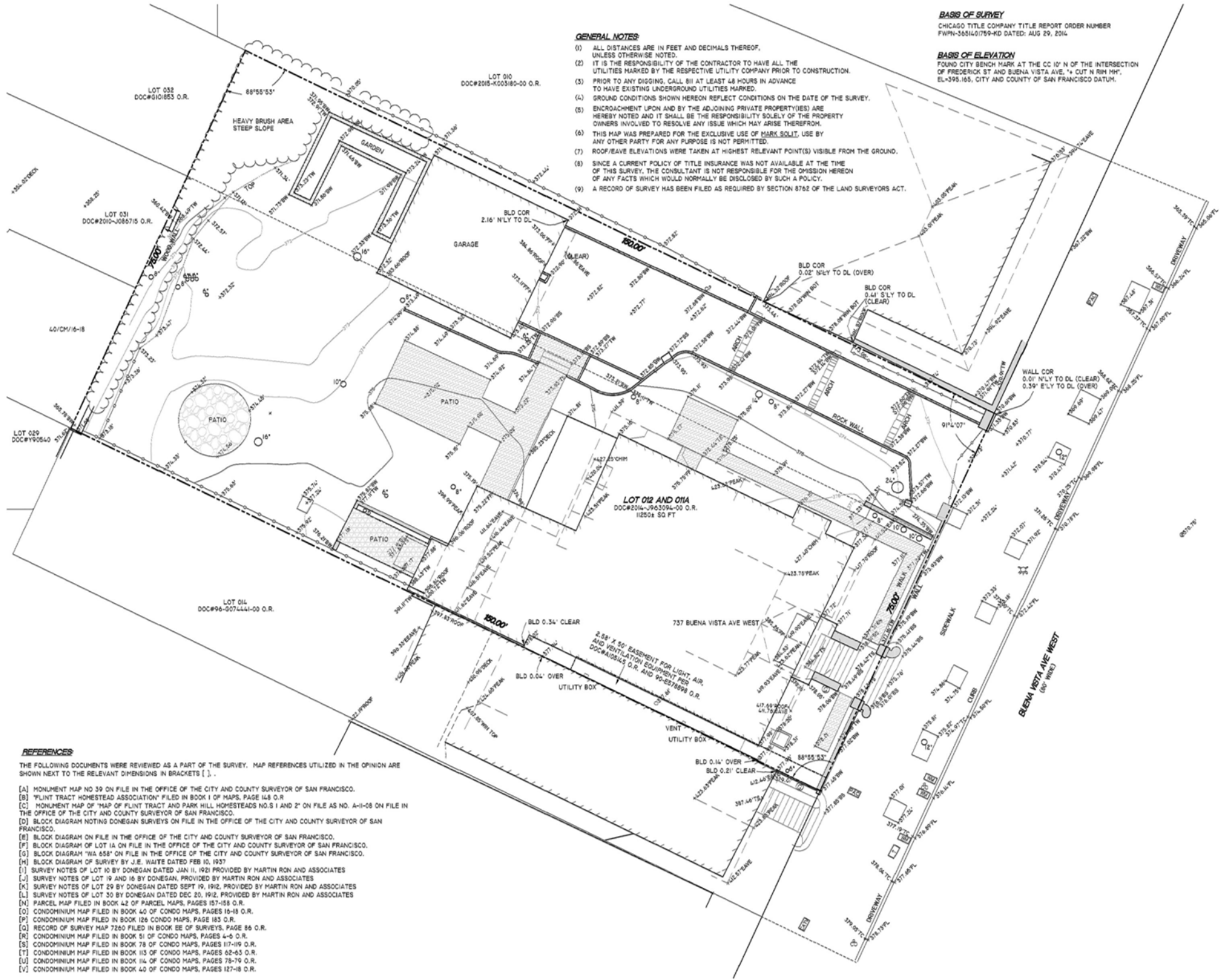
[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Exhibit D

NOTE:
THE INFORMATION OF THIS DRAWING WAS TRANSFERRED BY
STEINBERG FROM AN ORIGINAL FIELD SURVEY PREPARED BY
GEOMETRIX SURVEY ENGINEERING INC. DATED JUNE 2015.
QUESTIONS CONCERNING THE VERACITY OF THIS SURVEY MUST
BE REFERRED BACK TO THE ORIGINAL SURVEY. A TRUE COPY OF
WHICH IS AVAILABLE IN THE ARCHITECT'S OFFICE. THE DRAWING
IS NOT TO SCALE



SITE SURVEY

OF
APN 1256 012 & 011A
737 BUENA VISTA WEST
CITY OF SAN FRANCISCO
PREPARED AT THE REQUEST OF
MARK SOLIT

COUNTY OF SAN FRANCISCO
SCALE 1"=8'

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JUNE 2015

CALIFORNIA

GEOMETRIX SURVEYING ENGINEERING INC.



5436 CALIFORNIA STREET
SAN FRANCISCO, CA 94118
(415) 422-0527
(415) 422-0517
LOU@GEOMETRIXSURVEY.COM
WWW.GEOMETRIXSURVEY.COM

PROJECT NO: 15012	FIELD SURVEY DATE: 05-29-15
REVISION 0	DRAWN BY: LC
REVISED:	PAGE 1 OF 1

737 Buena Vista West

EXISTING SITE SURVEY

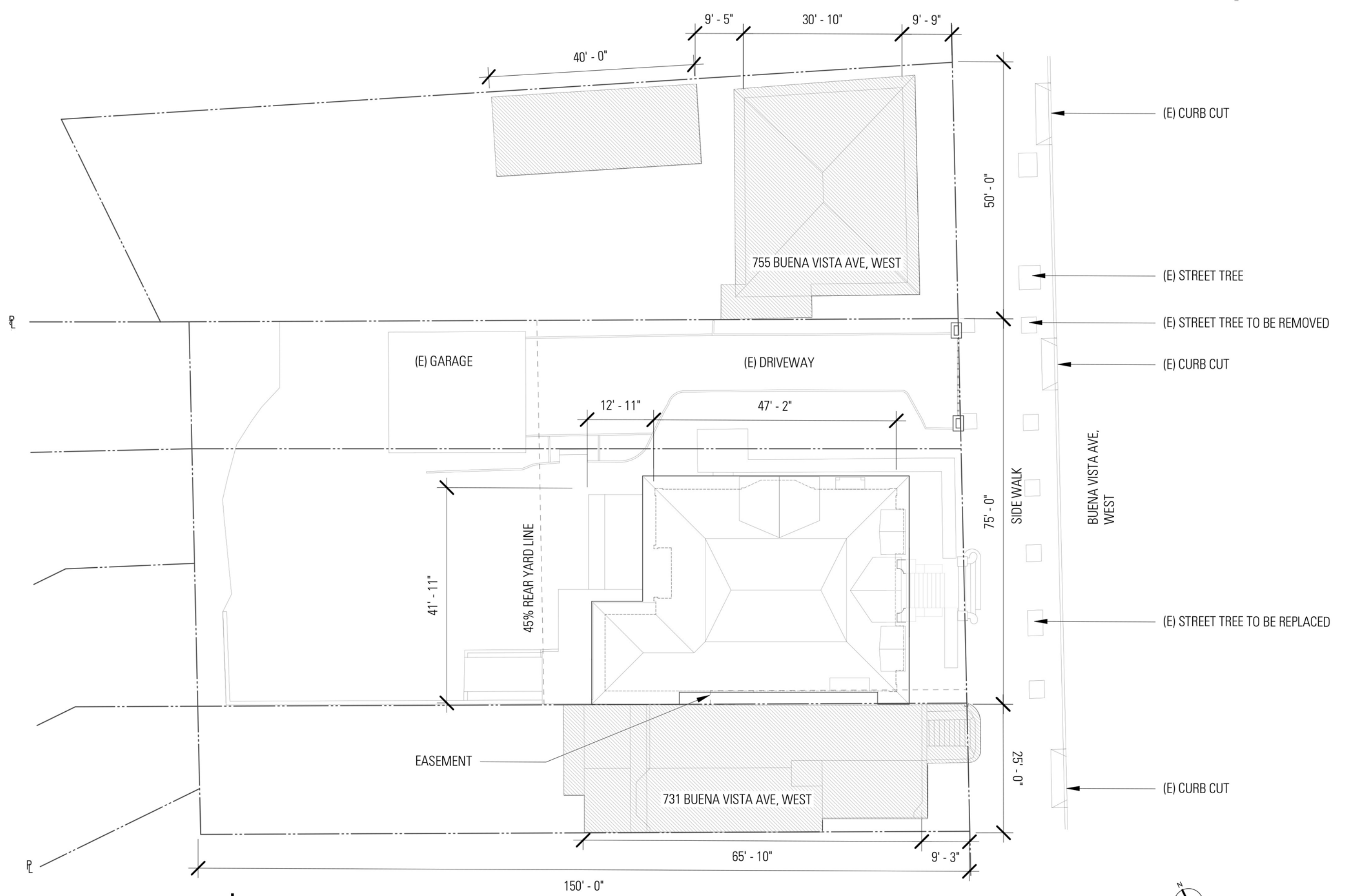
RICHARD BEARD Architects

2475 3rd Street . Studio 252 . San Francisco . CA 94107 . tel 415 458 2600 www.richard-beard.com

1620

02/16/17

NTS



737 Buena Vista West

EXISTING SITE PLAN

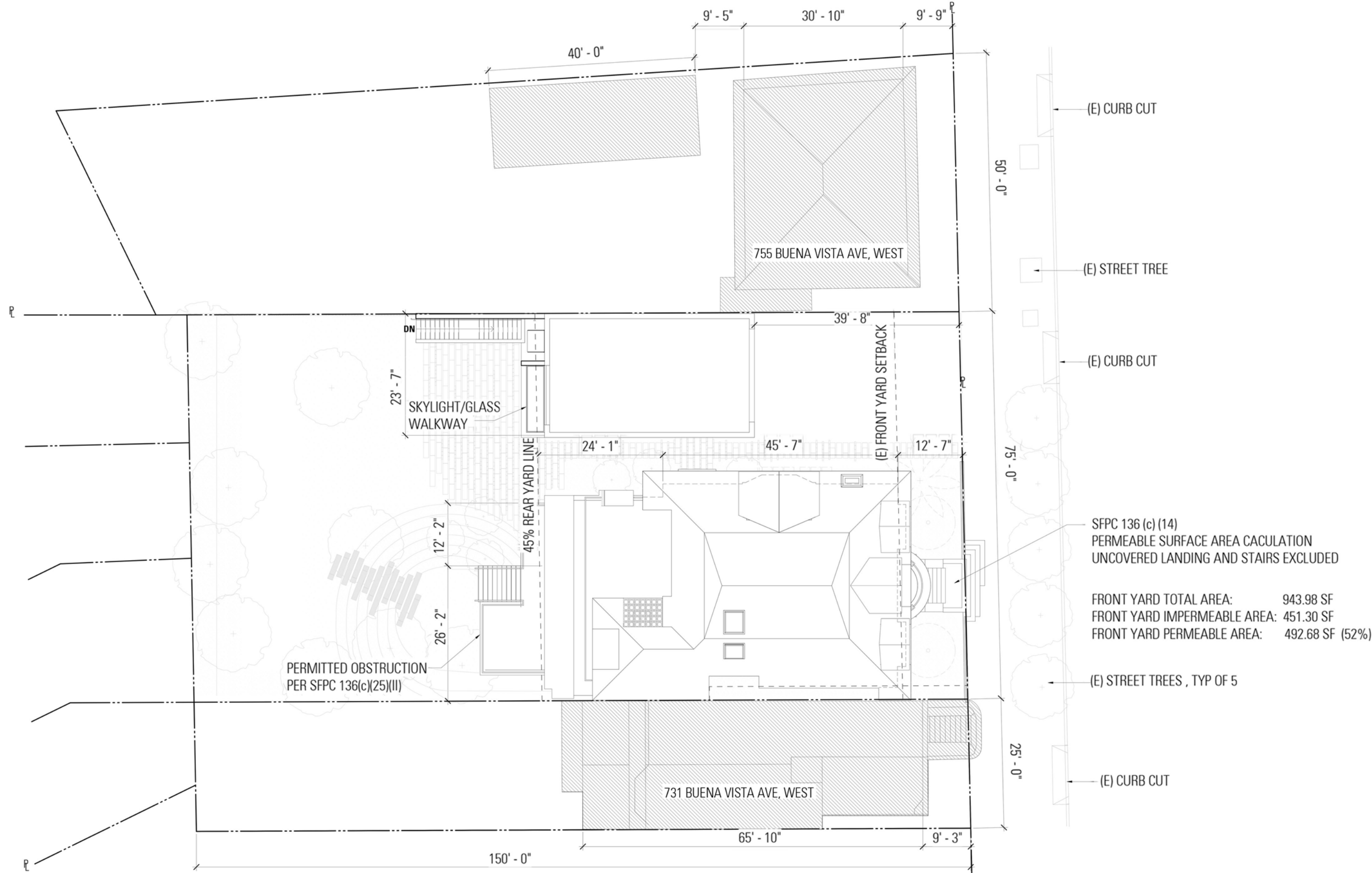
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02/16/17

