



Nicholas Crawford, Acting Superintendent Bureau of Urban Forestry
Nicholas.Crawford@sfdpw.org T. 415.695.2103 2323 Cesar Chavez Street, San Francisco, CA 94124

July 28, 2023

RE: Public comment received on July, 12, 2023 from Josh Klipp at Board of Appeals referencing Appeal No. 19-075 and 21-076

President Swig and Mr. Klipp:

Our Bureau reviewed the written public comment that was received at the July 12, 2023 Board of Appeals hearing which referenced Appeals 19-075 and 21-076. Mr. Klipp's advocacy has brought a closer eye to several processes in need of improvement, and we are grateful for his work. We strive to provide the best service to all residents and hope to maintain a constructive relationship with Mr. Klipp and others working to protect and grow our urban forest.

Regarding appeal No. 21-076 (BART/Canopies mitigations) for the ten (10) permits issued to BART to remove street trees to enable the installation of canopy structures along Market Street, we have met internally to review the feedback provided by Mr. Klipp. Public Works shares the concerns that achieving the mitigations has taken longer than expected. We respectfully disagree with the statement that Public Works has "done nothing," as at times, we have had three staff members attending the monthly mitigation meetings. That said, despite good faith efforts to complete the mitigations, we recognize that more progress needs to be made. This is a complex project that requires us to work with BART project managers and cultivate community interest to see if it is possible to maximize the planting of more trees, if volunteer or community partnerships can be established.

The original goal was to have community members take on watering and establishment to allow Public Works to plant more than the fifteen (15) required replacement trees. BART's Government and

Community Relations Representative conducted exhaustive outreach to neighboring groups such as community benefits districts and businesses in the surrounding area. The team quickly came to realize that storefronts are currently in a fight for survival to keep their doors open and are not able to take on new responsibilities to care for or water young trees.

Given this climate with limited local group support and limited city funding for tree planting, Public Works shifted to seeking state and federal support with great success. Recognizing that the Market Street corridor is within an Equity Priority Community, Public Works applied for – and was awarded – a \$456,000 grant from the California Natural Resources Agency to plant and establish 250 trees in the blocks adjacent to this corridor that fall within these disadvantaged census tracts. While Better Market Street is planting trees directly on Market Street using below ground soil vaults to boost above ground canopy development and carbon sequestration, the project is limited to the blocks between 5th Street and 8th Street. The California Natural Resources Agency grant footprint does not include Market Street plantings but amplifies the planting work on the surrounding blocks, one of the stated goals of this permit mitigation. The entire area will be saturated with tree planting work and watered by the Public Works' tree watering grant partner using routing that maximizes efficiency.

In an even larger effort, Public Works applied for and is awaiting a response to their application for \$38,000,000 in federal grant money from the administration's Inflation Reduction Act program to plant and establish 10,000 trees focusing both on Equity Priority Communities and on replacement trees citywide.

These large-scale grant applications are directly related to the mitigations of the appeal as an adaptation to the challenging economic conditions downtown and the city's limited budget to fund tree planting. We believe these represent an amplification of our efforts and focus funding to an area that we agree is in need of resources through beautification and greening.

More specifically, Public Works' grant recipient, Friends of the Urban Forest, planted 48 trees in the Tenderloin's Transgender District in August 2022. The trees are receiving weekly watering and care from another Public Works grant recipient, SF Clean City Coalition. Then on October 15, 2022, Public Works hosted a planting day in SoMa during its Neighborhood Beautification Day. Again, on March 11, 2023, SFPW hosted Public Works' annual Arbor Day event in SoMa and planted 115 trees.

Public Works sees this area as central to meeting its tree planting goals and is situating its state-of-the-art Street Tree Nursery, currently under construction, on 5th Street between Bryant Street and Harrison Street. This site will supply locally grown and climate-adapted trees to the surrounding area and be open for community members of all ages to learn more about the benefits of trees and methods to propagate them. We have recently identified with BART, Mr. Klipp, and the other appellants, that we will plant in empty tree basins along Market Street that are outside of the current Better Market Street scope of work.

Identifying ideal sites for the pop-out prototypes/basins is a step that trails the construction progress. The plan remains the same: to match the pop-out basins to locations alongside the entrances that are suitable for a tree on a temporary basis but not appropriate for a tree to grow to maturity due to space constraints. One site at 815 Market St. is now ready to excavate.

Public Works was admittedly slow to assign an engineer to the project and had turnover due to a retirement when someone was assigned. The pilot project is now reassigned, and the engineer was briefed on the needs of the department to complete this and is attending the progress meetings.

San Francisco Public Works and the Bureau of Urban Forestry have always shown a willingness to pilot new ideas in order to maximize our limited tree planting funds. Working with Appellants to the 24th Street tree removal program, the Mission Verde group was founded, and Public Works partnered with the community and Friends of the Urban Forest to plant three times as many replacement trees.

However, creative new ideas may require more time to implement. With the Mission Verde group, they initially wanted to use a motorized watering cart. BUF purchased and Public Works carpenters adapted a much less expensive cart that ultimately proved more efficient and easier to use. It may take time, but exploring different alternatives may be beneficial in the end.

Regarding appeal No. 19-075 (601 Van Ness Ave./Tesla charging stations), we provided a response to this feedback on February 1, 2023 to the public comment received by Mr. Klipp at the January 18, 2023 Board of Appeals hearing. In addition to our earlier review of this matter in January, we also met on July 18, 2023 to review the feedback provided by Mr. Klipp.

