

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

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

Appeal No. **23-031**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 29, 2023, 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 June 16, 2023 to St. Francis Square Cooperative, of a Public Works Order (approval to remove ten Significant Trees on private property with replacement of four and approval to remove one street tree with replacement) at 1345 Ellis Street.

ORDER NO. 208224

FOR HEARING ON August 2, 2023

Address of Appellant(s):

Address of Other Parties:

Deetje Boler, Appellant(s) 1280 Laguna Street, Apt. 6B San Francisco, CA 94115	St. Francis Square Cooperative, Determination Holder(s) c/o Tiona Mitchell, Agent for Determination Holder(s) 10 Bertie Minor Lane, #2 San Francisco, CA 94115
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Date Filed: June 29, 2023

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

PRELIMINARY STATEMENT FOR APPEAL NO. 23-031

I / We, **Deetje Boler**, hereby appeal the following departmental action: **ISSUANCE of Order for Tree Removal by Private Entity Order No. 208224** by the **San Francisco Public Works, Bureau of Urban Forestry** which was issued or became effective on: **June 16, 2023**, to: **St. Francis Square Cooperative**, for the property located at: **1345 Ellis Street**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **July 13, 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, chris.buck@sfdpw.org, manager@sfsquare.org and office@sfsquare.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **July 27, 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 doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, chris.buck@sfdpw.org deetje@aol.com

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

Hearing Date: **Wednesday, August 2, 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:

Not Submitted.

Appellant or Agent:

Signature: Via Email

Print Name: Deetje Boler, appellant



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: 208224

The Director of Public Works held a Public Hearing on Monday May 22, 2023, commencing at 5:30 PM via teleconference to consider items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 208103 for the removal of fifteen (15) significant trees on private property and removal of one (1) street tree with partial replacement adjacent to 1345 Ellis St. Permit no. 789225. Staff partially approved the removal and the public protested. Staff had partially denied some of the removals and the applicant appealed.

Findings:

The Department’s presentation was made by Sara Stacy, Bureau of Urban Forestry.

The hearing posting stated: The removal of fifteen (15) significant trees on private property and removal of one (1) street tree with partial replacement adjacent to 1345 Ellis St. Permit no. 789225.

In summary, five trees were denied for removal. Ten trees were approved for removal, with replacement of four. The Significant trees are all *Populus nigra 'Italica'*; Lombardy Poplar trees. The significant trees recommended for removal exhibited a variety of deficiencies, including rot and decay, poor structure, heavy canopies and large cavities. Site conditions and spacing limited the number of replacement trees.

The street tree recommended for removal at 1355 Laguna is in poor condition. While its structure is fair, it has a poor live crown ratio and is in decline. The recommendation is to remove and replace.

Ms. Connie Ford and Ms. Nancy Nagano owners at the St. Francis co-op spoke in favor of the staff recommendations and the and noted that branches had fallen during the recent storms. Although there were no injuries, the trees are adjacent to a parking lot and a nearby childcare center.

The St Francis Co-op submitted an arborist’s report recommending that all 15 trees be removed. Subsequent to that report, Ms. Tiona Mitchell, General Manager of the St. Francis Cooperative submitted a letter stating that the Cooperative supported the recommendations of the Department as an acceptable compromise.

Ms. Deeje Boler objected to the removal of the street tree and noted that the address was wrong, that notices were missing on Popular trees and questioned the need to remove the trees.

Mr. John Nulty noted that the address was wrong and submitted a follow-up e-mail. Ms. Stacy confirmed that the address listed was the opposite side of the street. However, the Hearing Officer deems the clerical error to be harmless.

Mr. Josh Klipp noted that the trees were not identified as “hazards” and survived the recent storms. He stated that a fallen branch is not sufficient reason to remove the trees.

Mr. Michael Nulty noted that it is easy to find a reason to remove a tree with “what if?” scenarios and that they should not be sufficient cause. He said that the trees are living things and need to be respected. He did not believe they are hazards.

Staff confirmed the Significant trees are physically addressed as 1320 X Ellis Street.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to uphold the staff recommendation and permit ten (10) Significant trees to be removed with replacement of four. The street tree is approved for removal with replacement.

Appeal: This Order may be appealed to the Board of Appeals within 15 days of June 16, 2023.

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: Office visits by appointment only.

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)

Appeal No. 23-031, Boler vs. SFPW-BUF

Address: 1345 Ellis Street

Hearing Date & Time: August 2, 2023, at 5:00 p.m.

I. INTRODUCTION

I / We, Deetje Boler, hereby appeal the following departmental action:

ISSUANCE of Order for Tree Removal by Private Entity Order No. 208224 by the San Francisco Public Works, Bureau of Urban Forestry which was issued or became effective on: June 16, 2023, to: St. Francis Square Cooperative, for the property located at: 1345 Ellis Street.