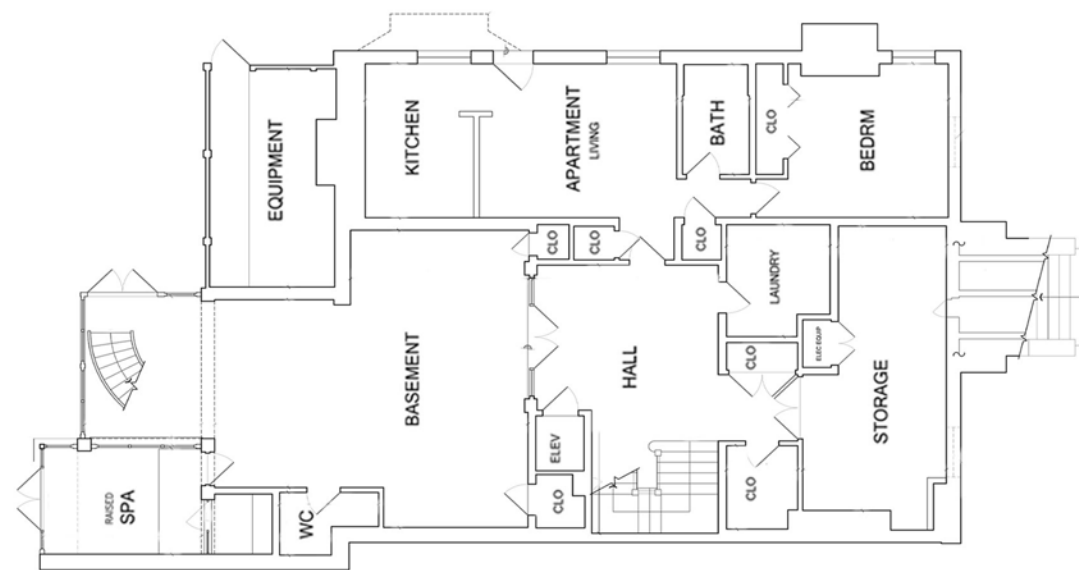
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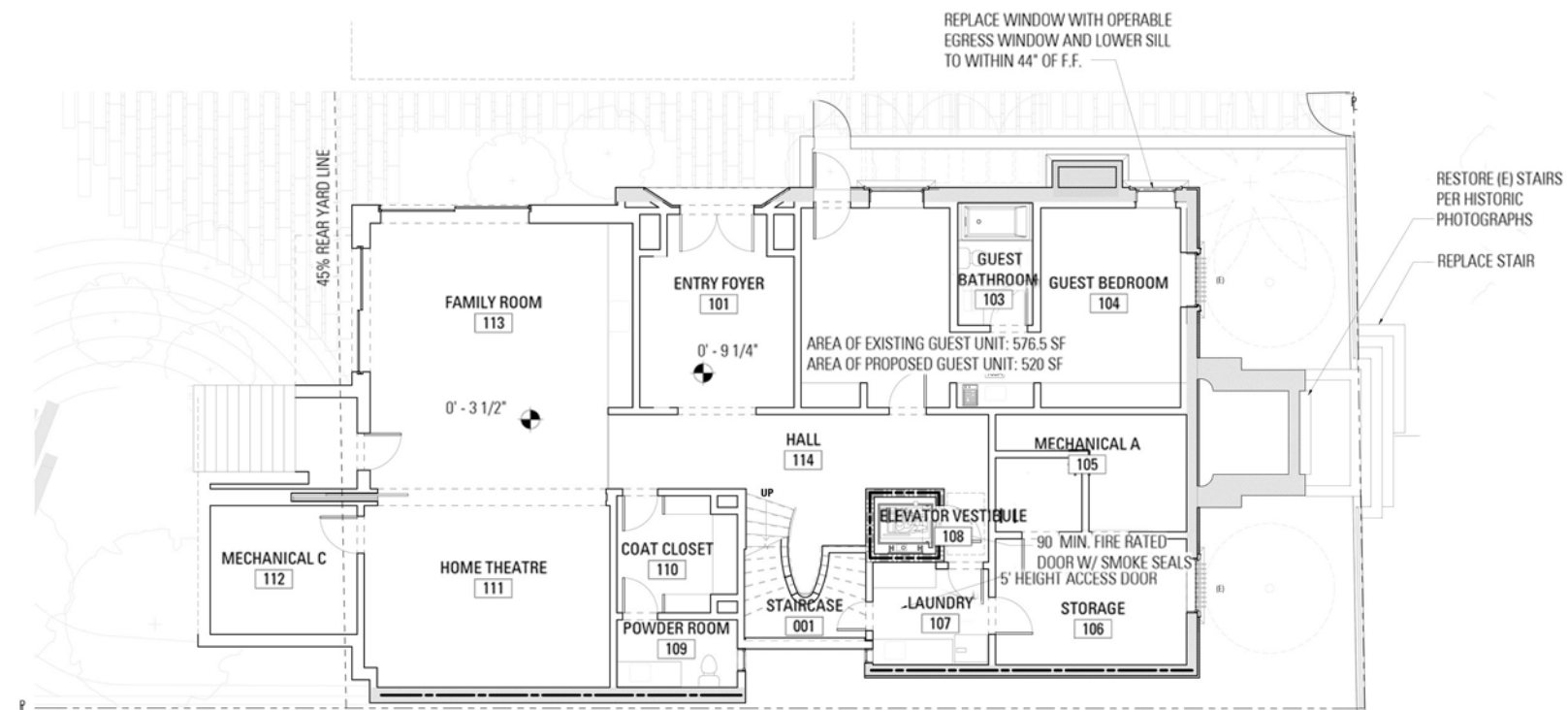
737 Buena Vista West

PROPOSED SITE PLAN

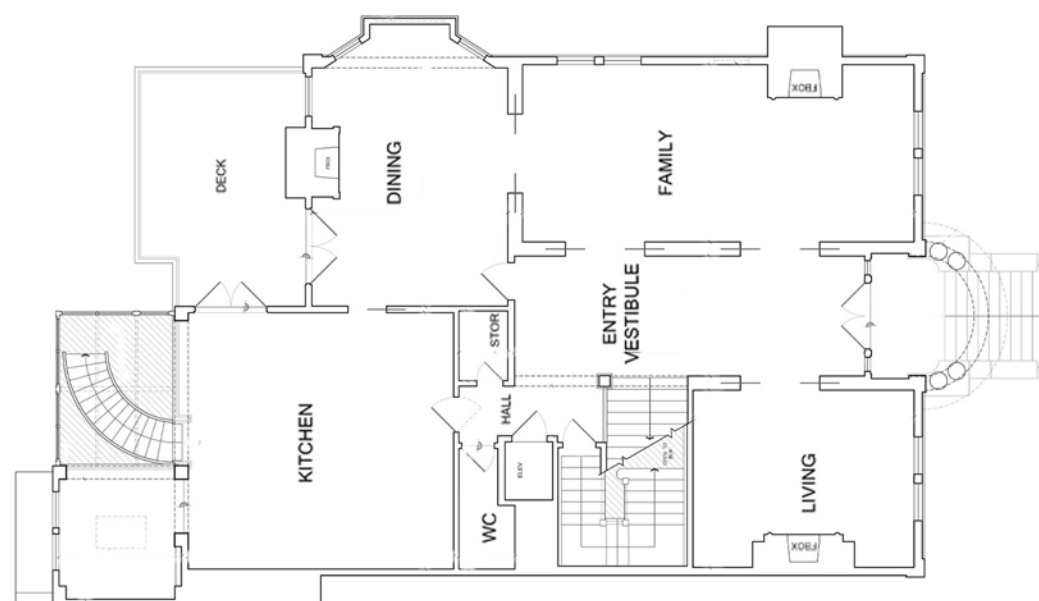




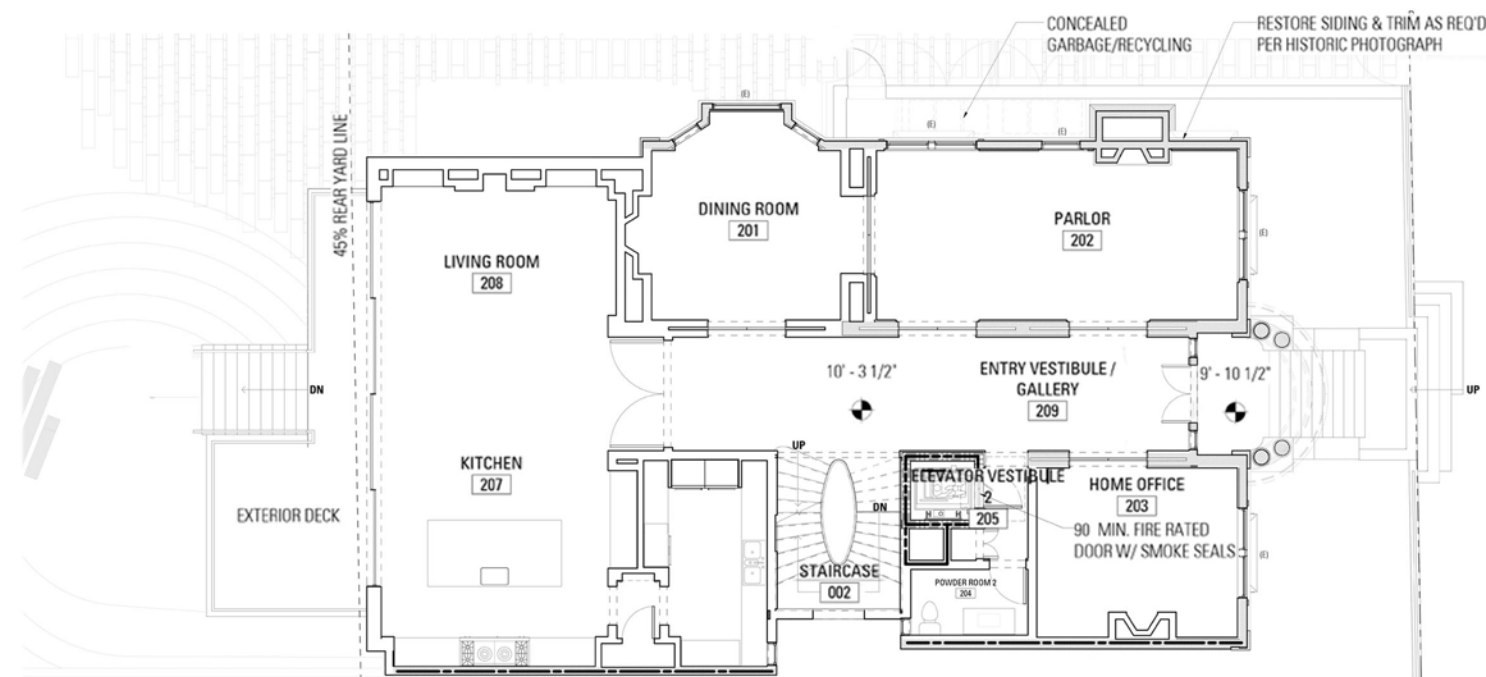
EXISTING 1ST FLOOR PLAN



PROPOSED 1ST FLOOR PLAN



EXISTING 2ND FLOOR PLAN



PROPOSED 2ND FLOOR PLAN

737 Buena Vista West

EXISTING AND PROPOSED 1ST AND 2ND FLOOR PLANS

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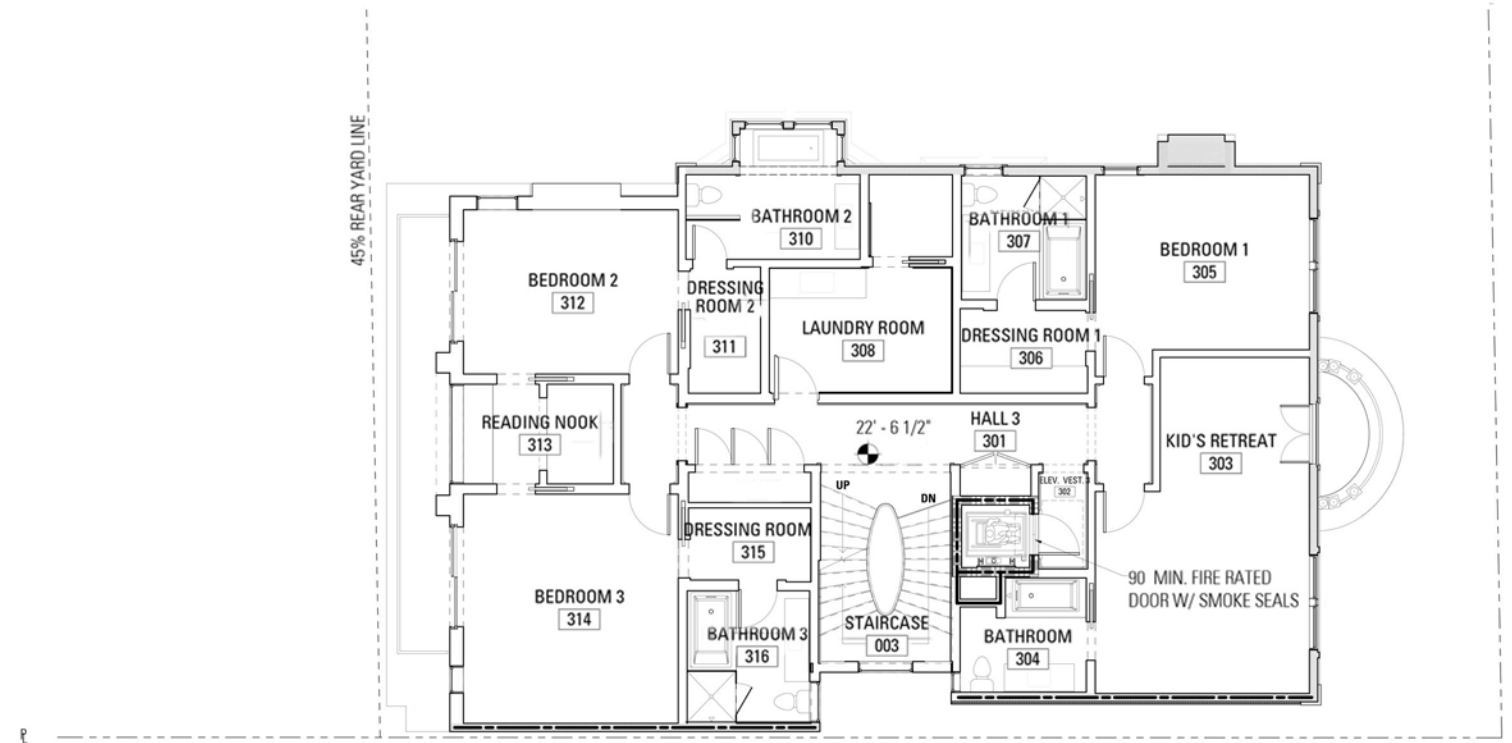
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02/16/17

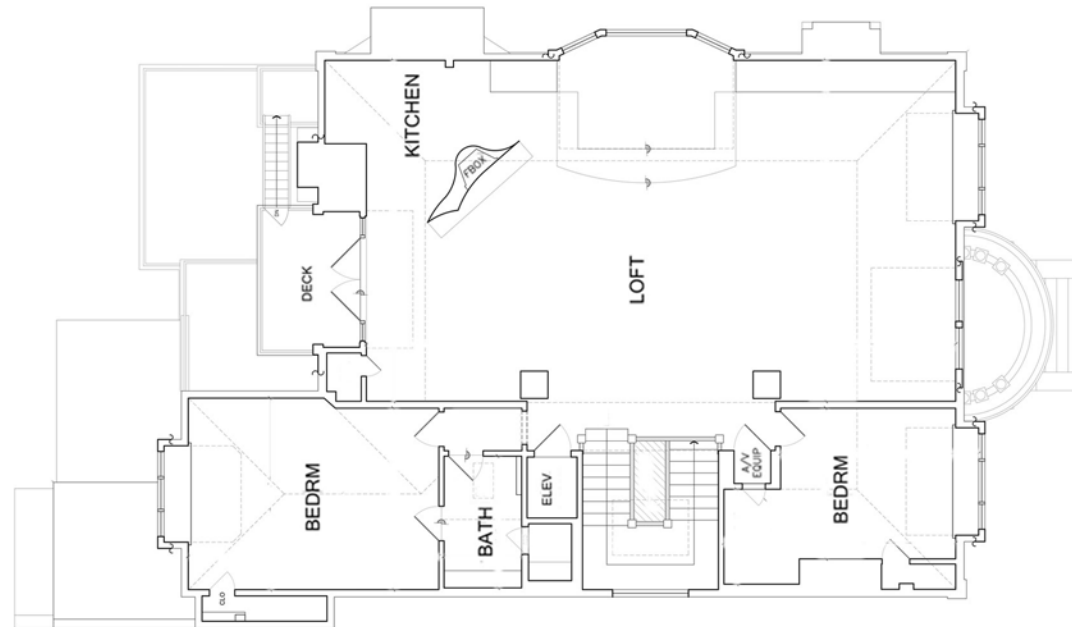
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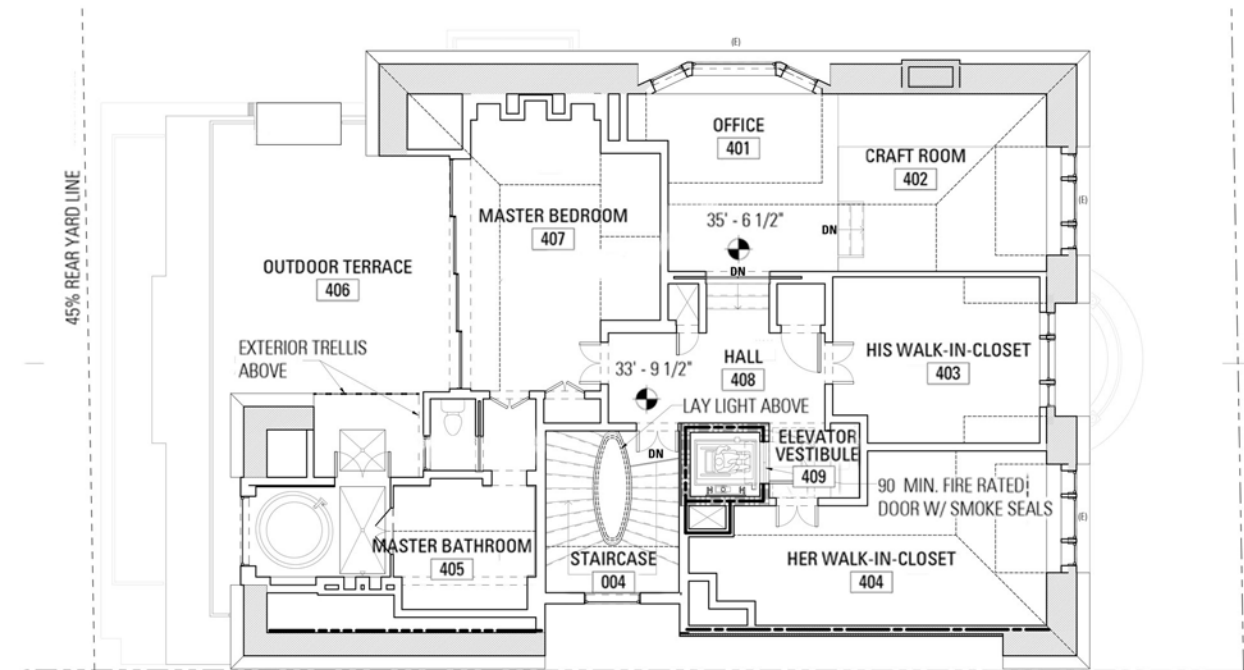
EXISTING 3RD FLOOR PLAN