We recognize that the permit should have been issued after payment of the invoice, in the correct amount for six (6) trees, not three (3). We missed that because this project lacked a job card sign-off which normally triggers that requirement. Additionally, our staff, when reviewing the notice of decision, focused on the first page which emphasized three (3) trees, not the second page which contained the resulting language that required that six (6) trees or in-lieu fees be paid or planted. We have provided additional training to our staff on how to more carefully review notices of decision issued by the Board of Appeals.

The trees were planted prior to receipt of full payment. In-lieu fees and administrative citation fees are deposited into our Adopt-a-Tree Fund which pays for purchasing of trees, stakes, and watering bags, pays for city staff to plant and water, and pays for grant partners such as Friends of the Urban Forest and Clean City Coalition to plant and water trees. The funds are exclusively used for tree planting.

Our Bureau is committed to planting every available basin in the Tenderloin (empty basins or new cut sites) as the first neighborhood to be "planted-out" in the city. To pursue this goal, we have selected the Tenderloin as an Equity Priority Community, requested capital funding annually for tree planting support, written successful grant applications for planting funding here, and situated the BUF Street Tree Nursery nearby in SoMa, another Equity Priority Community.

Public Works is committed to adhering to and/or enforcing any permit conditions imposed by the Board of Appeals. In case No. 21-076 (BART/Canopies mitigations), we continue to work through the challenges and details but have no reason to believe that we cannot meet all of the conditions. In case No. 19-075, staff believed the intent of the condition was not only met but exceeded. However, the department should have confirmed in advance with the Board of Appeals that the proposed substitution was acceptable.

Respectfully,

A handwritten signature in blue ink, appearing to read 'N. Crawford', is positioned above the printed name.

Nicholas Crawford

Acting Superintendent

Enclosure: Bureau of Urban Forestry response to January Public Comment

CC: Carla Short, Interim Director, Public Works

Street and Sanitation Commission and Public Works Commission through Robert Fuller,
Commission Secretary



Urban Forestry

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

February 1, 2023

Appeal No. 19-075 (601 Van Ness Ave/Tesla)

RE: Response to public comment received on 1.18.23 from Josh Klipp

President Swig and Mr. Klipp:

Our Bureau listened closely to the general public comment provided by Josh Klipp regarding Appeal No. 19-075 that required that six (6) 24" box size trees be planted by Public Works, with funding received from Tesla's payment of six (6) in-lieu fees.

Comment re: funding of the trees:

Six (6) 15-gal. size trees were planted by Friends of the Urban Forest (FUF), our non-profit partner, on August 27, 2022. Friends of the Urban Forest receives funding from Public Works and work completed by this non-profit organization counts towards achieving the goals of San Francisco's Urban Forest Plan. The funds received from Tesla are deposited into our adopt-a-tree account and are not literally cross-referenced to specific planting sites. Rather, this funding source is used by Public Works to purchase trees or to fund the issuing of grants. The trees planted by Friends of the Urban Forest may be funded partially through their Cal-Fire grant, as is often the case, but Public Works provides funding through a grant process to Friends of the Urban Forest as well. These likely would be referenced as matching funds when FUF applies for grants. For instance, although the forty-three (43) trees planted

by FUF in the Tenderloin on 8/27/2022 may have been partially funded by Cal-Fire, Public Works has the watering and establishment responsibility for these trees. Attached is a list of the forty-three (43) trees planted by FUF that our Department has been watering and monitoring. Also attached are photos of the six (6) trees taken on 12/28/2022.

Comment re: replacement size (15-gal vs. 24" box)

We acknowledge that the conditions of the permit required that six (6) 24" box size trees be planted. Our Bureau is committed to adhering to the permit conditions that Public Works issues and that the Board of Appeals issues. That said, when our staff worked closely with FUF and community members to identify a total of forty-three (43) empty tree basins and new planting sites in the Tenderloin, far surpassing the requirements of Appeal No. 19-075, we believed this would be mitigated by the additional planting of thirty-seven (37) empty tree basins and new sites. Our response to Mr. Klipp's public comment is that we have stretched those limited Tesla funds to provide for additional trees to be planted, which Mr. Klipp often encourages us to do.

Comment re: length of time to plant the required trees

Our Bureau needs to better prioritize specific planting requirements that result from permit appeals. For this we wish to apologize to Mr. Klipp and BOA and seek to continue to build back the trust of Board of Appeals.

Since Mr. Klipp's public comments, we have discovered an error on our end. We found that we only invoiced the applicant for three (3) in-lieu fees. We looked into why and how this happened, and we believe it was honest human error. Page one of the two page

decision repeats the original Public Works recommendation that three trees were required to be planted, and our admin created the invoice for three trees. Since discovering this mistake on our part, we have since contacted the applicant and submitted an invoice for the three additional in-lieu fees. Again, this is a regrettable clerical error, and we have advised Tesla to pay this immediately. Though our attached invoice shows the due date as 60 days from the invoice date, we are requiring immediate payment. We will confirm when this payment has been deposited.

Please do not hesitate to contact me with any follow-up questions and again, I wish to apologize for how this was handled.

Respectfully

A handwritten signature in blue ink, appearing to read "Chris Buck".