II. ARGUMENT SUMMARY

The main reasons for this appeal are as follows:

- The removal notice said the street tree was on Ellis Street, but it was a block away on Laguna St., and Public Works admitted the notice was deficient.
- The Applicant's own arborist report admits that 10 of the 15 trees are in fair condition.
- The Applicant's own arborist report of December 10, 2021 predicted catastrophic results for these trees during the winter storms - a prediction that has not come to pass in the subsequent 18 months.
- Removing these trees without basal replacement is antithetical to the San Francisco 2021 Climate Action Plan and will increase greenhouse gasses in the City.

- Removing these trees without basal replacement further degrades San Francisco's deteriorating urban canopy, and permanently destroys even more ecosystem support for birds including the western bluebird, oak titmouse, finches, hummingbirds, warblers, orioles, and the mascot of San Francisco, the red-masked parakeets.
- In sum, these trees are part of a significant legacy and provide extensive benefits to the local community

III. ARGUMENT

A. The Notice gave the wrong address for the street tree, making it unfindable.

It indicates that the street tree is on Ellis Street with all the Poplars, whereas it is on Laguna Street (cf. image of Order #208103, Permit #789225 posted on the Poplar trees). The Hearing Officer excused this "harmless error". The Public Works Code Article 16 Section 806(b)(3)(B) does not permit for the Department to excuse its own admitted procedural error as harmless. Section 806 sets out a specific process for tree removal notification that the Department admits it did not adhere to. Therefore, minimally, the Department should be required to re-initiate the process to conform with the requirements of that section. The Department is not empowered to decide when its own failure to comply with the law is harmless or not.

B. The Applicant's own arborist report admits that 10 of the 15 trees are in fair condition.

According to the Applicant's own arborist report, 10 of the 15 poplar trees rate 50 or above, meaning, are in fair to better condition. These trees are not hazardous, even

by the Applicant's own evidence and arborist evaluation. Not only is there ample evidence that these trees pose no hazard, but the City should not be in the business of approving tree removal permits for trees that the Applicant cannot prove deserve to be removed.

C. The Applicant's own arborist report predicted catastrophic results for these trees during the winter storms - a prediction that did not come to pass.

The Applicant's own arborist report stated:

"I do feel these trees should be removed immediately. It appears that in the weather forecast, we have some storms predicted. The tops of these trees have exceeded most of the surrounding trees and structures, therefore the impact from the prevailing winds would make significant failure more probable."

Applicant's arborist made this statement in December 2021. Since that time, San Francisco lost nearly 600 trees during the recent historic storms - storms that reached cyclonic wind speeds at times up to 80 miles per hour, most recently in early July, 2023. These trees, however, withstood those storms. They endured sustained and record-breaking wind, rain, and drought. Any tree that was able to survive those storms should also be able to survive the Department of Public Works and get a reprieve on removal.

D. Removing these trees without basal replacement is antithetical to the San Francisco 2021 Climate Action Plan and will increase greenhouse gasses in the City.

One of six primary action goals listed in the S.F. 2021 Climate Action Plan is "*Sequestering carbon through ecosystem restoration, including increased urban tree*

canopy, green infrastructure, and compost application." The City's own Climate Action Plan states that "in some cases non-native trees may be preferable for the urban landscape, as years of experience have identified species that are able to thrive in the harsh conditions of sidewalk tree planting.", (p. 114). Poplars are an example of a non-native tree that achieves this critical primary goal as set by the City's own Action Plan.

Additionally, the 2021 Climate Action Plan sets forth this mandate:

"HE.5-4 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."

Here, the Department does not even try to achieve what our Climate Action Plan calls for. There was no effort to mitigate the loss of these trees, or to put in place a plan for basal replacement. This permit is just business as usual. And, according to our City's 2022 Urban Forest Plan, business as usual has caused our City to not gain a single tree since 2014 but, instead, to net LOSE 1,263 street trees. This decision is just more of the same action that applies existing policies as if climate change did not exist in San Francisco.

E. Removing these trees without basal replacement further degrades San Francisco's deteriorating urban canopy, and permanently destroys even more ecosystem support.

Not only does this permit permanently degrade our precious canopy, it destroys even more ecosystem support. Contrary to City policy, trees are not all about humans and automobiles. These poplar trees are home and provide support to all kinds of life - life that is part of the cycle we all need to survive, including myriad bird species to be seen in the neighborhood, such as crows, ravens, hummingbirds, sparrows, finches, bush tits, and even visits from North Beach's famous red-masked parakeets. When the City approves trees for removal, it removes the homes of other living beings. It evicts these creatures from the places that protect them without giving them a say. And in this case, it does so without replacement. The in lieu and appraisal fees are meaningless. If those truly went back into tree planting and replacement, then there is no reason why the City should lose thousands of trees since 2014.

At a minimum, the City should require immediate replacement in alignment with the City's Climate Action Plan. Maybe it's hard to replace poplars, specifically. But the City could require a similar tree such as a primrose - a tree that is, in fact, on the City's approved street tree list.