PROPOSED 3RD FLOOR PLAN



EXISTING 4TH FLOOR PLAN



PROPOSED 4TH FLOOR PLAN



737 Buena Vista West

EXISTING NORTH AND EAST ELEVATIONS

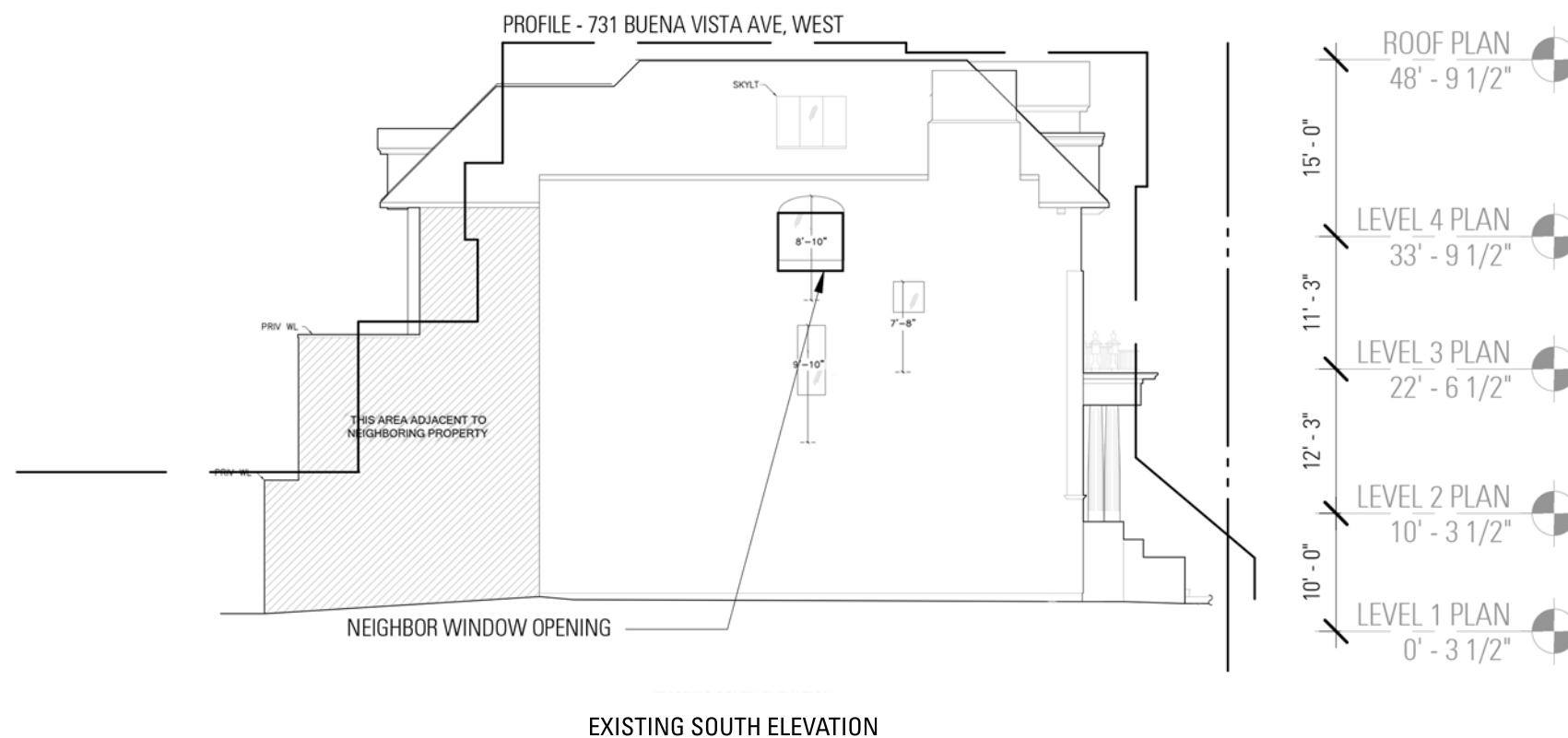
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737 Buena Vista West

EXISTING SOUTH AND WEST ELEVATIONS

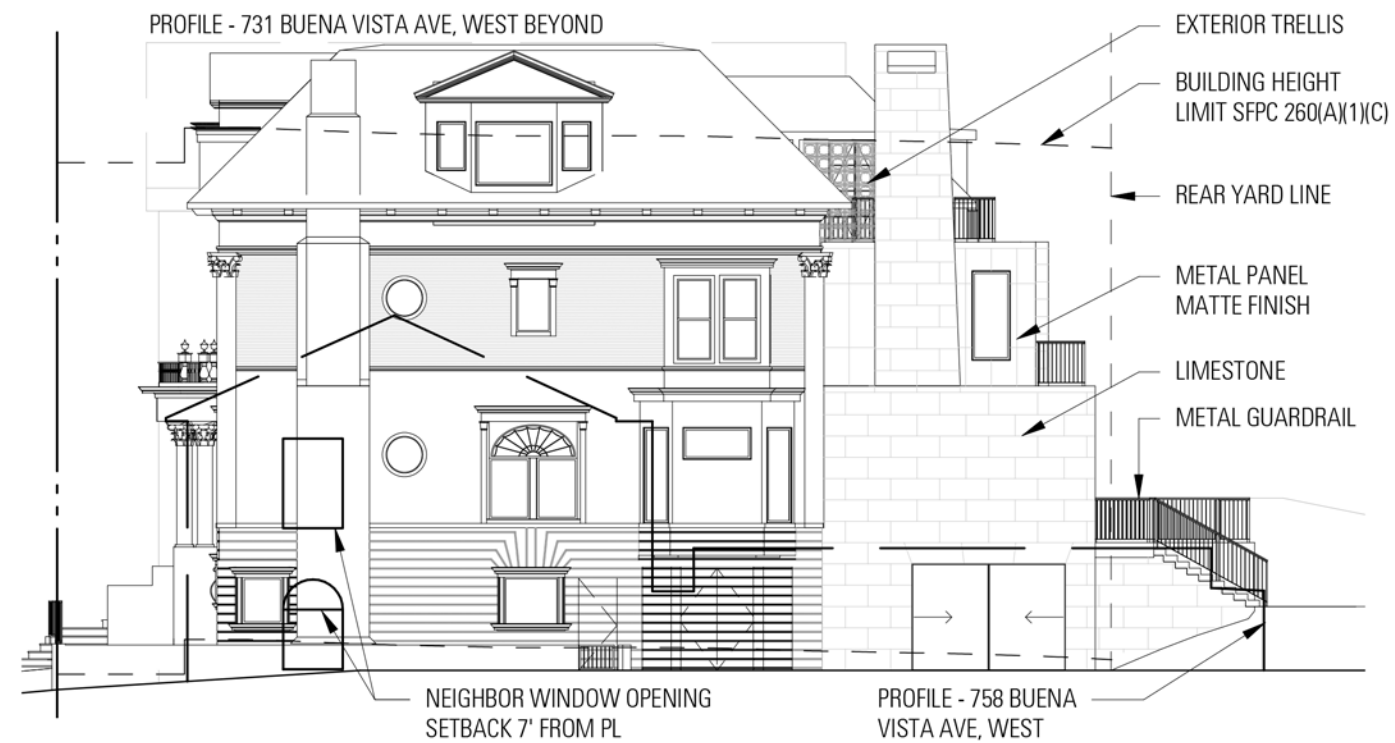
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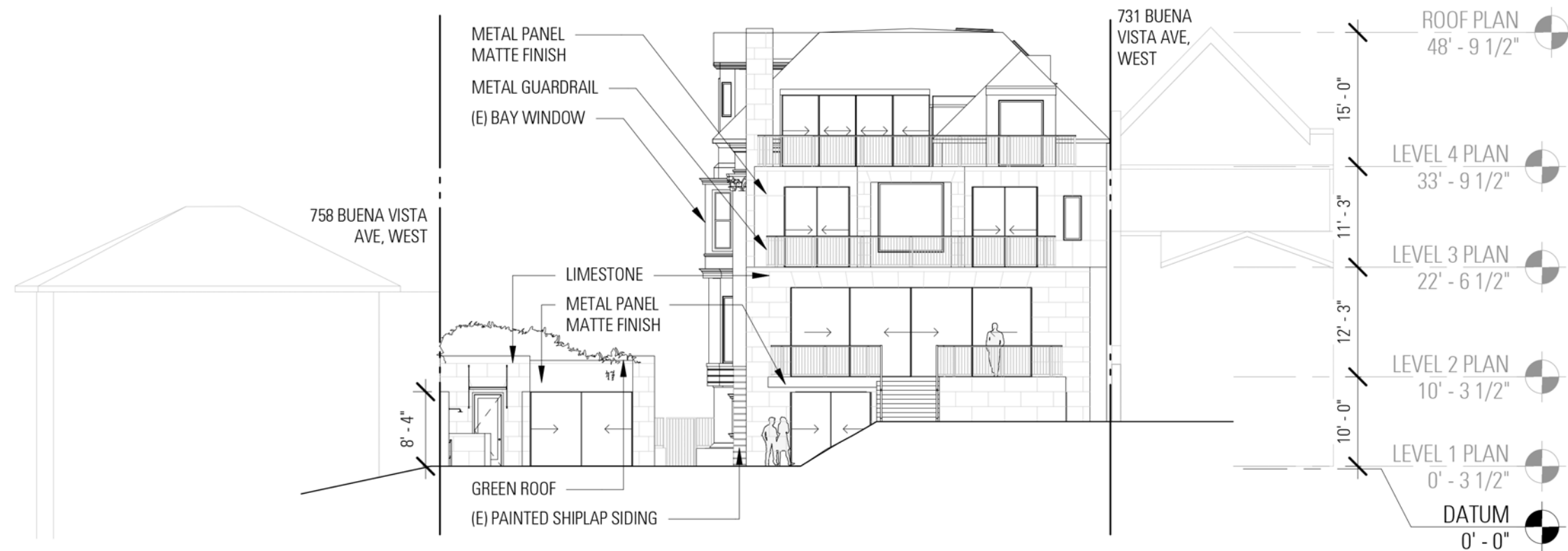
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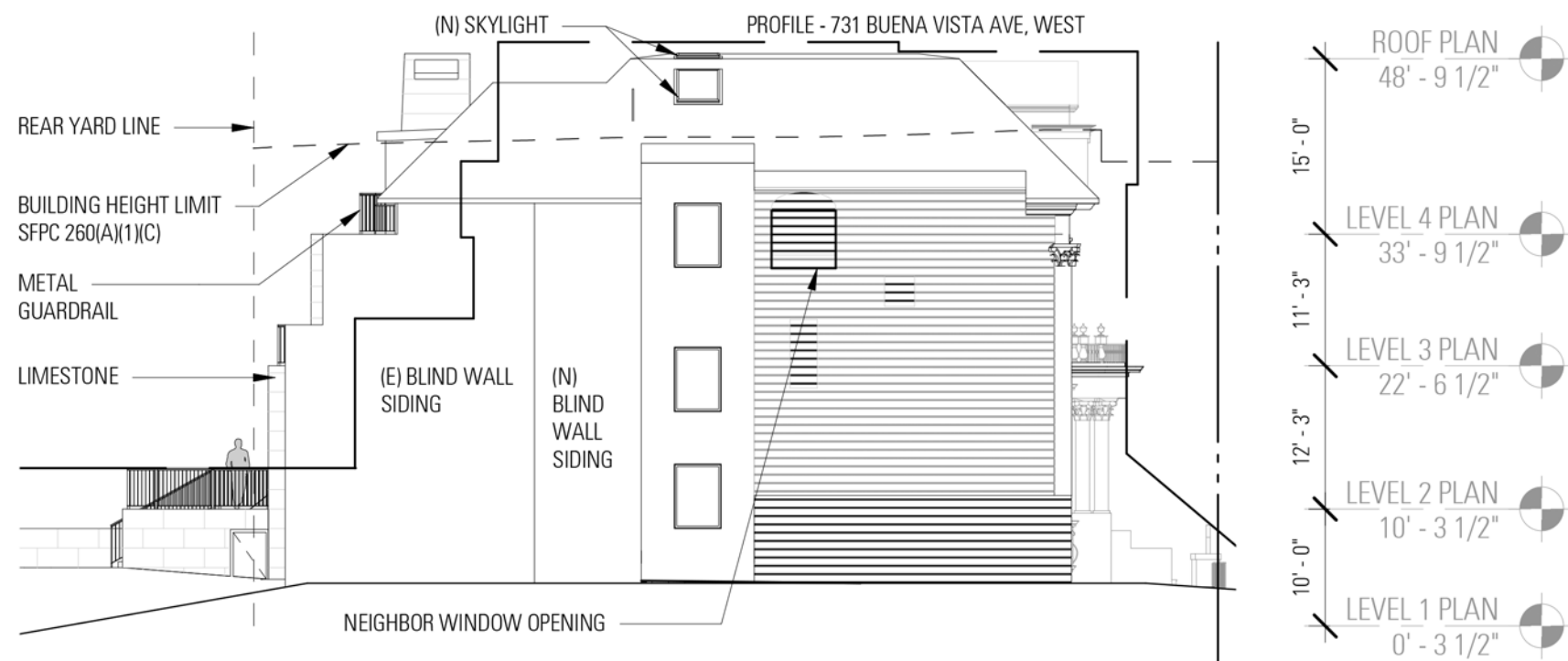
PROPOSED NORTH ELEVATION