Chris Buck

Urban Forester

(Attachments follow)

CC: Carla Short, Interim Director

Nicholas Crawford, Acting Superintendent

516 O'Farrell St. before planting, June 2021



12/28/2023

516 O'Farrell St.

Tree no. 1

Tree ID: 269117

Species:

Metrosideros excelsa

Planted 8/27/2022

By FUF



12/28/2023

516 O'Farrell St.
Tree no. 2

Tree ID: 269118

Species:
Metrosideros excelsa

Planted 8/27/2022
By FUF



12/28/2023

516 O'Farrell St.
Tree no. 3

Tree ID: 269119

Species:
Metrosideros excelsa

Planted 8/27/2022
By FUF



12/28/2023

516 O'Farrell St.

Tree no. 4

Tree ID: 269120

Species:

Metrosideros excelsa

Planted 8/27/2022

By FUF



540 O'Farrell St. before planting, October 2016



12/28/2023

540 O'Farrell St.
Tree no. 1

Tree ID: 169252

Species:
Tristaniopsis laurina

Planted 8/27/2022
By FUF



Photo: 12/28/2023

540 O'Farrell St.
Tree no. 2

Tree ID: 169253

Species:
Tristaniopsis laurina

Note: need to replace
protective screening that
has been removed

Planted 8/27/2022
By FUF





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:

Opera Plaza
Tesla
601 Van Ness Ave
San Francisco CA 94102

This permit specifically grants permission for:

Permit Pave Over - 1

Permit Remove Tree - 1

on the sidewalk adjacent to the premises at:

601 Van Ness Ave

600 Golden Gate Ave, Tree 11

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: The substance or effect of the decision or order appealed from the ISSUANCE on July 1, 2019 to Tesla, of a Public Works Order (APPROVAL of request to remove without replacement a red flowering gun street tree maintained by Public Works on the following conditions: 1) that the landscape appraisal of \$7,300 be paid due to the removal without replacement; 2) that three in-lieu fees of \$2,031 each (\$6,093) be paid to further mitigate the loss of a mature tree by funding the planting of three trees by Public Works; 3) that any other required permits are obtained prior to the issuance of the tree removal permit, to ensure that the project has full approval prior to the removal of the tree; and 4) that a tree protection application and plan be submitted by the applicant, by a qualified arborist, and reviewed by Urban Forestry staff, to ensure that the two trees directly adjacent to the subject tree are adequately protected during excavation of the sidewalk) at 601 Van Ness Avenue (on the Golden Gate Avenue frontage of the property).

Revision Notes: PURSUANT TO § 4.106 of the Charter of the City & County of San Francisco and Article 1, §14 of the Business & Tax Regulations Code of the said City & County, and the action above stated, the Board of Appeals hereby GRANTS THE APPEAL AND ORDERS that the ISSUANCE of the subject determination by the San Francisco Public Works, Bureau of Urban Forestry is UPHOLD on the CONDITION that the Bureau of Urban Forestry plants six new street trees in the Tenderloin area that are 24-inch box size, within six months of this decision; further that these new street trees are to be paid for by the determination holder.

Date Issued: 10/4/2019

Permit No: 782272

Approved:

Director, Department of Public Works



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

Chris Buck, Urban Forester
Bureau of Urban Forestry

Planting Date	BUF Planting ID	Status Code	Tree Bldg Num	Tree Street	BUF Seq #	Cross Street
8/27/22	269116	Valid	233	Ellis St	3	Mason St
8/27/22	40126	Valid	301	Ellis St	3	Taylor St
8/27/22	40128	Valid	301	Ellis St	1	Taylor St
8/27/22	168969	Valid	379	Ellis St	1	Jones St
8/27/22	29156	Valid	450 B	Jones St	2	O'Farrell St
8/27/22	29157	Valid	450 B	Jones St	3	O'Farrell St
8/27/22	132977	Valid	477 - 481	O'Farrell St	3	Jones St
8/27/22	269117	Valid	516	O'Farrell St	1	Jones St
8/27/22	269118	Valid	516	O'Farrell St	2	Jones St
8/27/22	269119	Valid	516	O'Farrell St	3	Jones St
8/27/22	269120	Valid	516	O'Farrell St	4	Jones St
8/27/22	269122	Valid	345	Jones St	2	Ellis St
8/27/22	75176	Valid	288	Eddy St	4	Jones St
8/27/22	269123	Valid	310	Jones St	3	Eddy St
8/27/22	269124	Valid	310	Jones St	4	Eddy St
8/27/22	269125	Valid	366-380	Eddy St	1	Leavenworth St
8/27/22	249385	Valid	200	Leavenworth St	1	Turk St
8/27/22	249391	Valid	280-288-290	Turk St	1	Leavenworth St
8/27/22	255901	Valid	270	Turk St	1	Leavenworth St
8/27/22	113521	Valid	201	Turk St	7	Jones St
8/27/22	113518	Valid	201	Turk St	4	Jones St
8/27/22	43091	Valid	146	Leavenworth St	1	Turk St
8/27/22	29132	Valid	237	Leavenworth St	1	Eddy St
8/27/22	29125	Valid	345	Leavenworth St	1	Ellis St
8/27/22	169129	Valid	345	Leavenworth St	2	Ellis St
8/27/22	269126	Valid	391	Leavenworth St	3	Ellis St
8/27/22	81836	Valid	410	Leavenworth St	2	Leavenworth St
8/27/22	45194	Valid	434	Leavenworth St	1	O'Farrell St
8/27/22	169254	Valid	580	O'Farrell St	1	Leavenworth St
8/27/22	169252	Valid	540	O'Farrell St	1	Jones St
8/27/22	169253	Valid	540	O'Farrell St	2	Jones St
8/27/22	269128	Valid	620	O'Farrell St	1	Leavenworth St
8/27/22	130048	Valid	666	O'Farrell St	2	Hyde St
8/27/22	169361	Valid	750	O'Farrell St	1	Hyde St
8/27/22	169362	Valid	750	O'Farrell St	2	Hyde St
8/27/22	267356	Valid	750	O'Farrell St	3	Hyde St
8/27/22	269129	Valid	560	Ellis St	2	Leavenworth St
8/27/22	269130	Valid	200	Hyde St	1	Turk St
8/27/22	268452	Valid	398	Turk St	1	Hyde St
8/27/22	169456	Valid	381	Turk St	1	Hyde St
8/27/22	169457	Valid	381	Turk St	2	Hyde St
8/27/22	251465	Valid	129	Hyde St	1	Golden Gate St
8/27/22	51301	Valid	101	Hyde St	1	Golden Gate St