V. CONCLUSION

Despite predictions, these trees survived historic winter storms. They are a critical part of our City's climate resilience and ecosystem support. These trees deserve to continue to live. These trees survived all of these storms but apparently cannot survive Public Works, who did not even bother to strive for alignment with our City's own Climate Action Plan. I request that this permit be overturned, and that these trees be allowed to live.

Respectfully submitted, Deetje Boler

Signature: /s/

Date:

Submission – Arguments from Deetje Boler, re: Appeal No. 23-031, Boler vs. SFPW-BUF

These Poplars are a significant asset to the surrounding community as well as to the residents of St. Francis Square.

Most obviously, they are a significant aesthetic benefit – beautiful to see and watch as the wind sweeps the sky with the leaves twinkling sunlight.

The trees serve as a welcome windbreak from the strong prevailing winds coming east from the ocean. Conversely, the applicants' own arborist report of December 2021 predicted hazardous results *prior* to the storms, and none of those predictions came to pass.

Generally, trees' benefits to the city air are essential. Here, specifically, they are clearing the air of residential exhausts from all the buildings and from the polluting exhaust from the constant car traffic on the streets below. Laguna Street runs along the eastern boundary of St. Francis Square, and Ellis Street runs along the southern boundary, with cars backed up for blocks at commute hours, waiting their turn at the stop signs at the intersection of Laguna and Ellis.

Besides ameliorating the excessive car exhausts, the trees bring purer air to the City around the clock.

The trees' branches provide sanctuary for the many birds that come and go -- from the ocean's seagulls to No. Beach's red-masked parakeets, from the crows to the ravens, the hummingbirds to the sparrows, the finches, the bush tits, and whichever others of those sky-riding creatures that come and go as they will.

These trees provide a degree of welcome privacy to St. Francis Square's parking lot and residents from the dead-end Ellis Street's parking traffic and neighborhood foot traffic over to the Fillmore District for shopping, Farmers Market, etc. All these benefits are an asset for the exclusive residential St. Francis Square to share with the residents of the surrounding community, which lost public space due to the Sixties' Redevelopment program of the Fillmore that permanently closed St. Francis Square's blocks of Buchanan and O'Farrell streets to any traffic).

Even the applicants' own December 2021 arborist report notes that 10 of the 15 trees are in fair condition;

The more trees that are left standing, the better it will be for the remaining trees, for residents of the Square, for the surrounding community, and for the environment which (as we are all increasingly becoming aware) needs all the help it can get.

if any trees are to be cut down, it should be done only gradually, with time between each 'removal' so as to protect the health of the remaining trees, if only because of the critical life-giving interconnections between their roots with one another.

Regarding their roots, it should be noted that this row of trees stands less than two yards from the sidewalk and they have not buckled the sidewalk – as it has been in other parts of the neighborhood.

The more trees that are left standing there, the better for the remaining ones: the trees are even -- and especially -- interconnected underground by their roots, communicating with and helping each other.

And, of course, the more trees that are left standing, the better for the residents and for the environment, as we are all learning better and better, day by day, season by season. We must keep all our trees as best we can.

Kleinheinz Arborist Services LLC

Certified Arborist WE-7720A

821 Vista Lane

Ione, Ca. 95640

650-759-1081

K.arborist@yahoo.com

December 10, 2021

St Francis Square Cooperative

10 Bertie Minor Ln #2

San Francisco, CA 94115

Site: trees are located on Ellis Street side of property

As requested to perform an arborist report at 10 Bertie Minor Lane #2, due to concerns of a large limb failure on a grove of trees over an extended period of time. Upon arrival these were my findings:.

Tree ratings and condition with this following scale:

1-29	Very poor
30-49	Poor
50-69	Fair
70-89	Good
90-100	Excellent

Tree# Species DBH COND HT/SP (ft.) Notes

1	Poplar tree (<i>Populus</i>)	32"	50	55/40	Removal/Poor form/root flare impacting and uplifting cement pad of structure
2	Poplar tree (<i>Populus</i>)	22"	50	55/30	Removal/Poor form/canopy extended over parking area
3	Poplar tree (<i>Populus</i>)	23"	50	55/30	Removal/Poor form/tree is between two structures and impacting/rot and decay present at base
4	Poplar tree (<i>Populus</i>)	24"	50	55/30	Removal/Poor form/impacting structure
5	Poplar tree (<i>Populus</i>)	18"	40	55/30	Removal/Poor form/heavy rot and decay present at base
6	Poplar tree (<i>Populus</i>)	23"	35	50/20	Removal/Poor form/rot and decay present at base/dead top
7	Poplar tree (<i>Populus</i>)	24"	45	50/40	Removal/Poor form/rot and decay present at base
8	Poplar tree (<i>Populus</i>)	17"	40	50/20	Removal/Poor form/rot and decay present at base/tree lost large lead
9	Poplar tree (<i>Populus</i>)	18"	50	50/25	Removal/Poor form/ rot and decay present at base
10	Poplar tree (<i>Populus</i>)	15"	50	55/30	Removal/Poor form/large cavity where tree is codominant at about 8ft up
11	Poplar tree (<i>Populus</i>)	16"	50	60/20	Removal/Poor form/large cavities at codominant area about 6ft up on base
12	Poplar tree (<i>Populus</i>)	34"	40	60/30	Removal/Poor form/tree appears to have lost one top
13	Poplar tree (<i>Populus</i>)	23"	50	60/30	Removal/Poor form/heavy canopy extends over driveway
14	Poplar tree (<i>Populus</i>)	18"	55	50/20	Removal/Poor form/heavy canopy extends over driveway
15	Poplar tree (<i>Populus</i>)	40"	50	60/30	Removal/Poor form/heavy canopy extends over driveway