737 Buena Vista West

PROPOSED NORTH AND EAST ELEVATIONS



PROPOSED WEST ELEVATION



PROPOSED SOUTH ELEVATION

737 Buena Vista West

PROPOSED SOUTH AND WEST ELEVATIONS

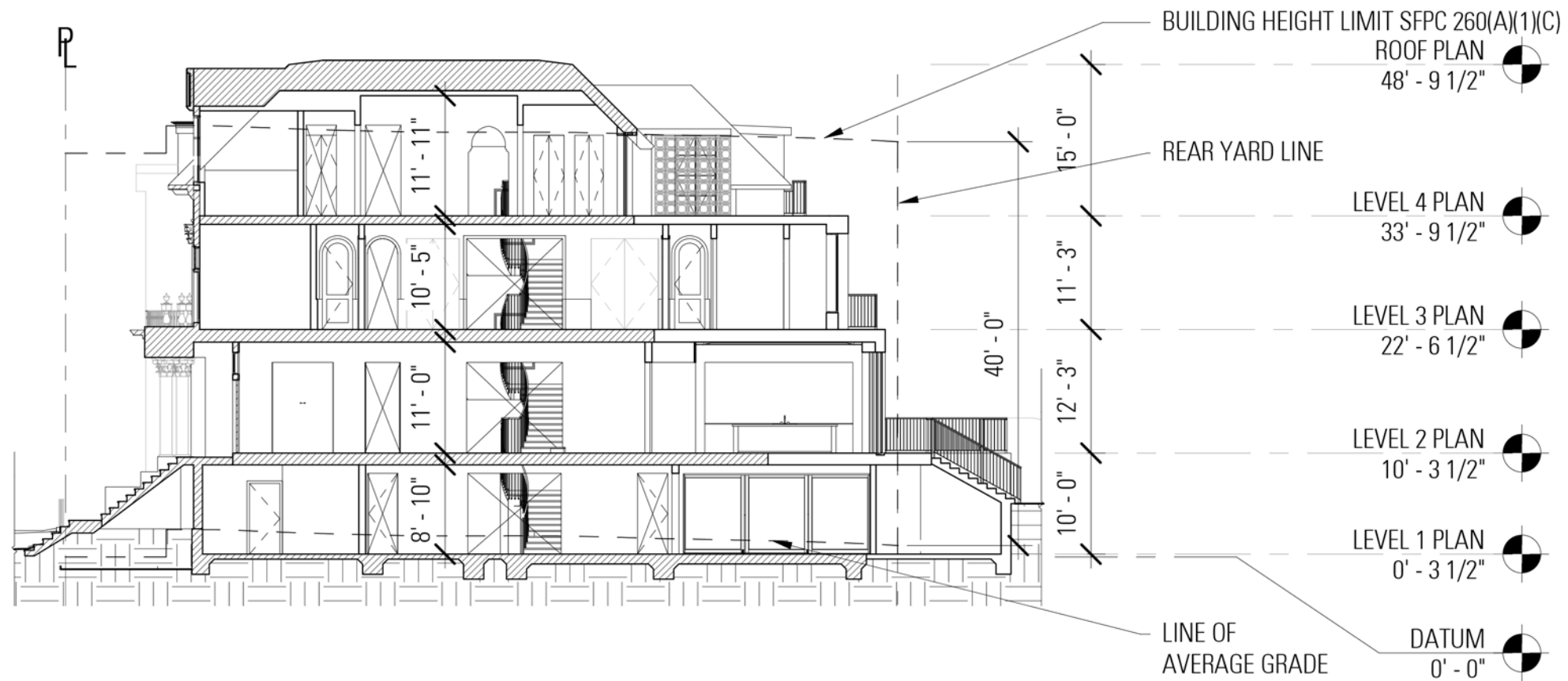
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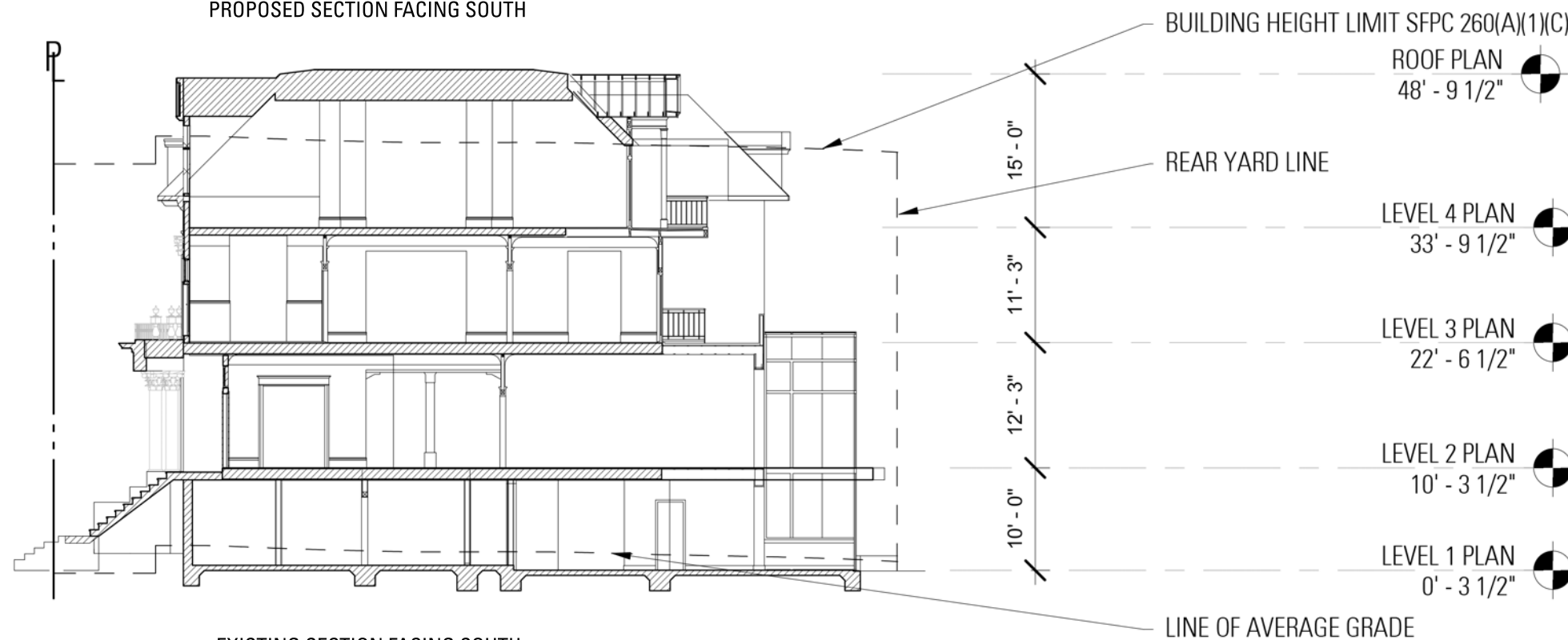
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03/06/17

NTS



PROPOSED SECTION FACING SOUTH



EXISTING SECTION FACING SOUTH

737 Buena Vista West

LONGITUDINAL SECTIONS

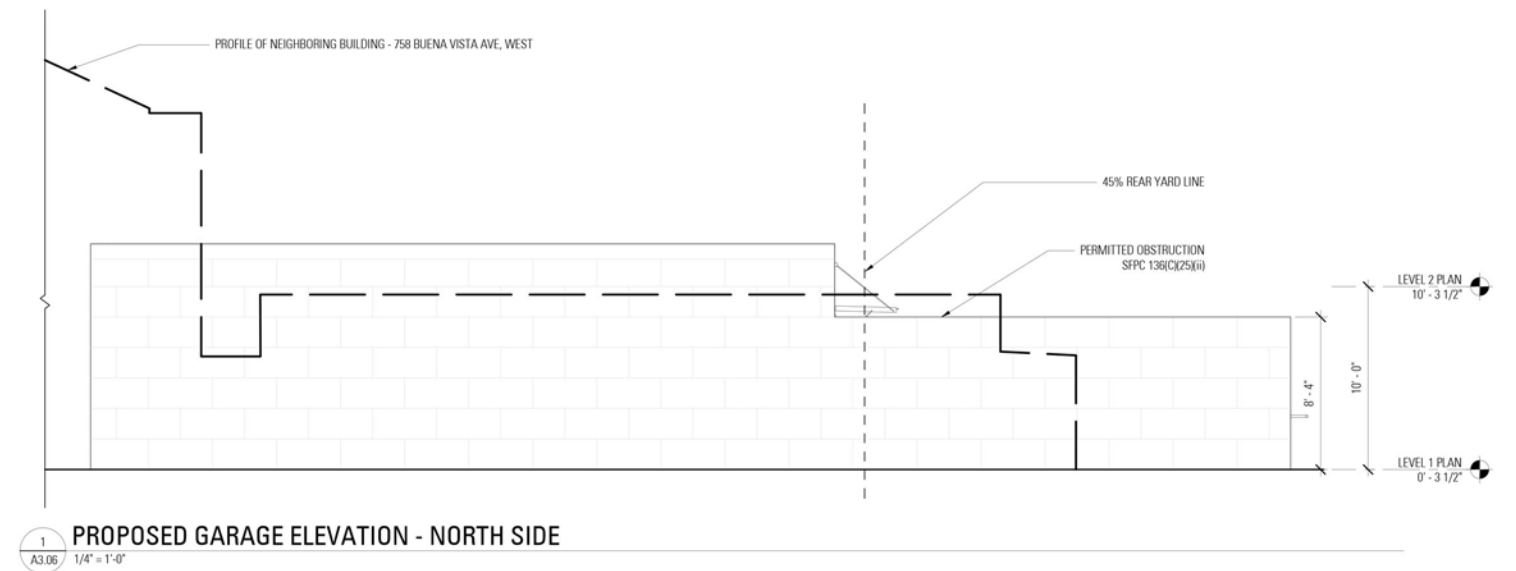
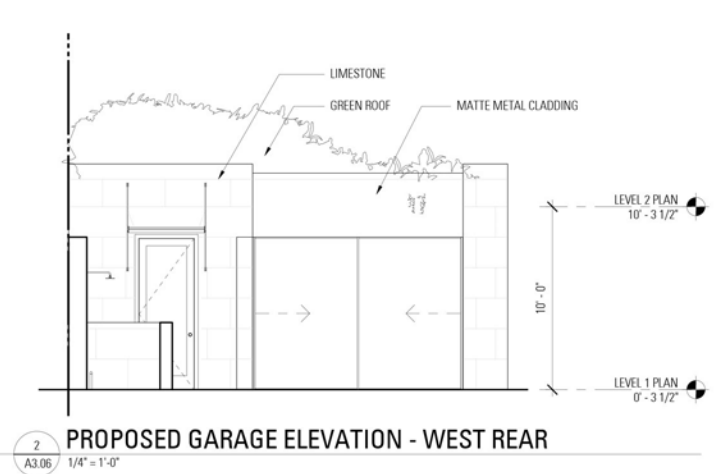
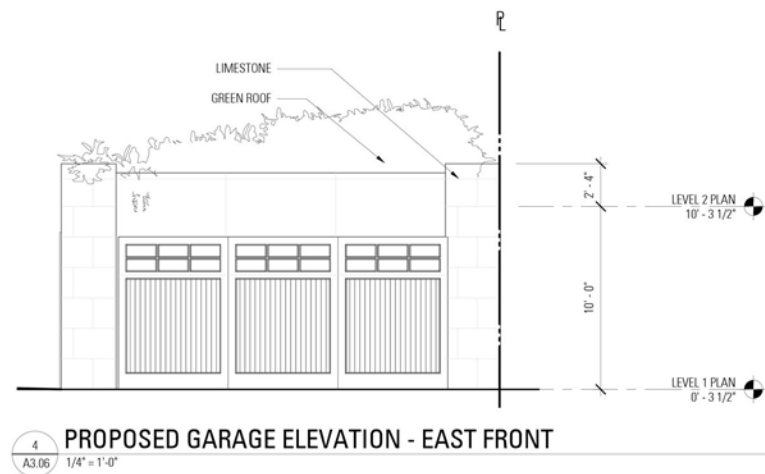
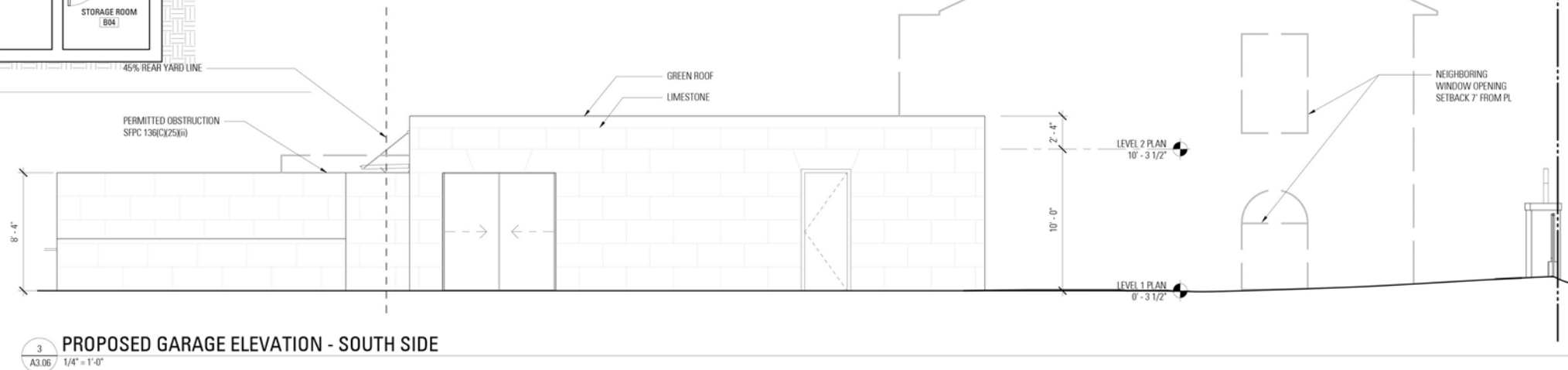
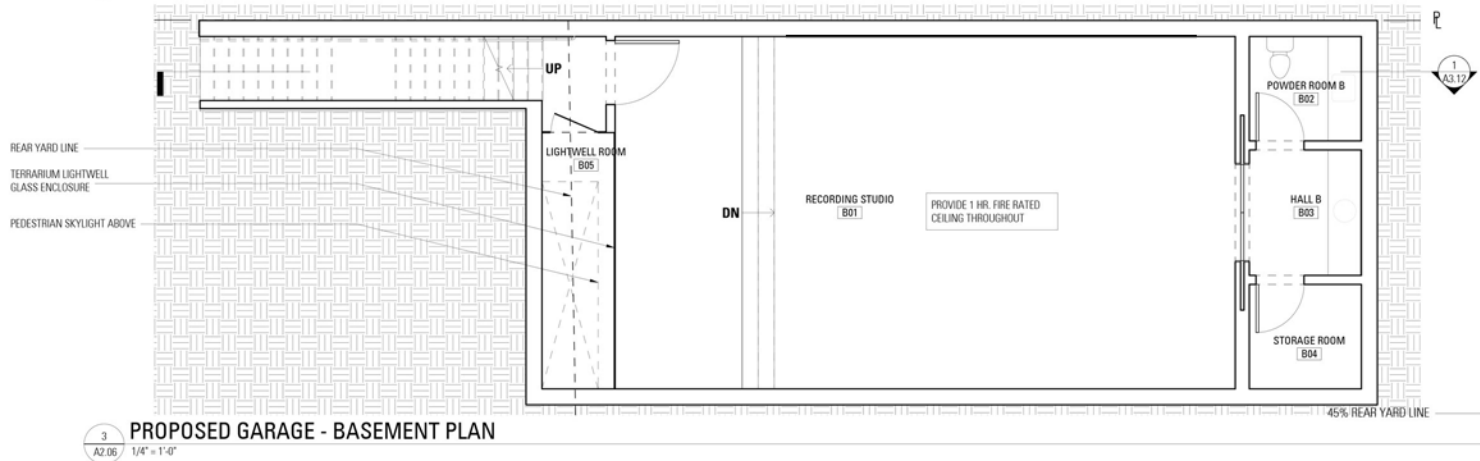
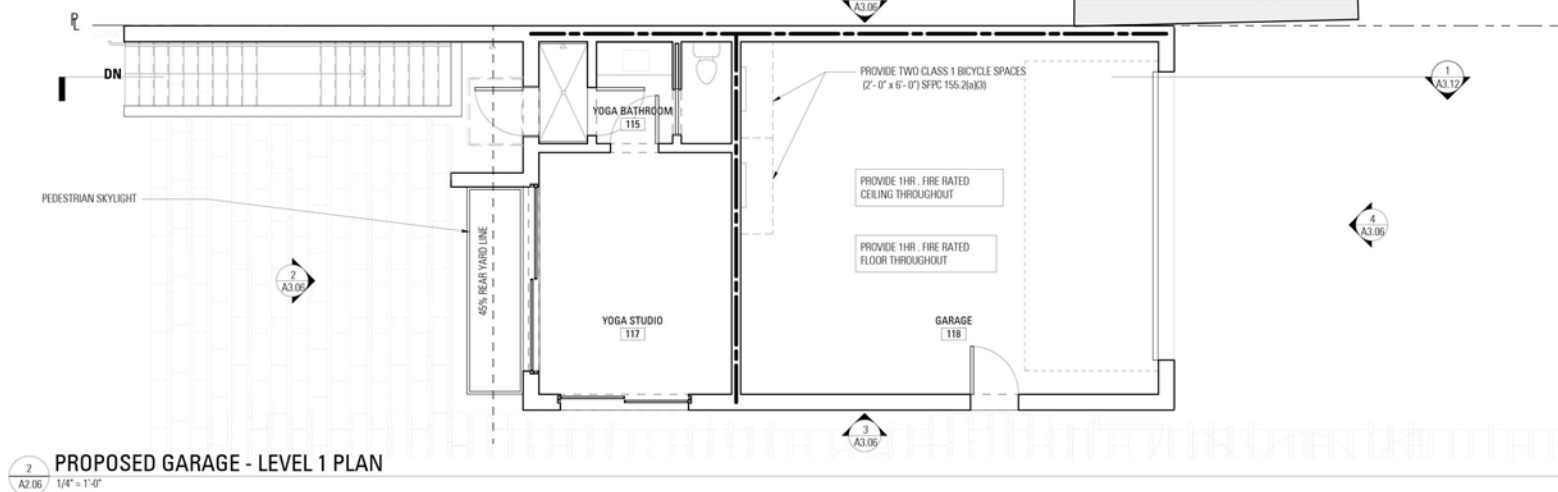
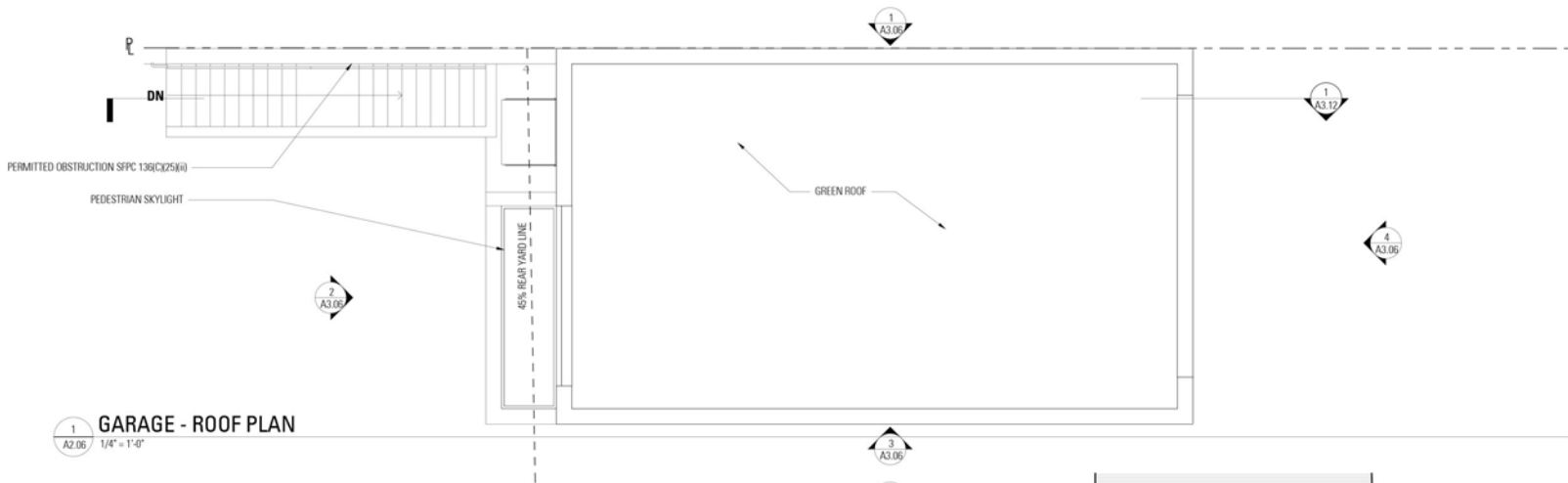
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03/06/17