Tree Species	Property Addr Bldg Num	Property Address Street	Tree Street Ext	Basin Width	Basin Lengt h	Tree Zip Code
Lophostemon confertus		233 Ellis St			4 6	94102
Lophostemon confertus		301 Ellis St			5 5	94102
Lophostemon confertus		301 Ellis St			5 5	94102
Platanus x acerfolia 'Colt		379 Ellis St			4 6	94102
Lophostemon confertus		450 B Jones St			4 6	94102
Lophostemon confertus		450 B Jones St			4 6	94102
Pittosporum undulatum		477 - 481 O'Farrell St			3 3	94102
Metrosideros excelsa		501 Jones St			4 6	94102
Metrosideros excelsa		501 Jones St			4 6	94102
Metrosideros excelsa		501 Jones St			4 6	94102
Metrosideros excelsa		501 Jones St			4 6	94102
Metrosideros excelsa		345 Jones St			3 3	94102
Magnolia grandiflora 'St.		288 Eddy St			3 3	94102
Lophostemon confertus		288 Eddy St			3 3	94102
Lophostemon confertus		288 Eddy St			4 6	94102
Tristania laurina		366-380 Eddy St			3 3	94102
Pistachia chinensis		200 Leavenworth St			4 6	94102
Lophostemon confertus		280-288-290 Turk St			4 7	94102
Platanus x acerfolia 'Colt		270 Turk St			4 6	94102
Lophostemon confertus		201 Turk St			4 6	94102
Lophostemon confertus		201 Turk St			4 6	94102
Lophostemon confertus		146 Leavenworth St			4 6	94102
Ginkgo biloba 'Autumn G		237 Leavenworth St			4 6	94102
Pistachia chinensis		345 Leavenworth St			4 6	94102
Pistachia chinensis		345 Leavenworth St			4 6	94102
Lophostemon confertus		391 Leavenworth St			4 6	94102
Lophostemon confertus		480 Ellis St			4 6	94102
Lophostemon confertus		434 Leavenworth St			4 6	94102
Platanus x acerfolia 'Colt		580 O'Farrell St			4 6	94102
Tristania laurina		540 O'Farrell St			4 6	94102
Tristania laurina		540 O'Farrell St			4 6	94102
Metrosideros excelsa		620 O'Farrell St			3 3	94102
Lophostemon confertus		666 O'Farrell St			4 6	94102
Platanus x acerfolia 'Colt		750 O'Farrell St			4 6	94102
Platanus x acerfolia 'Colt		750 O'Farrell St			3 3	94102
Platanus x acerfolia 'Colt		750 O'Farrell St			4 6	94102
Magnolia grandiflora 'St.		560 Ellis St			5 5	94102
Jacaranda mimosifolia		200 Hyde St			4 6	94102
Platanus x acerfolia 'Colt		200 Hyde St			4 6	94102
Metrosideros excelsa		381 Turk St			4 6	94102
Metrosideros excelsa		381 Turk St			4 6	94102
Platanus x acerfolia 'Colt		129 Hyde St			4 6	94102
Pistachia chinensis		101 Hyde St			4 6	94102

Neighborhood	FUF Planting project #	Latitude	Longitude
Tenderloin	1459	37.7851649	-122.4100428
Tenderloin	1459	37.7849908	-122.4115428
Tenderloin	1459	37.784982	-122.4116256
Tenderloin	1459	37.7848893	-122.4124249
Tenderloin	1459	37.7856673	-122.4128601
Tenderloin	1459	37.7857054	-122.41289
Tenderloin	1459	37.785813	-122.4125222
Tenderloin	1459	37.7858522	-122.4131847
Tenderloin	1459	37.7858453	-122.4132792
Tenderloin	1459	37.7858308	122.4133892
Tenderloin	1459	37.7858037	-122.4135478
Tenderloin	1459	37.7845454	-122.412833
Tenderloin	1459	37.78407	-122.4122821
Tenderloin	1459	37.7842979	-122.4125554
Tenderloin	1459	37.7843535	-122.4125648
Tenderloin	1459	37.7839154	-122.4137535
Tenderloin	1459	37.7830305	-122.414037
Tenderloin	1459	37.7829065	-122.4138043
Tenderloin	1459	37.7829377	-122.4136175
Tenderloin	1459	37.782911	-122.4129503
Tenderloin	1459	37.7828863	-122.4131545
Tenderloin	1459	37.7825368	-122.4139327
Tenderloin	1459	37.7833135	-122.4142492
Tenderloin	1459	37.7843488	-122.4144564
Tenderloin	1459	37.7842364	-122.4144547
Tenderloin	1459	37.7844889	-122.4144842
Tenderloin	1459	37.78491	-122.4144215
Tenderloin	1459	37.7853037	-122.4144882
Tenderloin	1459	37.785716	-122.4142442
Tenderloin	1459	37.7858056	-122.413637
Tenderloin	1459	37.785787	-122.4137134
Tenderloin	1459	37.7856122	-122.4150787
Tenderloin	1459	37.7855205	-122.4158434
Tenderloin	1459	37.7853546	-122.4171413
Tenderloin	1459	37.7853403	-122.4172519
Tenderloin	1459	37.7853451	-122.4173253
Tenderloin	1459	37.784636	-122.4152322
Tenderloin	1459	37.7827642	-122.4156684
Tenderloin	1459	37.7826998	-122.4154391
Tenderloin	1459	37.7825813	-122.4153851
Tenderloin	1459	37.7825996	-122.4152406
Tenderloin	1459	37.7821025	-122.415711
Tenderloin	1459	37.7819337	-122.415664