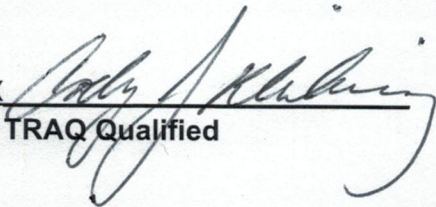
Suggestions: I feel, due to the amount of findings on numerous trees with rot and decay present, these trees will need to be removed because of their structural integrity that is in question. The surrounding trees will have to be removed, due to becoming more of an edge tree, which makes it prone to failure because of the high impact from prevailing winds.

There has been significant damage to vehicles and damage to the property overtime with these trees on non-stormy days. These trees have been significantly reduced overtime, creating a very poor branch attachment at the tops of the trees, which will lead to failure. There was a recent lateral failure on one of these trees that fell into a parking lot, located just below the canopies.

I do feel these trees are hazardous and many of these trees do have dead tops, which are located in an area where when limb failure occurs, it could cause significant damage to vehicles and severe damage to anyone underneath the trees. This is a highly used area, not only on the sidewalk by foot traffic, but in a parking lot where vehicles are located. These trees are also located about a half a block from a school where increased foot traffic on the sidewalk is of concern.

I do feel these trees should be removed immediately. It appears that in the weather forecast, we have some storms predicted. The tops of these trees have exceeded most of the surrounding trees and structures, therefore the impact from the prevailing winds would make significant failure more probable.