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737 Buena Vista West

PROPOSED GARAGE

RICHARD BEARD *Architects*

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02/16/17

NTS

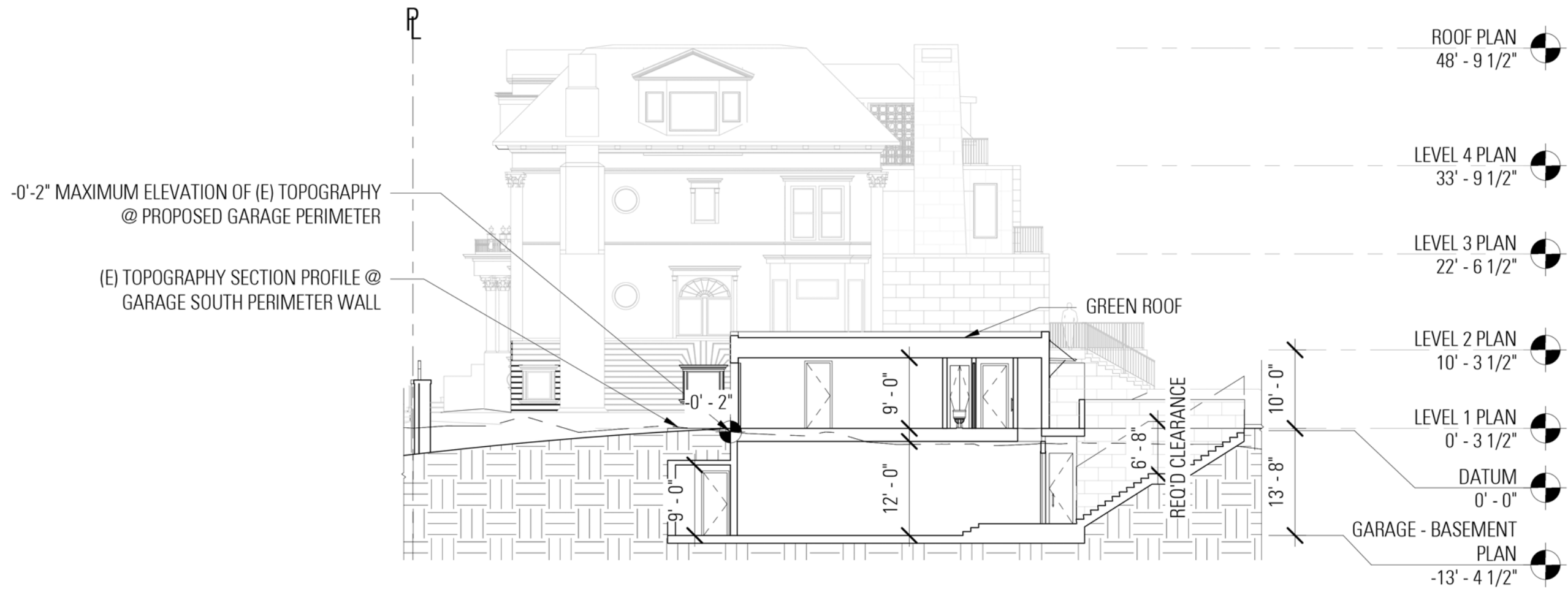
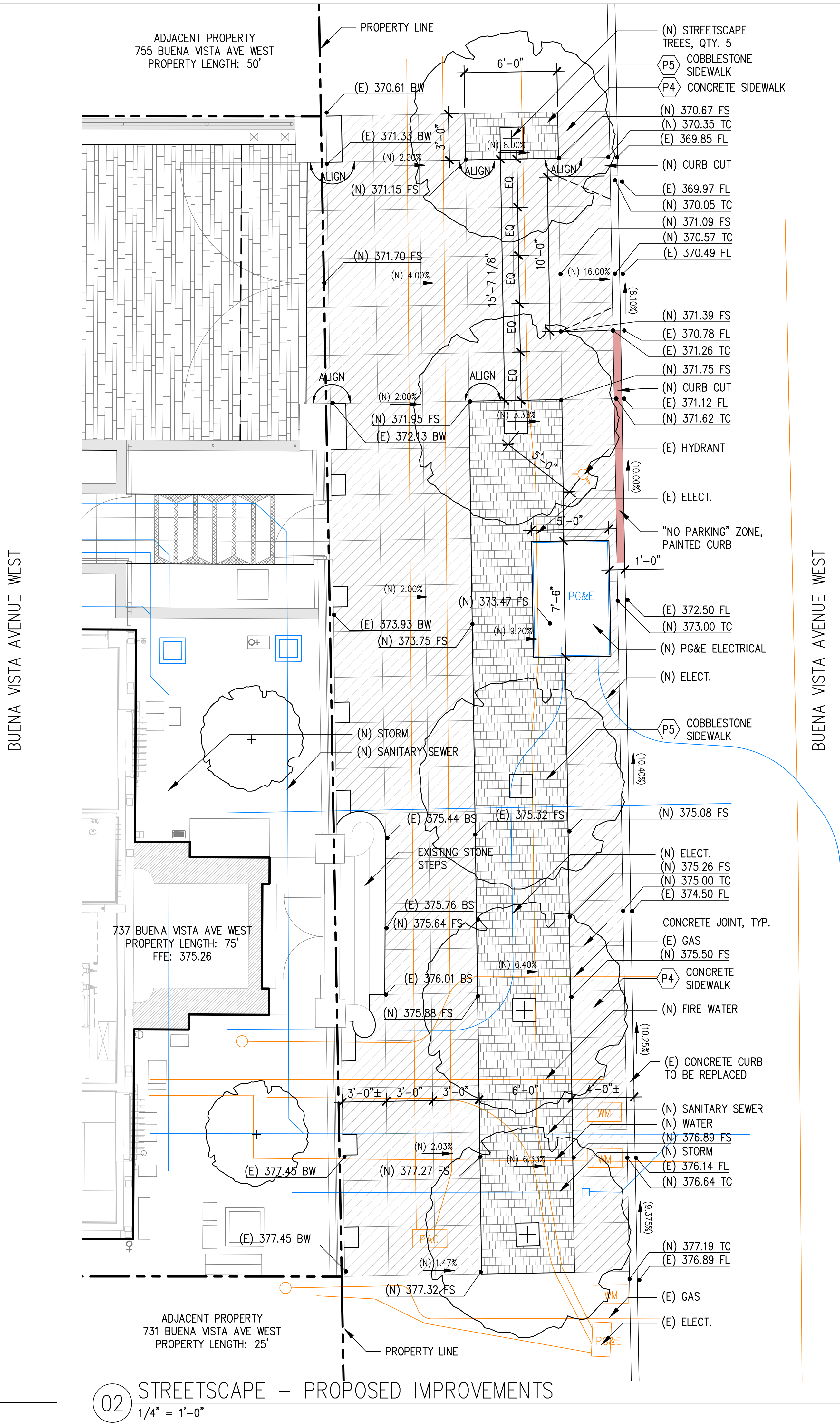
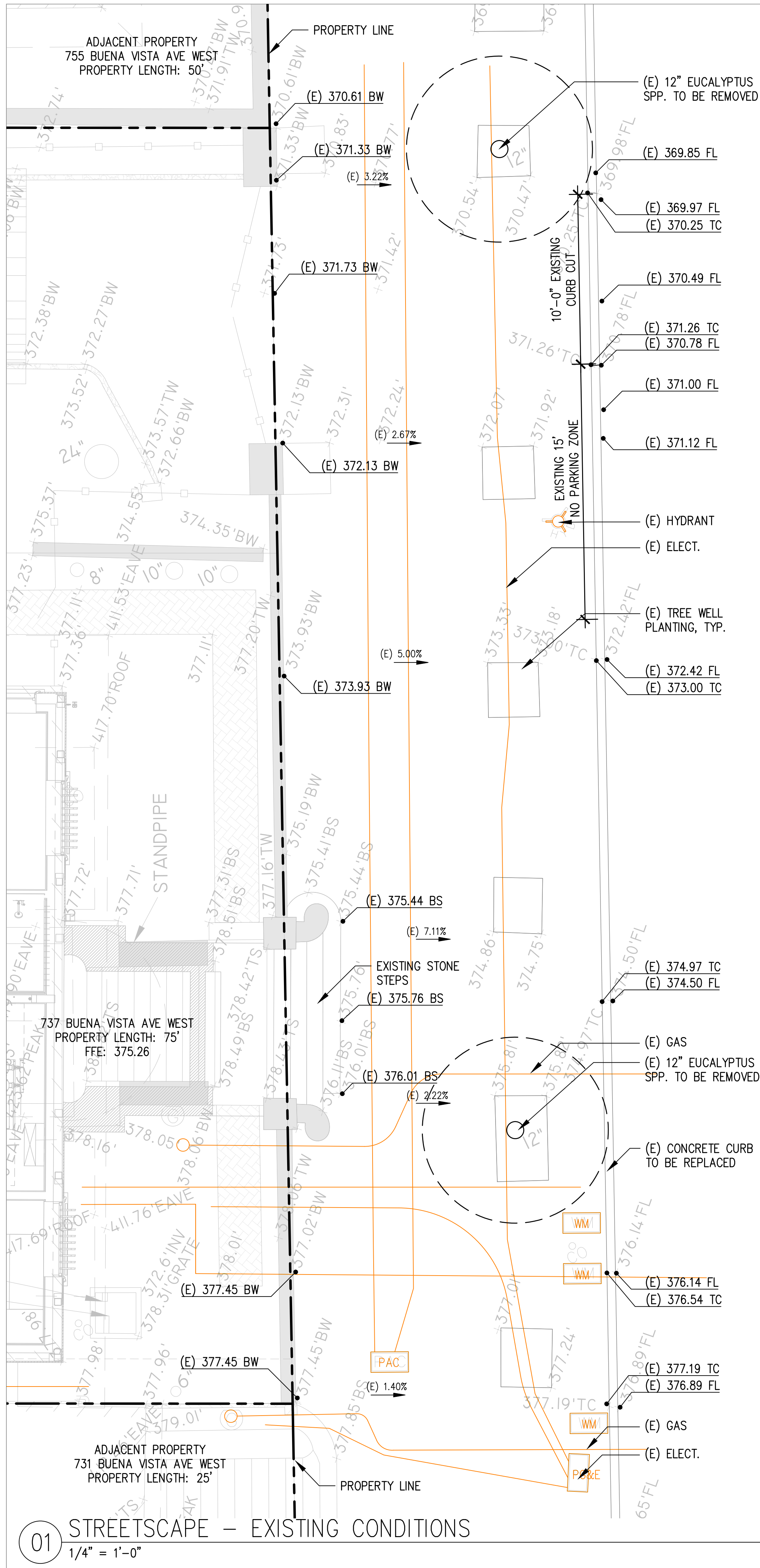


Exhibit E



STREETSCAPE PAVING LEGEND

	P4	CONCRETE SIDEWALK	05/L6.00
	P5	COBBLESTONE SIDEWALK	06/L6.01

EXISTING CONDITIONS

2200 Bridgeway
Sausalito, California
94965-1750
United States
www.swagroup.com
+1.415.332.5100 o

Revisions

15 AUG 2022

2
3
4
5
6
7
8
9
10
11
12
13

Date
18 JAN 2022
Phase
CONSTRUCTION DOCUMENTS
Job Number
SIGS901

Scale
0 2' 4'
1/4" = 1'-0"

North

Drawing Title

STREETSCAPE
IMPROVEMENT PLAN -
PAVING

Drawing Number

L2.00

© 2019 SWA

737 BVW

737 BUENA VISTA AVE WEST
SAN FRANCISCO, CA 94117

BLOCK NUMBER: 1256
LOT NUMBER: 078

Landscape Architect

swa

2200 Bridgeway
Sausalito, California
94965-1750
United States
www.swagroup.com
+1.415.332.5100 o

Exhibit F

Permit Addenda Details Report**Report Date:** 1/11/2023 10:36:16 PM

Application Number: 201512285984

Form Number: 3

Address(es):

1256	/012	/0	737	BUENA VISTA WEST	AV
------	------	----	-----	------------------	----

Description:

CONSTRUCT A 3 STORY HORIZONTAL ADDITION INCLUDING MASTER BEDROOMS, 2 BEDROOMS, KITCHEN, FAMILY ROOM, GREAT ROOM & GARAGE TO (E) 4 STORY HOUSE & INTERIOR REMODEL.