From: [Buck, Chris \(DPW\)](#)
To: [Rosenberg, Julie \(BOA\)](#); [Short, Carla \(DPW\)](#)
Cc: [rickswig](#)
Subject: RE: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Date: Friday, December 9, 2022 4:43:00 PM
Attachments: [BUF to FUF Final water list Tenderloin 1459 8-27-22.xlsx](#)
[image005.png](#)

Hello Julie and President Swig,

Thank you for reaching out about this case. I need to provide Mr. Klipp this update as well, and I own him an apology for not contacting him sooner to let him know that the conditions of his appeal have been met. We had not received any recent inquiries from Mr. Klipp about the status of this permit, so I was surprised to read this in his brief.

The six new required trees were planted on August 27th this summer, in the Tenderloin, by our non-profit partner Friends of the Urban Forest, in collaboration with The Transgender District.

The other conditions of the permit were met as well, including the funding for the six trees, and the appraised value for the loss of the tree.

I will send Mr. Klipp a similar update this evening before leaving for the day.

The attached is a list of sites that were planted on August 27th. Many of these were new cut planting sites, well-beyond the required six, and the remainder were replanting empty basins with missing trees.

I'll have our Urban Forestry Inspector identify the six sites specifically, to ensure they are tied directly to the permit with the Appeal history memorialized within the tree records in the database.

Since the 601 Van Ness/Tesla hearing, we have secured funding of approximately two million dollars (through a mix of sources) for the planting of many more trees within the areas of the Tenderloin, Civic Center and SOMA. In fact, we're considering a potential announcement that the Tenderloin may be the first neighborhood in San Francisco that we try to "plant out".

Respectfully,

Chris Buck

Tree Tracking Main Menu Search for Permits Permits

Permit / Agreement Permit # **782272** Permit Type **Tree Permits**

Tree/Action **Permit Pave Over - 1** Status: **Completed**

Summary **Permit Remove Tree - 1** Approved: **Approved**

Basic Info **Processing Info** **Invoices** **Tree/Actions** **Photos/Documents**

Invoices Add Invoice

601 Van Ness Ave	12/4/2018 11:3	241153	Fully Paid	\$771.00
Tesla	3/15/2022 3:36	342434	Fully Paid	\$7,300.00
Tesla	3/15/2022 3:39	342436	Fully Paid	\$6,093.00

Invoice Type: Due Date: (New)

Set Account Payer Payer: Delete

Approve Invoice Approved Date: Approved By:

Print

Notes:

Invoice Line Items Total Invoice Amount:

Fee Description	Unit amt	Quantity	Fee Total
<input type="text"/>	<input type="text"/>	<input type="text" value="1"/>	<input type="text"/>

Chris Buck
 Urban Forester
 Bureau of Urban Forestry
 San Francisco Public Works | City and County of San Francisco
 49 South Van Ness Avenue, Suite 1000 | San Francisco, CA 94103 (628) 271-2825
sfpbublicworks.org · twitter.com/sfpbublicworks

From: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Sent: Friday, December 9, 2022 3:00 PM
To: Short, Carla (DPW) <Carla.Short@sfdpw.org>; Buck, Chris (DPW) <Chris.Buck@sfdpw.org>
Cc: rickswig <rickswig@rsbaswig.com>
Subject: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Importance: High

Dear Carla and Chris:

President Swig asked me to reach out to you regarding the status of Appeal No. 19-075 @ 601 Van Ness Avenue (on the Golden Gate Avenue frontage of the property). Part of the Board's decision for that case, sent out on November 1, 2019, required that BUF plant six new street trees in the Tenderloin area that are 24-inch box size within six months of the decision. Furthermore, the determination holder was supposed to pay for these trees (see attached decision). Please advise if these trees have been planted.

In the recent brief submitted by Josh Klipp for Appeal No. 22-079, scheduled to be heard on December 14, 2022, he stated that no trees have been planted as required by the decision for Appeal No. 19-075. Please see page 6 of Mr. Klipp's brief, attached and excerpt below.

In fact, there are instances of other permit applicants promising to plant additional trees in the area - just like this applicant - and those promises remain unkept years later. See, for example, the Board's decision in Appeal No. 19-075 where, on October 1, 2019, the Board upheld DPW's decision to remove a healthy tree in order to allow Tesla to install a high-speed charger "on the CONDITION that the Bureau of Urban Forestry plants six new street trees in the Tenderloin area that are 24-inch box size, *within six months of this decision*; further that these new street trees are to be paid for by the determination holder."¹⁴ [Emphasis added]. As of January 2022, more than *fifteen months after that decision*, those trees had not been planted despite Tesla's and DPW's promises, and despite a Board of Appeals decision requiring them to do so.¹⁵

President Swig would like an answer to this inquiry prior to the hearing on December 14, 2022.