Cody Kleinheinz X
Certified Arborist/ TRAQ Qualified
WE-7720A

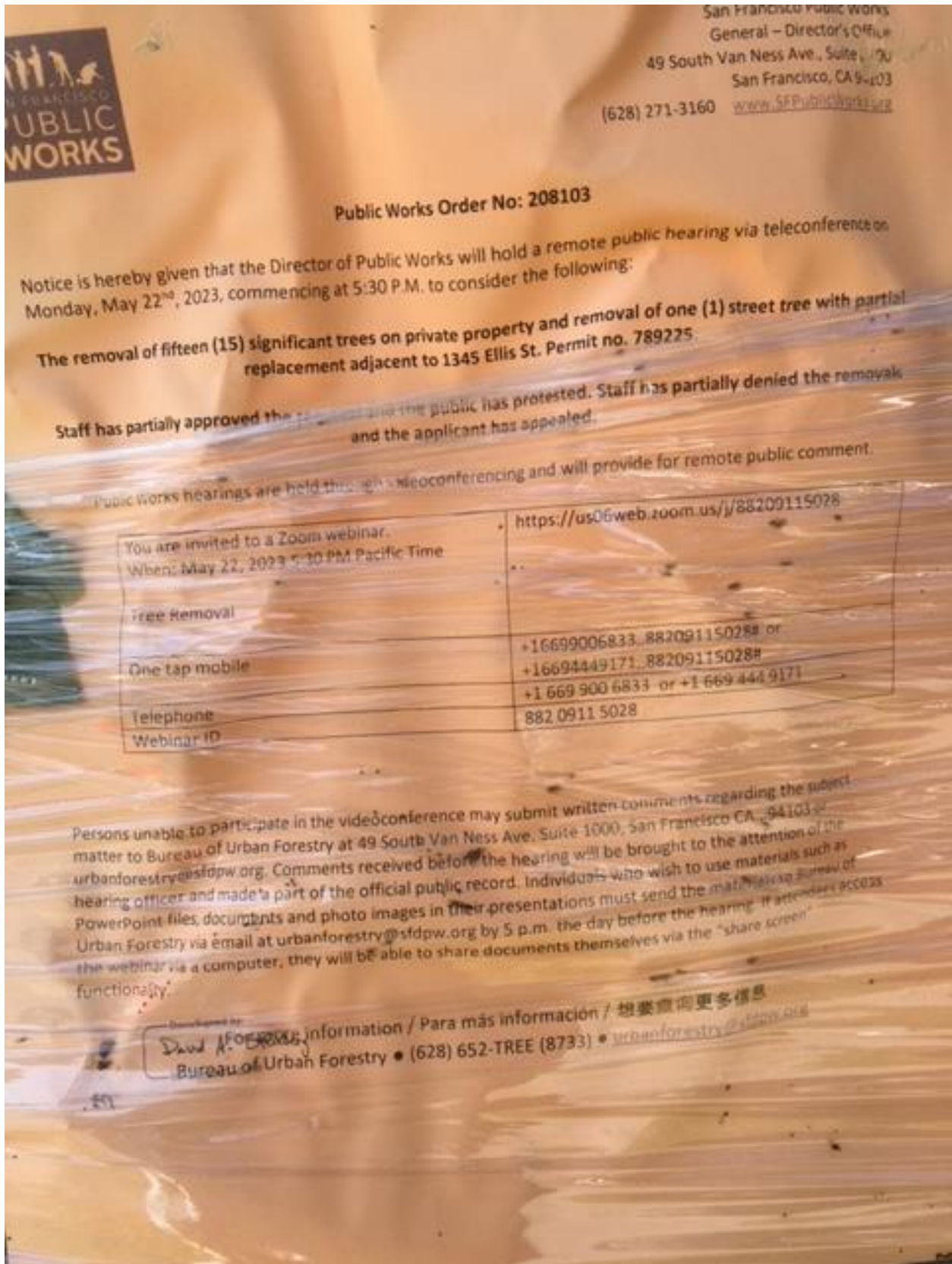


Cody J. Kleinheinz
WE-7720A

SFPW-BUF



SFPW-BUF



SFPW-BUF



SFPW-BUF



SFPW-BUF



PERMIT HOLDER(S) DID NOT SUBMIT A BRIEF

THE DEPARTMENT DID NOT TIMELY SUBMIT A BRIEF

PUBLIC COMMENT

From: [Tenderloin Tree Campaign 2004](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: [Longaway, Alec \(BOA\)](#); [Mejia, Xiomara \(BOA\)](#); [Rosenberg, Julie \(BOA\)](#)
Subject: Public Comment Appeal # 23-031 1345 Ellis Street
Date: Monday, July 24, 2023 1:34:27 PM
Attachments: [V4P337 San Born Map showing North side of Ellis Street were trees located..PDF](#)
[V4P338 SanBoarn Map showing south side of Ellis Street.PDF](#)

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

The 15 significant trees are not located at 1345 Ellis as stated on the agenda and the posting on the trees. This address would put the trees on the south side or the opposite side of the street.

The pictures show that all 15 trees were posted for removal prior to the hearing so the public was not aware that BUF was going to recommend 5 trees not be removed.

Lastly the trees are not over 90 feet tall shown in the pictures and would not damage any buildings south of the grove of trees.

Regards,

Tenderloin Tree Campaign



San Francisco
415 South Van Ness
San Francisco, CA 94102
(415) 376-2200

Public Works Order No: 2023109

Notice is hereby given that the Director of Public Works will hold a remote public hearing on Monday, May 22nd, 2023, commencing at 5:30 P.M. to consider the following:

The removal of (1) significant trees on private property and removal of one (1) tree for replacement adjacent to 1345 Ella St. Permit no. 230221.

Staff has partially approved the removal and the public has protested. Staff has schedule public hearing and the application was appealed.

Public hearings are held through videoconferencing and will provide for public comment.

Interested parties are invited to a Zoom webinar.
When: May 22, 2023 5:30 PM Pacific Time