Cost:

\$2,270,000.00

Occupancy Code:

R-3

Building Use:

27 - 1 FAMILY DWELLING

Disposition / Stage:

Action Date	Stage	Comments
1/4/2018	Approved	
1/10/2018	Issued	
2/20/2018	Approved	
2/20/2018	Approved	
2/22/2018	Issued	
2/22/2018	Issued	
6/27/2018	Approved	
7/2/2018	Issued	
7/10/2018	Approved	
7/11/2018	Issued	
10/26/2018	Approved	
10/29/2018	Issued	

Contact Details:**Contractor Details:**

License Number: 684764

Name: BILL BROWN

Company Name: BILL BROWN CONSTRUCTION

Address: 242 PHELAN AV * SAN JOSE CA 95112-0000

Phone: 4082973738

Addenda Details:

Description: DEMO AND EXCAVATION								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	12/19/17	12/19/17			12/19/17	GUTIERREZ NANCY	
2	BLDG	12/19/17	12/29/17			12/29/17	PANG DAVID	
3	DPW-BSM	1/2/18	1/2/18			1/2/18	ZHOU ANDY	Approved 1/2/2018. BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: #17CN-0353 and 17MSE-0710. -AZ
4	PPC	1/3/18	1/3/18			1/4/18	CHAN EDDIE MAN WAI	1/4/18: to CPB; EC. 1/3/18: missing designer wet signature on both cover sheets; dc
5	CPB	1/4/18	1/4/18			1/10/18	TORRES SHIRLEY	01/10/18: SAFETY PERMIT #2017-900415. ISSUED. ST NEED SAFETY PERMIT BEFORE ISSUANCE. APPROVED BY NG
Description: STRUCTURAL FOUNDATION FRAMING								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	1/2/18	1/2/18			1/2/18	SECONDEZ GRACE	
2	BLDG	1/2/18	1/25/18	2/2/18		2/9/18	PANG DAVID	
3	DPW-BSM	2/9/18	2/15/18			2/15/18	YU ERIC	APPROVED. 2/15/18: BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: # 17CN-0353 and 17MSE-0710. -EY
4	PPC	2/16/18	2/16/18			2/16/18	CHEUNG DEREK	2/9/18: to BSM; dc
5	CPB	2/16/18	2/20/18			2/22/18	TORRES SHIRLEY	02/22/18: SAFETY PERMIT #2017-905309 FOR SUBCONTRACTOR LIC #684764. ISSUED. ST 02/20/2018: SAFETY PERMIT REQ'D. 44 PGS. APPROVED. ST
Description: SHORING								

Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	2/1/18	2/1/18			2/1/18	CHEUNG WAI FONG	
2	BLDG	2/1/18	2/9/18			2/9/18	PANG DAVID	
3	DPW-BSM	2/9/18	2/15/18			2/15/18	YU ERIC	APPROVED. 2/15/18: BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: # 17CN-0353 and 17MSE-0710. -EY
4	PPC	2/16/18	2/16/18			2/16/18	CHEUNG DEREK	2/2/18: OTC denied; route back to David Pang's in-bin;EC. 2/2/18: to supervisor for OTC approval;EC.
5	CPB	2/16/18	2/20/18			2/22/18	TORRES SHIRLEY	02/22/2018: ISSUED. ST 02/20/2018: 5 PGS. APPROVED. ST
Description: ARCHITECTURAL/MEP								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	2/28/18	2/28/18			2/28/18	TORRES SHIRLEY	
2	BLDG	2/28/18	5/7/18	5/11/18	5/29/18	5/29/18	NG JOE	2018.05.29 Applicant confirmed that the new swimming pool will be under separated permit. Revised final valuation = \$3,269,016.00. jn
3	MECH	3/16/18	3/20/18	3/21/18		5/30/18	LAI JEFF	3/21/18:comments issued & plans to ppc. 5/30/18:recheck #1, approved & plans to ppc.
4	SFFD	3/21/18	3/28/18	3/28/18	6/5/18	6/5/18	DEEN LARRY	need a copy of a water flow test to demonstrate the larger building has adequate fire flow. Fire Flow provided and approved 5.6.18 ljd.
5	DPW-BSM	4/4/18	4/5/18			4/5/18	YU ERIC	APPROVED. 4/5/18: BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: 17CN-0353 and 17MSE-0710. -EY
6	SFPUC	4/6/18	4/6/18			4/6/18	TOM BILL	Not Applicable - Already assessed NA. Route to PPC 4/6/18.
7	DPW-BSM	6/5/18	6/7/18			6/7/18	YU ERIC	APPROVED. 6/7/18: BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: 17CN-0353 and 17MSE-0710. -EY
8	SFPUC	6/8/18	6/19/18			6/19/18	TOM BILL	Not Applicable - Already assessed NA. Route to PPC 6/19/18.
9	PPC	6/19/18	6/19/18			6/26/18	CHAN EDDIE MAN WAI	6/26/18: to CPB;EC. 6/21/18: L8.02 is missing architect's signature; Plans hold at PPC (1660 Mission St 2nd floor) for designer to sign;EC. 6/19/18: 2 official sets are not identical; 1 set is missing A8.53 drawing; Plans hold at PPC (1660 Mission St 2nd floor) for applicant to collate;EC. 6/8/18: To PUC for restamp; HP 6/5/18: to BSM for restamp (then PUC);Ec. 6/5/18: Retrieved by Larry Deen for recheck; HP 5/30/18: To MEGA HOLD #4 pending SFFD approval; HP 5/29/18: to Jeff Lai for recheck;EC. 5/29/18: To HOLD bin pending MECH & SFFD approval; HP 4/18/18: to Joe Ng for recheck;Ec. 4/6/18: In hold bin;EC. 4/6/18: to PUC;EC. 4/4/18: To DPW-BSM; HP 3/21/18: to SFFD; dc 3/16/18: to MECH; cp
10	CPB	6/26/18	6/27/18			7/2/18	TORRES SHIRLEY	07/02/2018: issued. ST S-4: 140 PGS. FINAL TOTAL REVISED VALUATION \$3,269,016 BY JOE NG. APPROV BY AMARIS.
Description: SHORING PHASE 2								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	6/7/18	6/7/18			6/7/18	TORRES SHIRLEY	6 PGS
2	BLDG	6/7/18	6/21/18	6/21/18		7/3/18	PANG DAVID	
3	DPW-BSM	7/3/18	7/6/18			7/6/18	DENNIS RASSENDYLL	APPROVED. 7/6/18: BSM sign off on Job Card required prior to DBI final. Subject to all conditions of BSM: 17CN-0353 and 17MSE-0710. -RD

4	PPC	7/9/18	7/9/18			7/9/18	CHAN EDDIE MAN WAI	7/9/18: to CPB; EC. 7/3/18: to BSM; EC. 6/8/18: OTC denied, back to BLDG; am 6/8/18: to supervisor for OTC approval/denial; am
5	CPB	7/9/18	7/10/18			7/11/18	TORRES SHIRLEY	07/11/2018: safety permit #2017-909382. issued. ST 07/10/2018: safety permit req'd. 8 pgs. approved. ST
Description: SWIMMING POOL								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
1	CPB	10/2/18	10/2/18			10/2/18	SECONDEZ GRACE	
2	BLDG	10/2/18	10/16/18	10/17/18		10/24/18	PANG DAVID	
3	SFPUC	10/18/18	10/18/18			10/18/18	TOM BILL	Not Applicable - Swimming Pool . Route to PPC 10/18/18
4	SFPUC	10/24/18	10/26/18			10/26/18	TOM BILL	
5	PPC	10/24/18	10/24/18			10/26/18	USER GSA	10/26/18: To CPB; HP 10/24/18: To PUC to stamp and sign cover sheet; HP 10/19/18: to HOLD bin pending BLDG approval; am 10/18/18: To PUC; HP 10/2/18: To BLDG; HP
6	CPB	10/26/18	10/26/18			10/29/18	GUTIERREZ NANCY	10/29/2018: ISSUED BY NG 10/26/18: 4 PGS. APPROVED, SAFETY PERMIT ATTACHED W/ PA. SS
Description: FIRE SPRINKLER, FIRE ALARM								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
Description: ELEVATOR								
Step	Station	Arrive	Start	In Hold	Out Hold	Finish	Checked By	Hold Description
Station Code Descriptions and Phone Numbers								

[Online Permit and Complaint Tracking](#) home page.

Technical Support for Online Services

If you need help or have a question about this service, please visit our FAQ area.

Exhibit G



Exhibit H



11/28/2022

737 Buena Vista Ave W.
San Francisco, CA 94117

Re: Tree Removal Appeal

To Whom It May Concern:

Assignment

It was our assignment to present information that substantiates the need for the removal of the two (2) Eucalyptus (*Eucalyptus sp.*) trees located in the parkway of this property.

Summary

The Eucalyptus (*Eucalyptus spp.*) tree with a DBH of 15" receives fair/poor ratings for both health and structure per the ratings table below. This tree's root space is very small in proportion to the tree's canopy size and the canopy is thin with little new foliage. The construction activities necessary to replace the sidewalk near this tree's root zone will cause further decline in this tree. The sidewalk replacement will result in further root loss and soil compaction that will lead to limb failure and the ultimate death of the tree. The existing sidewalk is already cracking making it clear that the roots are close to the surface and the 8"-10" of excavation needed for the installation of the new sidewalk will not be possible without removing the tree, furthering our conclusion that removal is the only option.

The Eucalyptus (*Eucalyptus spp.*) tree with a DBH of 18" receives a fair rating for health and a fair/poor rating for structure per the table below. This tree has outgrown its planting space causing cracks in the sidewalk. As mentioned above, removing the existing sidewalk will cause further root loss and soil compaction leading ultimately to the failure of this tree. Furthermore, the excavation need for replacing the sidewalk with roots close to the surface, will not be possible without removing this tree.

In conclusion, the only option here is to remove and replacement these two trees. Once the sidewalk replacement is complete, a suitable tree species shall be replanted that can withstand the environmental conditions associated with the parkway plantings.

<u>Rating</u>	<u>Health</u>	<u>Structure</u>
Good	excellent/vigorous	flawless
Fair/good	no significant health concerns	very stable
Fair	showing initial or temporary disease, pests, or lack of vitality. measures should be taken to improve health and appearance.	routine maintenance needed such as pruning or end weight reduction as tree grows
Fair/poor	in decline, significant health issues	significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree
Poor	dead or near dead	hazard

Definition of a heritage tree

A tree removal permit is required to remove a street tree in San Francisco. Any tree in the public right-of-way is considered a street tree.

New legislation enacted in 2007 requires that a permit be issued to remove any Significant Tree. As defined in the Public Works Code, Significant Trees are located on private property, but within 10 feet of the public right-of-way and also meet any one of the following size requirements:

- 20 feet or greater in height
- 15 feet or greater canopy width
- 12 inches or greater diameter of trunk measured at 4.5 feet above grade

These trees are granted the same protections as street trees, and a permit is required before any Significant Tree can be removed.

+ + + + +

I certify that the information contained in this report is correct to the best of my knowledge and that this report was prepared in good faith. Please call me if you have questions or if I can be of further assistance.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Chris Stewart', with a stylized, cursive script.

Chris Stewart

WC ISA Certified Arborist WE-13682A

Exhibit I



Street-Use and Mapping

T. 628.271.2000 | 49 South Van Ness Ave. 3rd Floor, San Francisco, CA 94103

REQUEST FOR ADDITIONAL INFORMATION

To: Gillian Allen & Mahmoud Larizadeh From: Soe Thu

Company: **Email: soe.thu@sfdpw.org**

Phone: 415-567-9000 Phone: 415-244-0117

Email: gallen@reubenlaw.com & mlarizadeh@reubenlaw.com

Project Location: 737 Buena Vista Avenue West; Block/Lot: 1256/078

Permit Number(s): 22SW-00017

Permit(s) involved: 201512285984

TO CONTINUE PROCESSING APPLICATION:

<input type="checkbox"/>	Property Line	<input type="checkbox"/>	Sidewalk Width	<input type="checkbox"/>	Finish Floor Elevations (Garage)
<input type="checkbox"/>	Back of SW Elevations	<input type="checkbox"/>	Top of Curb Elevations	<input type="checkbox"/>	Flowline Elevations
<input type="checkbox"/>	Driveway Ramping (<25%)	<input type="checkbox"/>	Show (E) & (N) Curb Cuts	<input type="checkbox"/>	Show (E) & (N) HC Ramps
<input type="checkbox"/>	Any (E) & (N) Utilities	<input checked="" type="checkbox"/>	Tree Permit (<i>New & Removal</i>)	<input type="checkbox"/>	Street Improvement Bond
<input type="checkbox"/>	Provide Photos (Frontage)	<input type="checkbox"/>	Cross Slope (<i>2% or 1 1/5' Max</i>)	<input checked="" type="checkbox"/>	Other (<i>See Below</i>)

PER THE DIRECTION OF THE PERMIT MANAGER:

☐ If no response is received within **30 days** from the first request, the permit maybe placed in an “Inactive” status. If a permit is “Inactive,” a processing fee will be required to re-activate the permit.

☐ If no response is received within **10 business days** from the **final** request, the permit will be place in an “Inactive” status. Re-activation of the permit shall require a payment of the processing fee and re-submittal of plans.

☐ If permit is not picked up within **10 days** from this request, the permit may be placed in an “Inactive” status. If a permit is “Inactive,” a processing fee will be required to re-activate the permit.

☐ Return the completed **“Declaration of Use” attachment** for the Minor Sidewalk Encroachment permit within **10 days** or the permit shall be Void. Applicant must re-apply.

ADDITIONAL NOTES/COMMENTS:

- (1) Related permit 21IE-00533.
- (2) This special sidewalk permit shall be reviewed when BSM receive a complete information relating to permit 21IE-0053.

STANDARDS/CODES REFERENCED:

- **Section 204.04** Slope: Unless otherwise specified, the finished surface of the walk shall rise 1/5 inch per foot from curb to the property line (**2% max allowance**).
- **Section 202.01** Concrete Curb: Unless otherwise specified, the nominal specified height of curb measured from gutter to top of curb shall be 6"
- Standard Residential curb cut: **(10')** feet long by **(3')** feet wide including **(18")** for the wings.
- **DPW Order No. 178,631:** A New Tree Planting Permit is required from Urban Forestry. Instructions & application forms can be downloaded off of the internet (PDF format) at <http://www.sfpublishworks.org> I will need a copy of either the approved permit or an email release from your Urban Forester.
- **DPW Order No. 187005:** Reconstruct concrete sidewalk, curb, and driveway curb cut. Saw-cut minimum 2' for AC conform and replace with 2" ACWS over 8" concrete base. All work directed by DPW inspector.