Thank you,

Julie

Julie Rosenberg
Executive Director
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628-652-1151
Email: julie.rosenberg@sfgov.org

From: [Buck, Chris \(DPW\)](#)
To: [Short, Carla \(DPW\)](#); [Crawford, Nicholas \(DPW\)](#)
Subject: FW: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Date: Friday, December 9, 2022 3:48:00 PM
Attachments: [Notice of Decision and Order Appeal No. 19-075 @ 601 Van Ness Avenue.pdf](#)
[image001.png](#)
[JKlipp Brief Appeal No. 207226.pdf](#)
Importance: High

Hi Carla,

I just spoke with Nicholas about this inquire. I can reply to Julie, with you and Commissioner Swig copied.

We needed to plant three new cut site trees in the TL and although we were behind on the completion date, we did satisfy this when FUF planted the attached sites in August.

What Bryan will do next is select the three specific sites and tie it in to the permit, to memorialize it.

Just a quick note that I will provide a reply w/a few more details and copy you.

p.s. it was 3 trees in the TL, no min, size required.

Chris Buck

Urban Forester

Bureau of Urban Forestry

San Francisco Public Works | City and County of San Francisco

49 South Van Ness Avenue, Suite 1000 | San Francisco, CA 94103 (628) 271-2825

sfpublicworks.org · twitter.com/sfpublicworks

From: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Sent: Friday, December 9, 2022 3:00 PM
To: Short, Carla (DPW) <Carla.Short@sfdpw.org>; Buck, Chris (DPW) <Chris.Buck@sfdpw.org>
Cc: rickswig <rickswig@rsbaswig.com>
Subject: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Importance: High

Dear Carla and Chris:

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have been planted.

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In fact, there are instances of other permit applicants promising to plant additional trees in the area - just like this applicant - and those promises remain unkept years later. See, for example, the Board's decision in Appeal No. 19-075 where, on October 1, 2019, the Board upheld DPW's decision to remove a healthy tree in order to allow Tesla to install a high-speed charger "on the CONDITION that the Bureau of Urban Forestry plants six new street trees in the Tenderloin area that are 24-inch box size, *within six months of this decision*; further that these new street trees are to be paid for by the determination holder."¹⁴ [Emphasis added]. As of January 2022, more than *fifteen months after that decision*, those trees had not been planted despite Tesla's and DPW's promises, and despite a Board of Appeals decision requiring them to do so.¹⁵

President Swig would like an answer to this inquiry prior to the hearing on December 14, 2022.

Thank you,

Julie

Julie Rosenberg
Executive Director
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628-652-1151
Email: julie.rosenberg@sfgov.org

From: [Buck, Chris \(DPW\)](#)
To: [Ong, Bryan \(DPW\)](#); [Crawford, Nicholas \(DPW\)](#)
Subject: RE: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Date: Tuesday, December 13, 2022 3:42:00 PM
Attachments: [Notice of Decision and Order Appeal No. 19-075 @ 601 Van Ness Avenue.pdf](#)
[image005.png](#)
[image009.png](#)

It can be confusing when you give it a first look, because the first page refers to what the PW hearing recommended (three trees, sizes not specified). That was what was subject to appeal but then on the 2nd page are the findings where it outlines the six trees, 24" box size.

Just fyi. Also, I just sent Josh an update about that this afternoon, in advance of tomorrow's hearing just to clear that up.

Chris

Chris Buck
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San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1000 | San Francisco, CA 94103 (628) 271-2825
sfpublicworks.org · twitter.com/sfpublicworks

From: Ong, Bryan (DPW) <bryan.ong@sfdpw.org>
Sent: Tuesday, December 13, 2022 2:30 PM
To: Buck, Chris (DPW) <Chris.Buck@sfdpw.org>; Crawford, Nicholas (DPW) <nicholas.crawford@sfdpw.org>
Subject: RE: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Importance: High

Hey,

I'm pretty sure it's just the 3 trees and no specified box size.

Unless there was another decision I'm not aware of.

Thanks,



Bryan Ong
Urban Forestry Inspector

Urban Forestry | San Francisco Public Works | City and County of San Francisco
1155 Market Street., 3rd Fl. | San Francisco, CA 94103 | 415-554-8398
sfpublicworks.org · twitter.com/sfpublicworks

To report a problem with a street tree call 311 or submit a [311 service request online](#).

From: Buck, Chris (DPW) <Chris.Buck@sfdpw.org>
Sent: Friday, December 9, 2022 4:56 PM
To: Crawford, Nicholas (DPW) <nicholas.crawford@sfdpw.org>; Ong, Bryan (DPW) <bryan.ong@sfdpw.org>
Cc: Short, Carla (DPW) <Carla.Short@sfdpw.org>
Subject: FW: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)

Nicholas and Bryan,

Below is my reply to this inquiry re: the 601 Van Ness permit requirements. I don't know why Bryan and I didn't realize sooner that we had not only met but exceeded the conditions of the permit, when all those trees were planted by FUF in August. Bryan did a lot of work verifying sites with FUF and others this summer for the Aug 27th planting.

Josh did not reach out to ask for a status about the conditions of the permit. We don't always reach out to an appellant to say that all conditions have been met. If that is the expectation we should adopt that as best practice.

Bryan, what you should do on Monday or Tuesday, is put the six Tree IDs in the 601 Van Ness permit record, so the addresses and IDs are referenced. And then in the new six tree locations, memorialize the history behind their planting by referencing the permit number and BOA Appeals number. The other conditions of the permit were met as well: appraised value for loss of the tree, and six in-lieu fees.