<https://zoom.us/j/9209116400>

Tree Removal

05 18 2023

One tap mobile

+16693644000
9209116400

Quickstep Ln

NO PARKING
TUESDAY

05 18 2023



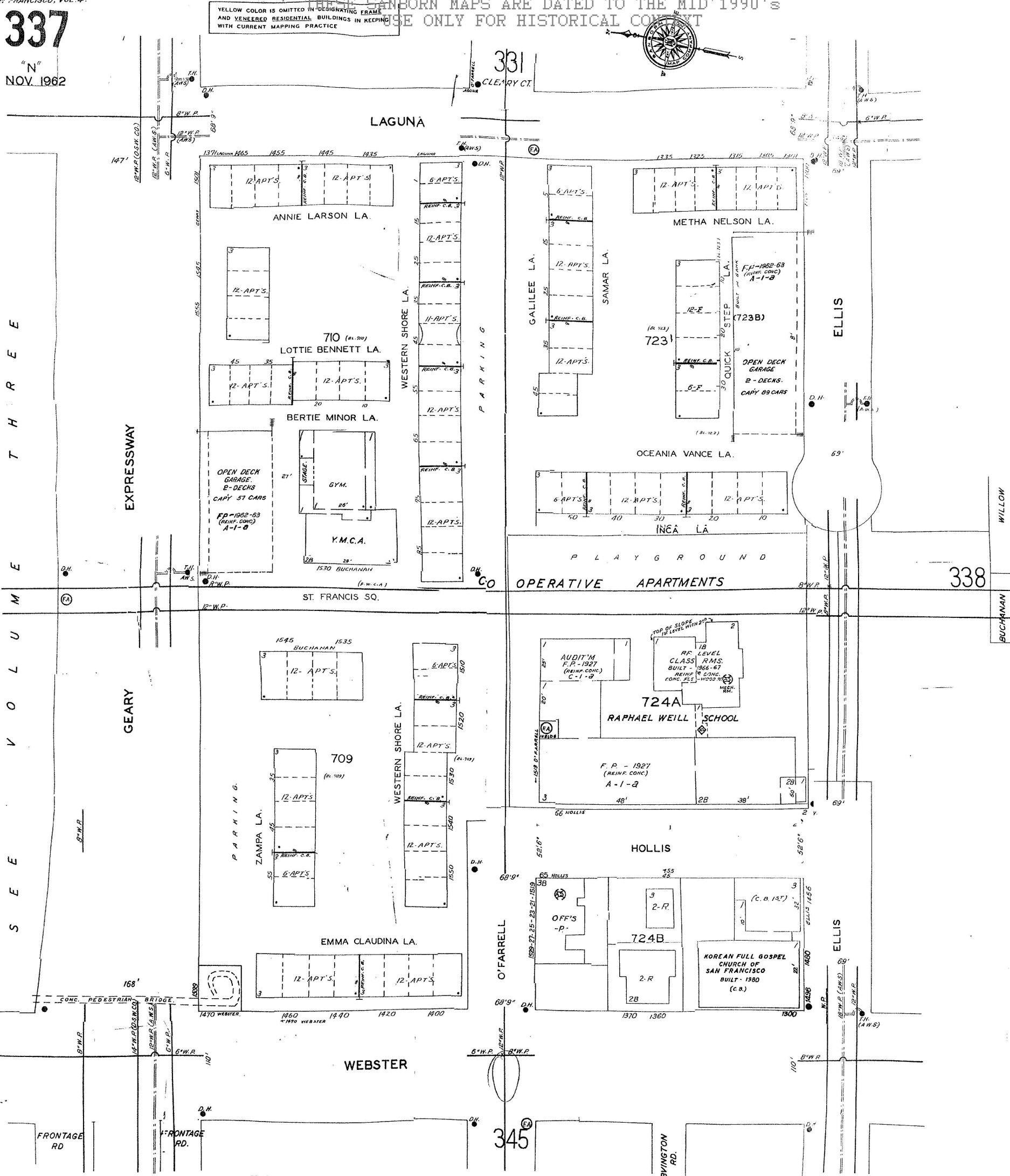
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337

"N"
NOV. 1962

THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL COMMENT

YELLOW COLOR IS OMITTED IN DESIGNATING FRAME
AND VENEERED RESIDENTIAL BUILDINGS IN KEEPING
WITH CURRENT MAPPING PRACTICE



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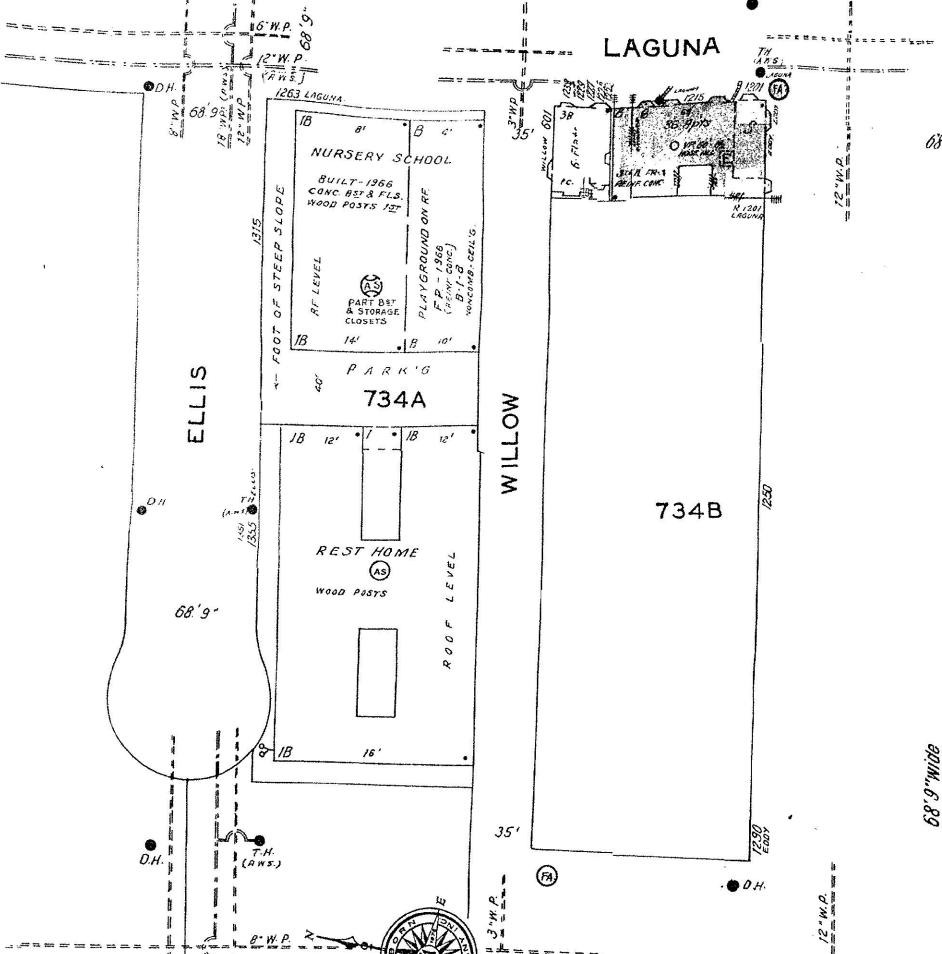
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THESE SANBORN MAPS ARE DATED TO THE MID 1990'S
USE ONLY FOR HISTORICAL CONTEXT