For a standards and specifications please visit <https://www.sfpublishworks.org/services/standards-specifications-and-plans>

PUBLIC WORKS - BSM
1155 Market St, 3rd Floor
SAN FRANCISCO, CA 94103

I/WE _____, OWNER/AUTHORIZED AGENT OF THE
HEREIN DESCRIBED PROPERTY COMMONLY KNOWN AS:

SAN FRANCISCO, ASSESSOR'S BLOCK 1256 , LOT 011A

Permit # 22SW-00017

OWNER/AUTHORIZED AGENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
) SS.
COUNTY OF SAN FRANCISCO)

WITNESS my hand and official seal

(Seal)

I/WE _____, OWNER/AUTHORIZED AGENT OF THE
HEREIN DESCRIBED PROPERTY COMMONLY KNOWN AS:

SAN FRANCISCO, ASSESSOR'S BLOCK 1256 , LOT 011A

Special Sidewalk	Permit #	22SW-00017
-------------------------	-----------------	-------------------

OWNER/AUTHORIZED AGENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On _____ before me, _____ a Notary Public personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal

(Seal)



City and County of San Francisco

San Francisco Public Works - Bureau of Street Use and Mapping
49 South Van Ness Ave, Suite 300 - San Francisco, CA 94103
sfpublicworks.org - tel (628) 271-2000

EXHIBIT "A"



22SW-00017

Special Sidewalk Permit

Address : 737 BUENA VISTA AVE

Cost: \$208.00

Block:1256 Lot: 011A Zip: 94117

Pursuant to Section 703.1 of the Public Works Code, permission revocable at the will of the Director of Public Works to occupy a portion of the Public right-of-way is granted to Permittee.

Name: Reuben, Junius & Rose, LLP

MANDATORY COORDINATION WITH CONFLICTING PERMITS IS REQUIRED. PERMIT HOLDER SHALL NOT COMMENCE WORK WITHOUT FIRST PROPERLY COORDINATING WITH EXISTING PERMIT HOLDERS AS NOTED ON THE EXCEPTION PAGE(S) OF THIS PERMIT. IF THIS PERMIT CONFLICTS WITH A CITY PROJECT OR OTHER APPROVED PERMIT, THE PERMIT HOLDER OF THIS PERMIT SHALL BE RESPONSIBLE FOR THE PROPER COORDINATION AND EVALUATION OF THE SITE PRIOR TO COMMENCING WORK.

Conditions

Permit Construction Date

Permit Display SqFt

Permit Num Days

Description of special sidewalk

Non Standard Scoring and/or cross slopes N

Special Surface N

Manufacture

Inspection

Work shall not commence until this permit has been activated by Public Works. The permittee shall contact Public Works at dpw-bsminspepects@sfdpw.org or (628) 271-2000 to activate the permit and schedule inspection at least 72 hours prior to work. Failure to follow the activation process prior to commencing work may result in a correction notice and possible notice of violation.

The undersigned Permittee hereby agrees to comply with all requirements and conditions noted on this permit

Applicant/Permittee _____ Date _____

Approved Director of Public Works By: _____

Distribution:
Inside BSM: Street Improvement Inspection

Printed : 1/11/2023 10:50:07 PM Plan Checker Eric Lam

EXHIBIT "A"

THIS REVOCABLE PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The permittee shall obtain a permit at Central Permit Bureau, 1660 Mission Street for the construction of the sidewalk, as required in Section 708 of the Public Works Code, prior to any construction.
2. The construction shall be where and as shown on the plans submitted, revised and filed in the Department of Public Works and in accordance with all applicable City specifications and regulations.
3. Permittee shall contact the Street Improvement Section Inspectors, telephone (628) 271-2000 at least 48 hours prior to starting work, to arrange an inspection schedule.
4. Permittee shall consent to the use of standard concrete by the Municipal Transportation Agency (MTA) or any other City agency or public utility company, to replace any special surface, when repairing or replacing damaged signs, meters, and/or signals unless prior arrangements have been made by the permittee with the City agency or public utility company to replace the surface with an identical material, at the permittee's own expense.
5. The permittee shall acknowledge his obligation to inform subsequent owner or owners of the responsibilities of this permit.
6. The permittee shall verify the locations of any City or public service utility company facilities that may be affected by the work authorized by this permit and shall assume all responsibility for any damage to such facilities. The permittee shall make satisfactory arrangements and payments for any necessary temporary relocation of City or public service utility company facilities.
7. The permittee shall obtain a permit from the Department of Building Inspection for any work taking place on private property.
8. The permittee shall obtain the required permits, if any, from regulating agencies of the State of California.
9. The permittee shall obtain a tree permit from the Bureau of Urban Forestry (BUF) before planting/removing any tree or shrub. Contact BUF at (628) 652-8733.
10. The permittee or subsequent owner or owners recognize the recordation of this permit.
11. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
12. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
13. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
14. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
15. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.

Permit Addresses

22SW-00017

*RW = RockWheel, SMC = Surface Mounted Cabinets, SAW = Sidewalk Work, DB = Directional Boring,
BP= Reinforced Concrete Bus Pad, UB = Reinforced Concrete for Utility Pull Boxes and Curb Ramps
Green background: Staging Only

Number of blocks: 1 Total repair size:0 sqft Total Streetspace:0 Total Sidewalk: sqft

ID	Street Name	From St	To St	Sides	*Other	Asphalt	Concrete	Street Space Feet	Sidewalk Feet
1	BUENA VISTA AVE WEST	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE	Odd	RW : False SMC : False S/W Only : False DB: False BP: False UB: False	0	0	0	
Total						0	0	0	

Exceptions

22SW-00017

Street Name	From St	To St	Message	Job	Contact	Dates
BUENA VISTA AVE WEST						
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Prior to construction, all CCSF survey monuments shall be referenced by a licensed Land Surveyor on a Corner Record or a Record of Survey if any construction will take place within 20 ft of a monument. For any questions, please email Monument.Preservation@sfdpw.org or call 415-554-5827. Note, all survey monuments shall be preserved per state law and disturbance of a survey monument may be a crime.			
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	12ECN-0344	800-743-5000 - 800-743-5000	Mar 15 2012-
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	13CN-0124	Refer to Agent - Refer to Agent	
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	13MSE-0369	Refer to Agent - Refer to Agent	
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	17CN-0353	415-567-9000 - 415-567-9000	
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	17MSE-0710	415-801-2616 - 415-801-2616	
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	19V-00043	5107893348 - 5107893348	
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	21MSE-00449	Refer to Agent - Refer to Agent	
	BUENA VISTA AVE \ FREDERICK ST	BUENA VISTA AVE \ CENTRAL AVE -	Conflict with existing Street Use Permit.	22CN-00003	202-441-2757 - 202-441-2757	

No Diagram submitted

7/11/17

Exhibit J

Tree Removal Request



Inspection date: 4/14/2022

Project arborist: Colin Blackie/Michael Young

Site: 737 Buena Vista Ave W, San Francisco, CA 94117

Assignment

It was our assignment to physically inspect two Eucalyptus trees (*Eucalyptus spp.*) planted in the parkway of Buena Vista Ave W, San Francisco, and make recommendations based on health and structure.

Summary

There are two (2) protected Eucalyptus that have overgrown their planting spaces and are either declining, in danger of failure, or both. These trees require removal to mitigate the risk of damage to property and persons and reduce liability for the city. Olives are recommended to replace the hazardous Eucalyptus trees to remain consistent with the current street plantings. Please refer to the discussion section below for details.

Discussion

These trees were examined and then rated based on their individual health and structure according to the following table.



<u>Rating</u>	<u>Health</u>	<u>Structure</u>
Good	excellent/vigorous	flawless
Fair/good	no significant health concerns	very stable
Fair	showing initial or temporary disease, pests, or lack of vitality. measures should be taken to improve health and appearance.	routine maintenance needed such as pruning or end weight reduction as tree grows
Fair/poor	in decline, significant health issues	significant structural weakness(es), mitigation needed, mitigation may or may not preserve the tree
Poor	dead or near dead	hazard

Tree #1 is a Eucalyptus (*Eucalyptus spp.*) with a DBH of 15". This tree receives "fair/poor" ratings for both health and structure. The Eucalyptus has overgrown its planting space and is actively cracking the surrounding concrete with its roots and trunk, creating a tripping hazard

for pedestrians. The tree's canopy is thinning indicating decline. There is a large codominant leader directly overhanging parked cars with a high potential for failure due to the tree's low



vitality and concentration of end weight on this leader. This tree is recommended for removal to reduce hazard and liability concerns for the City of San Francisco.

Tree #2 is a Eucalyptus (*Eucalyptus spp.*) with a DBH of 18". This tree receives a "fair" rating for health and "fair/poor" rating for structure. The Eucalyptus has overgrown its planting space and is cracking the surrounding pavement with its invasive roots and oversized trunk, creating a tripping hazard for pedestrians. The tree's canopy is very full with a large branch protruding well outside of its canopy over the sidewalk. This limb is at high risk for failure impacting the sidewalk. There are active limb breakages occurring in this tree furthering the risk to persons and property below. This tree is recommended for removal to reduce hazard and liability concerns for the City of San Francisco.

There are Olives that replaced previously failed street trees on Buena Vista W, which is a safer and less invasive species. Olives are better suited to the site constraints as their root systems are less prone to damaging pavement and limbs less likely to fail. It is highly recommended to replace these two (2) hazardous Eucalyptus with Olive trees to create a more cohesive street scape. There is an empty planter space between the two (2) Eucalyptus that is recommended to be filled with an Olive as well.



Local Regulations Governing Trees

A tree removal permit is required to remove a street tree in San Francisco. Any tree in the public right-of-way is considered a street tree.

New legislation enacted in 2007 requires that a permit be issued to remove any Significant Tree. As defined in the Public Works Code, Significant Trees are located on private property, but within 10 feet of the public right-of-way and also meet any one of the following size requirements:

- 20 feet or greater in height
- 15 feet or greater canopy width
- 12 inches or greater diameter of trunk measured at 4.5 feet above grade

These trees are granted the same protections as street trees, and a permit is required before any Significant Tree can be removed.

+ + + + +

I certify that the information contained in this report is correct to the best of my knowledge and this report was prepared in good faith. Please call me if you have questions or if I can be of further assistance.

Respectfully,



Colin Blackie
#WE-12996A

737 BUENA VISTA AVE WEST
SAN FRANCISCO, CA 94117

Landscape Architect

2200 Bridgeway
Sausalito, California
94965-1750
United States
www.swagroup.com
+1.415.332.5100 o


- 1
- 2
- 3
- 4
- 5
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- 8
- 9
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- 11
- 12
- 13

Scale

0 2' 4'

$\frac{1}{2}" = 1.0"$

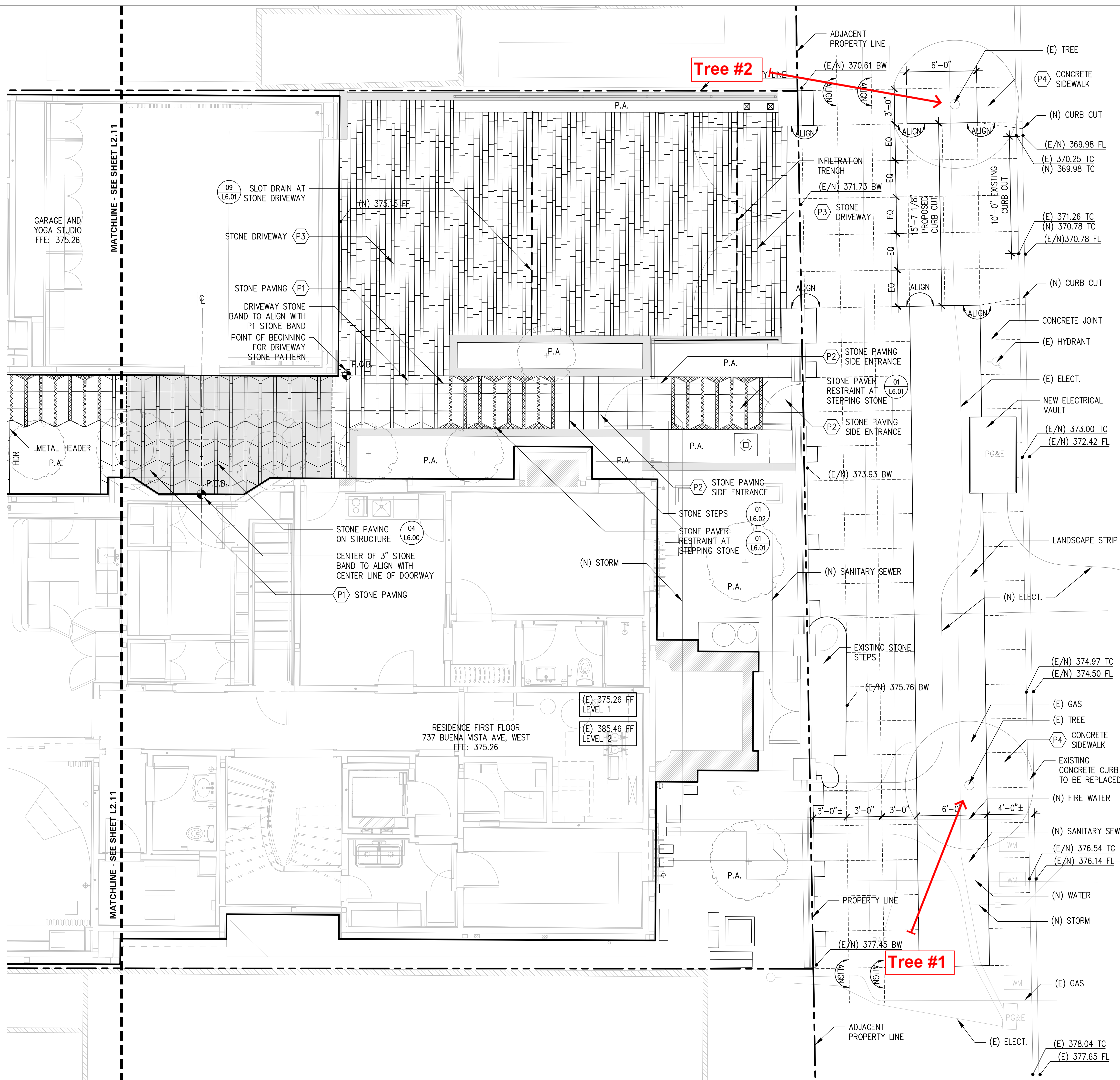
North



STREETSCAPE IMPROVEMENT PLAN - PAVING

L2.00

© 2019 SWA



Address: 737 Buena Vista Ave W, San Francisco, CA 94117

Date: 4/14/2022

Tree No.	Species (example)	Condition 0 to 1.0	Trunk Diameter	Func. Limitation 0 to 1.0	Ext. limitation 0 to 1.0	Total Cost	Unit Tree cost	Appraised Trunk area	Basic tree cost	Depreciated cost
1	Eucalyptus	0.5	15	0.6	0.7	345.46	36.36	176.7	6,425	1,695
2	Eucalyptus	0.6	18	0.6	0.7	345.46	36.36	254.5	9,252	2,677

Total: 4,372

Exhibit K

PHOTOS OF SIDEWALK DAMAGE AND UPLIFTING



Exhibit L



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: 207311

This Order supersedes Order No. 207304 to correct the appeal window date.

The Director of Public Works held a Public Hearing on Wednesday October 5, 2022, commencing at 10:00 AM 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. 207158 (permit no. 792850), removal of two (2) street trees with replacement adjacent to 737 Buena Vista Ave West. Staff denied the request to remove the trees and the applicant has appealed.

Findings:

The Department's presentation was made by Chris Buck, Bureau of Urban Forestry.

The application for removal was submitted by the property owner. The applicant stated that trees are in declining health, and public safety concerns due to sidewalk damage and potential damage due to limb failure.

Public Works staff denied the removal request. Staff assessed the tree health. Tree #1 is 45 ft high, 15 ft spread. Fair condition, tree branches have been extensively pruned to reduce the risk of limb failure. Tree stakes are too close to the trunk. Not an urgent or immediate threat to safety.