Chris

Chris Buck

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San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1000 | San Francisco, CA 94103 (628) 271-2825
sfpublicworks.org · twitter.com/sfpublicworks

From: Buck, Chris (DPW)
Sent: Friday, December 9, 2022 4:44 PM
To: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Short, Carla (DPW) <carla.short@sfdpw.org>
Cc: rickswig <rickswig@rsbaswig.com>
Subject: RE: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)

Hello Julie and President Swig,

Thank you for reaching out about this case. I need to provide Mr. Klipp this update as well, and I own him an apology for not contacting him sooner to let him know that the conditions of his appeal have been met. We had not received any recent inquiries from Mr. Klipp about the status of this permit, so I was surprised to read this in his brief.

The six new required trees were planted on August 27th this summer, in the Tenderloin, by our non-profit partner Friends of the Urban Forest, in collaboration with The Transgender District.

The other conditions of the permit were met as well, including the funding for the six trees, and the appraised value for the loss of the tree.

I will send Mr. Klipp a similar update this evening before leaving for the day.

The attached is a list of sites that were planted on August 27th. Many of these were new cut planting sites, well-beyond the required six, and the remainder were replanting empty basins with missing trees.

I'll have our Urban Forestry Inspector identify the six sites specifically, to ensure they are tied directly to the permit with the Appeal history memorialized within the tree records in the database.

Since the 601 Van Ness/Tesla hearing, we have secured funding of approximately two million dollars (through a mix of sources) for the planting of many more trees within the areas of the Tenderloin, Civic Center and SOMA. In fact, we're considering a potential announcement that the Tenderloin may be the first neighborhood in San Francisco that we try to "plant out".

Respectfully,

Chris Buck

Tree Tracking Main Menu Search for Permits Permits

Permit / Agreement Permit # **782272** Permit Type **Tree Permits** Status: **Completed** Approved: **Approved**

Tree/Action **Permit Pave Over - 1**
 Summary **Permit Remove Tree - 1**

Basic Info **Processing Info** **Invoices** **Tree/Actions** **Photos/Documents**

Invoices Add Invoice

601 Van Ness Ave	12/4/2018 11:3	241153	Fully Paid	\$771.00
Tesla	3/15/2022 3:36	342434	Fully Paid	\$7,300.00
Tesla	3/15/2022 3:39	342436	Fully Paid	\$6,093.00

Invoice Type: Due Date: (New)

Set Account Payer Payer: Delete

Approve Invoice Approved Date: Approved By:

Print

Notes:

Invoice Line Items Total Invoice Amount:

Fee Description	Unit amt	Quantity	Fee Total
<input type="text"/>	<input type="text"/>	<input type="text" value="1"/>	<input type="text"/>

Chris Buck
 Urban Forester
 Bureau of Urban Forestry
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sfpbublicworks.org · twitter.com/sfpbublicworks

From: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Sent: Friday, December 9, 2022 3:00 PM
To: Short, Carla (DPW) <Carla.Short@sfdpw.org>; Buck, Chris (DPW) <Chris.Buck@sfdpw.org>
Cc: rickswig <rickswig@rsbaswig.com>
Subject: Status of Appeal No. 19-075 @ 601 Van Ness Avenue (Golden Gate Ave. frontage)
Importance: High

Dear Carla and Chris:

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In fact, there are instances of other permit applicants promising to plant additional trees in the area - just like this applicant - and those promises remain unkept years later. See, for example, the Board's decision in Appeal No. 19-075 where, on October 1, 2019, the Board upheld DPW's decision to remove a healthy tree in order to allow Tesla to install a high-speed charger "on the CONDITION that the Bureau of Urban Forestry plants six new street trees in the Tenderloin area that are 24-inch box size, *within six months of this decision*; further that these new street trees are to be paid for by the determination holder."¹⁴ [Emphasis added]. As of January 2022, more than *fifteen months after that decision*, those trees had not been planted despite Tesla's and DPW's promises, and despite a Board of Appeals decision requiring them to do so.¹⁵

President Swig would like an answer to this inquiry prior to the hearing on December 14, 2022.

Thank you,

Julie

Julie Rosenberg
Executive Director
San Francisco Board of Appeals
49 South Van Ness Avenue, Suite 1475
San Francisco, CA 94103
Phone: 628-652-1151
Email: julie.rosenberg@sfgov.org

Permit / Agreement Permit # **782272** Permit Type **Tree Permits**

Tree/Action Summary **Permit Pave Over - 1** Status: **Completed**
Permit Remove Tree - 1 Approved: **Approved**

- Basic Info
- Processing Info
- Invoices
- Tree/Actions**
- Photos/Documents

Invoices Add Invoice

Tesla	3/15/2022 3:36	342434	Fully Paid	\$7,300.00	^
Tesla	3/15/2022 3:39	342436	Fully Paid	\$6,093.00	
Tesla	3/27/2023 1:22	372605	Not Paid	\$6,906.00	v

Invoice Type: **Tree In-Lieu Fee** Due Date: **3/27/2023** 13606

Set Account Payer Payer: **Tesla** Delete

Approve Invoice Approved Date: **1/26/2023** Approved By: **Bryan Ong**

Print Invoice No: **372605** Invoiced Amount: **\$6,906.00**

Invoice Status: **Not Paid** Balance Due: **\$6,906.00**

Notes:
 3 in-lieu fees

Invoice Line Items Total Invoice Amount: **6906.00**

Fee Description	Unit amt	Quantity	Fee Total
▼ In Lieu fee - standard per tree	\$2,302.00	3	6906.00
* ▼		1	

From: [Buck, Chris \(DPW\)](#)
To: [Tenderloin Tree Campaign 2024](#); [Board of Appeals \(PAB\)](#); [Longway, Alec \(BOA\)](#); [Rosenberg, Julie \(BOA\)](#); [Mejia, Xiomara \(BOA\)](#)
Cc: [Board of Supervisors \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Short, Carla \(DPW\)](#); [Ong, Bryan \(DPW\)](#); [Crawford, Nicholas \(DPW\)](#)
Subject: RE: Appeal #19-075 601 Van Ness
Date: Thursday, December 29, 2022 5:07:00 PM
Attachments: [SUF to FUR Final water list - Tenderloin - 1459 - 8-27-22.xlsx](#)
[jmaae003.png](#)
[jmaae004.png](#)
[jmaae005.png](#)
[jmaae002.png](#)

Mr. Nulty,

These six trees/locations have been designated as the six replacement trees for the conditions of that permit. This was a permit that Tesla sought to remove one tree to install infrastructure for charging stations in an existing below ground parking garage, not a tree removal that Public Works pursued.