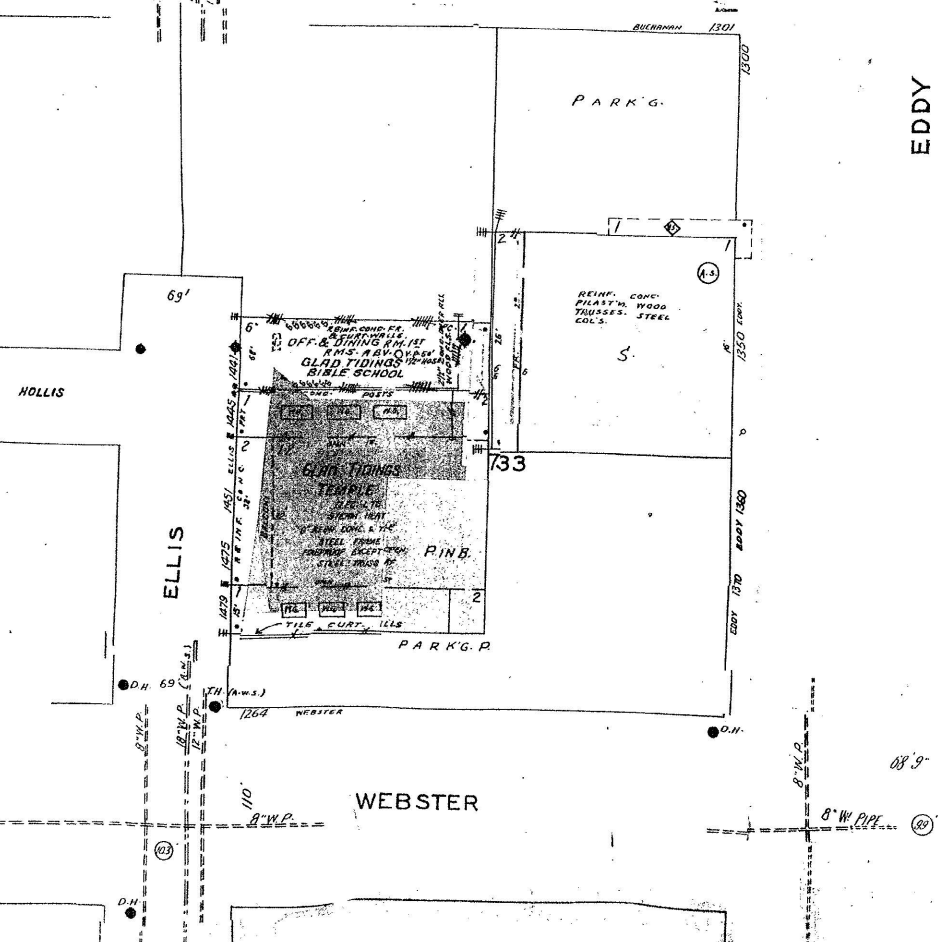
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JEFFERSON SQUARE