Tree #2 is 45 ft high, 25 ft spread. Poor to fair condition, tree branches have been pruned to reduce the risk of limb failure. Tree stakes are too close to the trunk. Not an urgent or immediate threat to safety. Tree canopy will fill back out. Previous permit for removal of other trees on property not followed with replacement of all 4 trees.

The applicant followed up with an additional replacement plan following the hearing which was evaluated by staff.

During public comment, members of the public protested the removal.

During General public comment there was a request to also be as visually descriptive as possible.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to uphold the staff recommendation and deny the removal of the trees.

Appeal: This Order and permit no. 792850 may be appealed to the Board of Appeals within 15 days of November 14th, 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

Exhibit M





Exhibit N

NOTICE THAT SIDEWALK REPAIRS ARE REQUIRED

Date: 11-10-22

To the Property Owner or Agent of the property below:

(ADDRESS/LOCATION) 755 Buena Vista Ave West

City and State codes (State Highway Code 5611/Public Works Code Sec. 706) require owners to maintain the sidewalk adjacent to their property. By this Posting and forthcoming mailing, **YOU ARE HEREBY NOTIFIED** that you are required to commence repairs, reconstruct, or improve the sidewalk fronting your property **within 30 days of the mailing**.

This includes making repairs when a sidewalk is damaged and can include:

REF# 21494877

- Missing pavement - Holes or cracks in the pavement
- Raised, sunken or uneven pavement
- Missing sewer vent covers
- Remove unpermitted encroachments from public right of way

① possible patch instead of replacement

The Street Inspector has placed WHITE markings on your sidewalk to indicate areas needing repair. Other colored markings indicate repairs to be made by others, including PG&E, AT&T, S. F. Water Department, etc. Please note that if the repairs are not commenced within 30 days, the Director of Public Works may order the repairs to be completed and you will be responsible for all expenses. Those expenses may be placed as a lien against your property.

You will be receiving a notice in the mail that will provide you with further information, including:

- The extent of damage identified
- A timeframe to commence repairs
- Opportunities to replace damaged pavement with landscaping instead of new concrete

If you do not receive your **MAILED 'Notice to Repair Sidewalk'** within 10 days, please contact the inspector whose phone number appears below or the inspector's supervisor, **Fady.Khoury@sfdpw.org**, (628) 271-2035.

Please keep in mind that all work must be done in accordance with the Standard Specifications of the Department of Public Works (please see the back of this Notice).

The following permits may be required:

- Sidewalk Repair / Street Space Permit(s): Please contact the Bureau of Street-Use & Mapping, 49 South Van Ness Ave., Suite 200, San Francisco, CA 94103, Tel. (628) 271-2000.
- Street Improvement / Street Space Permit(s): Please contact the Permit Section of the Bureau of Street-Use and Mapping, 49 South Van Ness Ave., Suite 200, San Francisco, CA 94103, Tel (628) 271-2000.

Please present a copy of the mailed Notice to Repair Sidewalk (NTR) and inspection report to the permit agency when applying for your permit in person or by mail. If you do not receive your mailed NTR within 10 days, please contact the inspector whose name and phone number appears below.

You are encouraged to contact us as soon as possible to answer any questions, or to discuss the necessary repairs and available options.

Please contact Inspector Matt Czajkowski

Phone #: (628) 271-2048

Email: matt.czajkowski@sfdpw.org

The inspector serving this notice is available at the above telephone number on weekdays, between 7:00 to 10:00 AM.

For tree-related matters, or to obtain a Landscape permit, please visit <http://sfpublicworks.org/trees>, or call the Bureau of Urban Forestry at (628) 652-8733, weekdays, 8:00 AM to 4:00 PM.

The Bureau of Urban Forestry did not submit a brief.

PUBLIC COMMENT

From: [Carl Zlatchin](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: RE: 737 BUENA VISTA AVENUE WEST APPEAL RE PUC MO 207311
Date: Wednesday, January 18, 2023 12:53:57 PM

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

To whom it may concern:

We, Elizabeth and Carl Zlatchin of 1342 Masonic Avenue are neighbors to the property at 737 BVW.

We are wholly in support of the appeal. The removal of the trees seems appropriate given the commitment of the property owners of 737 BVW to replace the two trees but to add additional trees to the sidewalk in front of their property.

Thank you for your consideration of this email in support of the appeal.

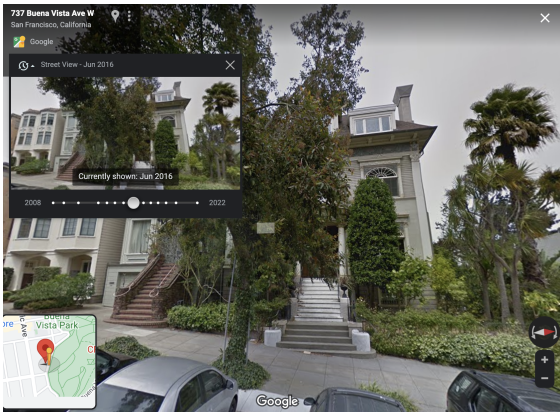
Sincerely,

Carl and Elizabeth Zlatchin

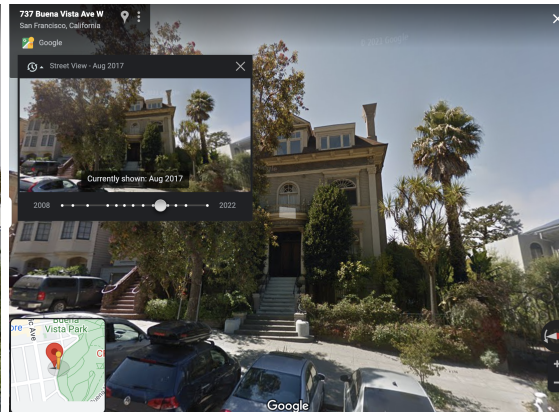
Public Comment in Opposition to Appeal No. 22-086

I respectfully submit this public comment in opposition to Appeal No. 22-086. I oppose this appeal for three reasons:

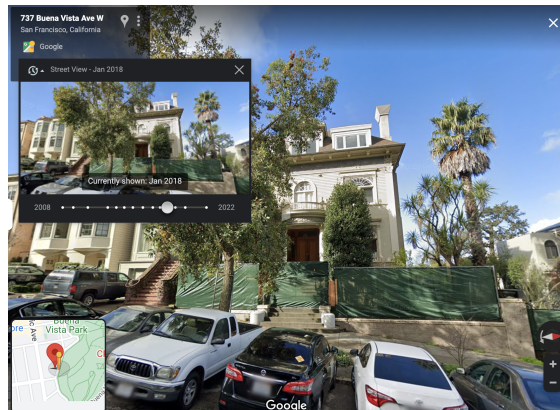
- (1) These trees are a public asset, maintained by the City. Public Works understands these trees are its responsibility and, if these trees were truly a threat, would move quickly to have them removed.
- (2) The amount of tree removal at this single location over just the past few years is astonishing. Rather than write about it, here is a pictorial chronology since 2016:



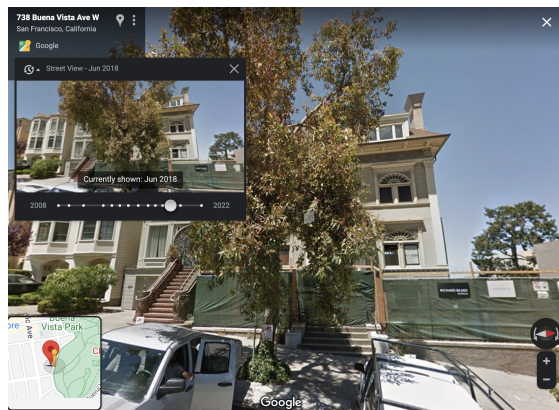
June 2016



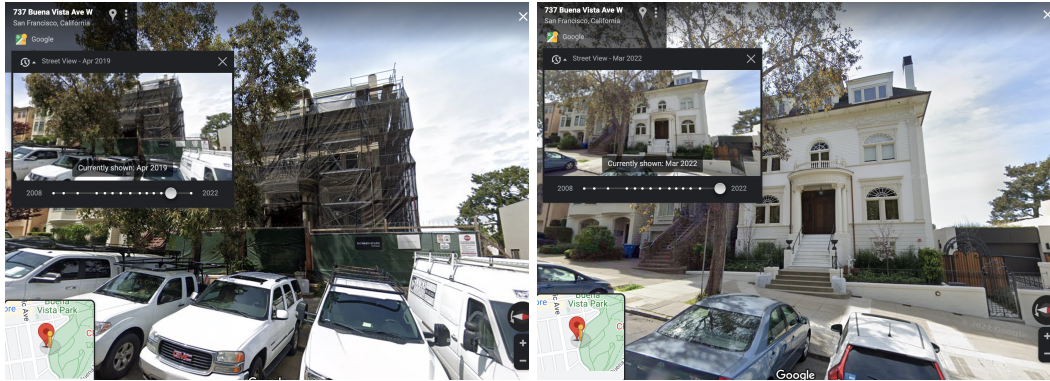
August 2017



January 2018



June 2018



April 2019

March 2022

The amount of defoliation at his single location is breathtaking, and hard to understand how a single property owner could be allowed to destroy so much tree canopy - apparently for a better view out the front window and the installation of a private garage - with no recompense or consequence. It would appear at least a couple of the trees that this property owner has already brought down would fall within Public Works Code Article 16's definition of a "Significant Tree" that would have required due process (and replacement). This property owner should not be permitted to bring down any more trees, period. Further, based on their history of wanton tree canopy removal, they should not be trusted to adequately replace or care for a tree, since it would seem tree take a back seat to personal comforts.

- (3) The third reason this appeal should be denied is that the people of San Francisco are sick and tired of losing their trees, and, in response to the continued loss of canopy, have formed a remarkable coalition across communities calling for a moratorium on the removal of any trees that are not hazardous or a threat to human safety. Please see this proposed people's moratorium, attached here, endorsed by groups such as: the Sierra Club, San Franciscan's for Urban Nature, the Telegraph Hill Dwellers, D4ward, the Haight Ashbury Neighborhood Association, the San Francisco Land Use Coalition, the Laudato Si Circle of St. Ignatius Parish, and more.

Thank you for your consideration.

PROPOSED RESOLUTION: MORATORIUM ON REMOVAL OF TREES
SUBJECT TO CITY JURISDICTION

1. WHEREAS in 2014, the City of San Francisco adopted an Urban Forest Plan which acknowledged serious deficiencies in our City's urban canopy and urban canopy management. *Inter alia*, this plan recognized that San Francisco has the smallest urban canopy of any major city in the United States, and called for the the planting of 50,000 (net) new street trees by 2034; and
2. WHEREAS in 2019, the San Francisco Board of Supervisors passed a Resolution declaring that our City is in a Climate Emergency, and the primary consequence of this Resolution was to catalyze the creation of a new San Francisco Climate Action Plan; and
3. WHEREAS in 2021, after two years of intensive research, study, and community outreach, the City's Department of the Environment unveiled a new Climate Action Plan, and this plan recommended, *inter alia*: "by 2023, create a policy to require preservation of mature trees during development or infrastructure modifications and for planting of basal area equivalent of mature trees whose removal is unavoidable"; and
4. WHEREAS in 2021, the City's Office of Budget and Legislative Analyst released a report concluding that "the City's 10-year average of 2,154 street trees planted annually is less than half of the 5,000 of street trees that need to be planted annually to ensure that the City's street tree population does not shrink"; and
5. WHEREAS in February 2022, the City's Public Works Code Article 16 was updated by the San Francisco Board of Supervisors and, among other updates, required that trees removed by City Departments be replaced within 120 days; and
6. WHEREAS in July 2022, the San Francisco Board of Supervisors approved a City budget that included no money for the planting or replacement of Street Trees; and

7. WHEREAS in January 2023, the City lost hundreds of trees due to unprecedented winter storms and flooding; and

8. WHEREAS as of January 2023, the City of San Francisco: is now behind by thousands of trees as called for in the Urban Forest Plan; has no policy around tree preservation and replacement as called for in the Climate Action Plan; and lacks the apparent budgetary and personnel resources to achieve the mandates called for in both of those plans.

9. THEREFORE pending the dedication of adequate resources to: comply with the 2014 Urban Forest Plan, comply with urban canopy related mandates in the 2021 Climate Action Plan, replace trees lost during the January 2023 storms, and align with the City's tree planting priorities to ensure environmental justice:

The undersigned respectfully call for a moratorium on the removal of any additional trees that are subject to City jurisdiction that do not pose a threat or hazard to human safety.



Kindra Scharich, Mission Verde

16 January 2023

[DATE]



[Ozzie Rohm \(Jan 17, 2023 10:40 PST\)](#)

Ozzie Rohm, San Francisco Land Use Coalition

Jan 17, 2023

[DATE]



SIERRA CLUB
SAN FRANCISCO BAY

Serving Alameda, Contra Costa, Marin and San Francisco counties

San Francisco Group Conservation Committee

January 19, 2023

[DATE]



[Katherine Howard \(Jan 19, 2023 14:55 PST\)](#)

Katherine Howard, San Franciscans for Urban Nature (SFUN)

Jan 19, 2023

[DATE]

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Tes Welborn

Tes Welborn (Jan 20, 2023 18:14 PST)

Tes Welborn for the Haight Ashbury Neighborhood Coalition

Jan 20, 2023

[DATE]

Jeff Rigo

Jeff Rigo, for D4ward

Jan 20, 2023

[DATE]

Irma Lewis

Irma Lewis (Jan 25, 2023 09:30 PST)

Irma Lewis, Friends of Esprit Park

Jan 25, 2023

[DATE]

Alfred Fontes Jr.

Alfred Fontes Jr. (Jan 25, 2023 17:27 PST)

Al Fontes, President, Telegraph Hill Dwellers

Jan 25, 2023

[DATE]

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[DATE]

[DATE]

[DATE]

[DATE]

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Women's Virtual Community
womensvc.org

Susan Bryan

[NAME/AFFILIATION OR ORGANIZATION]

January 18, 2023

[DATE]



TIPTOP MARKET

[NAME/AFFILIATION OR ORGANIZATION]

1/20/23

[DATE]

Code Tender Lion
Dan Wiley

[NAME/AFFILIATION OR ORGANIZATION]

1/20/23

[DATE]

Elgin Rose - Fathers to Founders

[NAME/AFFILIATION OR ORGANIZATION]

1/20/23

[DATE]

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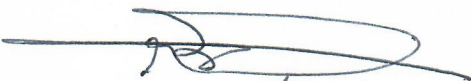
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Tenderloin Futures Collaborative
[NAME/AFFILIATION OR ORGANIZATION]

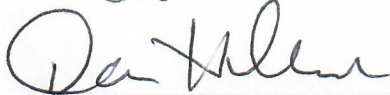
January 20, 2023
[DATE]



NORTH MARKET BAR ASSOCIATION
[NAME/AFFILIATION OR ORGANIZATION]

1/20/23
[DATE]

Code Tenderloin



[NAME/AFFILIATION OR ORGANIZATION]

1/20/23
[DATE]



Elgin Rose - CODE TENDERLOIN
[NAME/AFFILIATION OR ORGANIZATION]

1/20/23
[DATE]

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TENANTS ASSOCIATIONS, COALITION
OF SAN FRANCISCO

Susan Bryan

[NAME/AFFILIATION OR ORGANIZATION]

January 19, 2023

[DATE]

Omar M. Lopez

[NAME/AFFILIATION OR ORGANIZATION]

1/20/23

[DATE]

Karen Swiger

[NAME/AFFILIATION OR ORGANIZATION]

1-20-23

[DATE]

Kimberly Alamanza Garez

[NAME/AFFILIATION OR ORGANIZATION]

1/20/23

[DATE]