We have linked the sites in our permit with these tree records and vice versa.

Big picture, we had stated that our overall planting goals would be to plant more trees than the six. It took longer than we would have liked, but on August 27th of this year, approximately 43 trees (many empty basins, but many new trees) were planted by our non-profit partner Friends of the Urban Forest in partnership with others including representatives from the Transgender District.

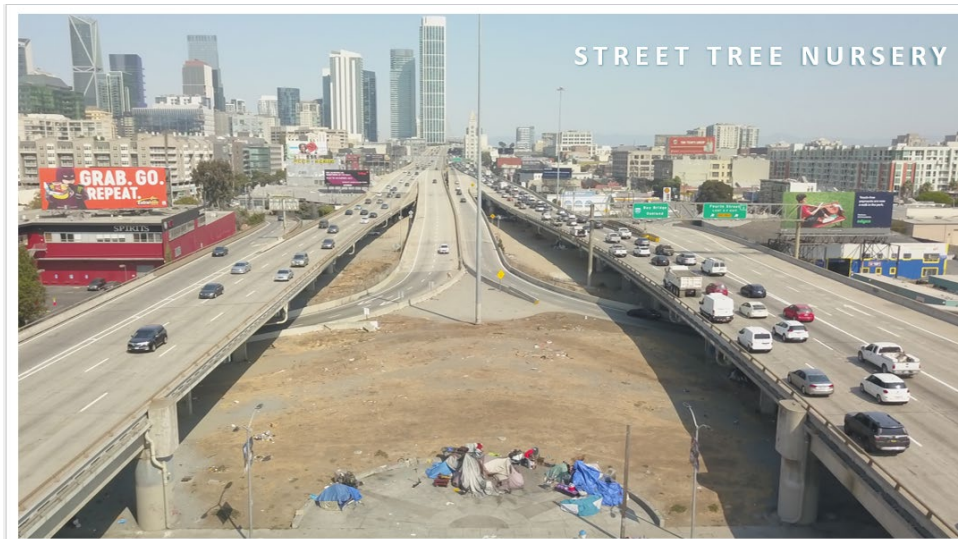
This year we have also applied for (and final notification of grant award pending) a grant from the California Natural Resources Agency (CNRA) to plant 200 empty and new tree basins within specific areas of the Tenderloin and SOMA neighborhoods. We were invited to continue on in their grant application process and hosted their grant committee back in October, taking them to tour sites in the Tenderloin and SOMA. We are eager to learn soon if we will be awarded this grant to plant 200 trees.

For Arbor Day in March, 2023, though it is not in the Tenderloin, we will be kicking off Arbor Day on 5th St. in SOMA between the overpasses between 101 & 80/the Bay Bridge, the site of our future tree nursery. We are on track to open the tree nursery this summer. Renderings below. The fences are going up now, so we can secure the site.

I think 2023 is going to be The Year of the Tree in SOMA and the Tenderloin. They are both designated as a very high priority for tree planting and the funding for planting is definitely focused there.

Respectfully,

Chris Buck





Chris Buck
Urban Forester
Bureau of Urban Forestry
San Francisco Public Works | City and County of San Francisco
49 South Van Ness Avenue, Suite 1000 | San Francisco, CA 94103 (628) 271-2825
[sfpw.org](https://www.sfpw.org) · twitter.com/sfpwpublicworks

From: Ong, Bryan (DPW) bryan.ong@sfdpw.org
Sent: Thursday, December 29, 2022 2:04 PM
To: Buck, Chris (DPW) Chris.Buck@sfdpw.org
Subject: 601 Van Ness - Tesla BOA sites
Importance: High

Hey Chris,

I saved the 6 trees in the permit under 601 Van Ness (782272) and put notes tying it to the BOA.

6 trees
516 O'Farrell St
1. 269117
2. 269118
3. 269119
4. 269120

540 O'Farrell St
1. 169252
2. 169253

Thanks,



Bryan Ong
Urban Forestry Inspector

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[sfpw.org](https://www.sfpw.org) · twitter.com/sfpwpublicworks

To report a problem with a street tree call 311 or submit a [311 service request online](#).

From: Tenderloin Tree Campaign 2004 <tenderlointreecampaign2004@yahoo.com>
Sent: Wednesday, December 21, 2022 11:17 AM
To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>; Mejia, Xiomara (BOA) <xiomara.mejia@sfgov.org>
Cc: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Buck, Chris (DPW) <Chris.Buck@sfdpw.org>; Short, Carla (DPW) <Carla.Short@sfdpw.org>
Subject: Appeal #19-075 601 Van Ness

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

Dear Chris Buck,

Board of Appeal Order #19-075 dated October 1, 2019.

That DPW plant 6 new street trees in Tenderloin that are 24" box size.

For the record would like the addresses of each street tree planted and the date(s) of all six plantings.

Tenderloin Tree Campaign