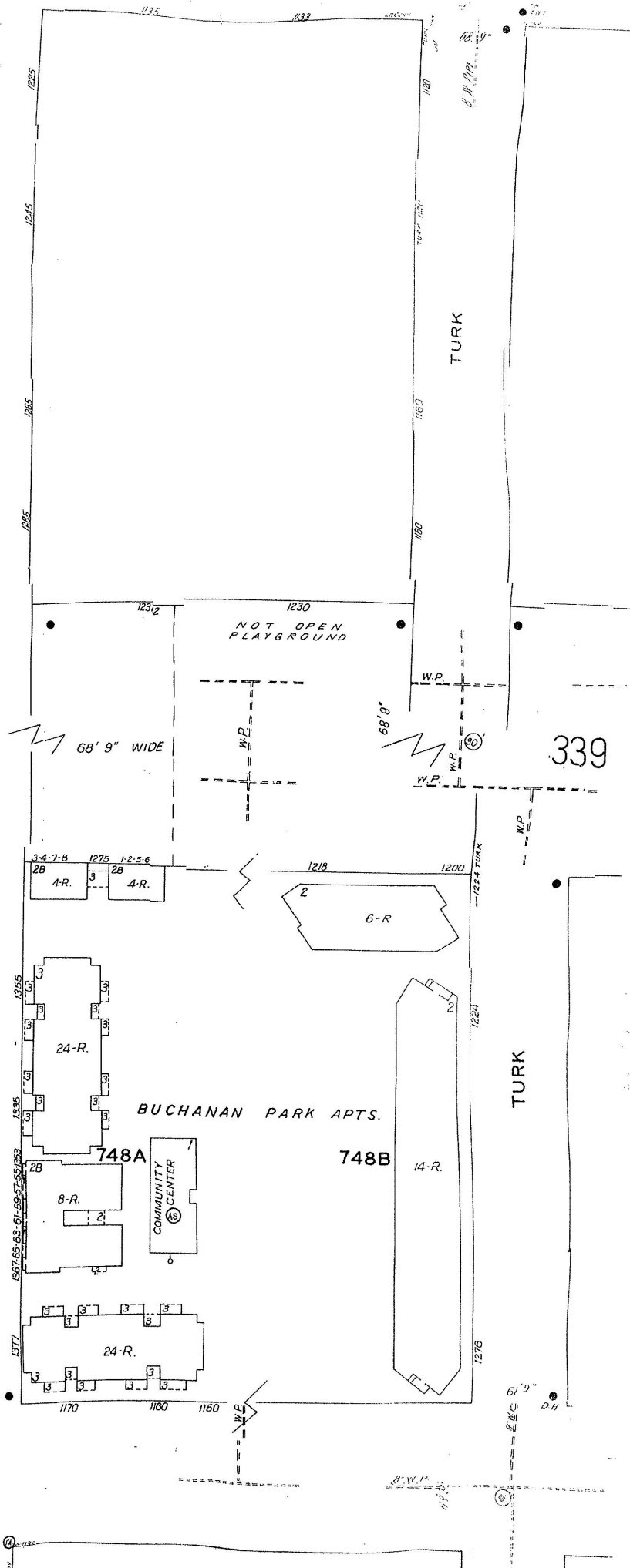
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337



346



Scale of Feet.
 50 40 30 20 10 0 50 100 150
 © 1913, MAY 1999, THE SANBORN MAP CO., INC.

From: [Irene Oppenheim](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Poplar Trees
Date: Wednesday, July 26, 2023 10:34:05 AM

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

To the Board of Appeals,
Unless there are urgent reasons, such as the health of the Poplar trees or public safety matters, mature trees should require preservation. If well-being is the issue for these particular trees, new trees should be planted ASAP. Like many tourists, we travel to San Francisco for its beauty and its admirable stance on the preservation of that beauty.
Please save the trees if at all possible. We would like to hear the rationale for their destruction.
Yours sincerely,
Irene Oppenheim
oppenheimz@aol.com
310-659-6744

From: [Katherine Boler](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Trees
Date: Wednesday, July 26, 2023 6:42:02 PM

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

Dear Board Members,

Please allow the 15 beautiful poplar trees to remain standing. As a third generation San Francisco native, it is important to our family that this City retain its true character. I look forward to hearing that you made the right decision. Thank you.

Sincerely,

Katherine Boler

Sent from my iPhone

From: [Rosenberg, Julie \(BOA\)](#)
To: [Longaway, Alec \(BOA\)](#)
Subject: FW: Attachments for submission
Date: Friday, July 28, 2023 10:45:52 AM

Hi Alec: Can you please add these pictures to Megan Boler's public comment?

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: Megan Boler <megan.boler@gmail.com>
Sent: Friday, July 28, 2023 10:43 AM
To: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Cc: Deetje B <deetje@aol.com>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>
Subject: Re: Attachments for submission











On Jul 28, 2023, at 10:03 AM, Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org> wrote:

Hi Megan: I never received the photos.

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: Megan Boler <megan.boler@gmail.com>
Sent: Thursday, July 27, 2023 5:51 PM
To: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Cc: Deetje B <deetje@aol.com>; Longaway, Alec (BOA) <alec.longaway@sfgov.org>
Subject: Re: Attachments for submission

Yes, thanks Julie for the clarification: I do not live with her and I am submitting this as a

public comment.

On Jul 27, 2023, at 5:28 PM, Rosenberg, Julie (BOA)
<julie.rosenberg@sfgov.org> wrote:

Thanks, I presume you don't live with your mother and that you are submitting this as public comment, correct?

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: Megan Boler <megan.boler@gmail.com>
Sent: Thursday, July 27, 2023 5:23 PM
To: Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>
Cc: Deetje B <deetje@aol.com>
Subject: Attachments for submission

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

Hi Julie,

I attempted to attach short video footage and photographs of the magnificent poplars along with my earlier submission but I just discovered that the email sent earlier in the afternoon went to my outbox and didn't send due to the large size of the video I tried to attach. I am resending without the video so the photos can be included with my submission attempted.

Thank you so much for your assistance with this.

Regards
Megan

Begin forwarded message:

From: Megan Boler <megan.boler@gmail.com>
Date: July 27, 2023 at 3: 18:22 PM PDT
To: "Buck, Chris (DPW)" <Chris.Buck@sfdpw.org>
Cc: "BoardofAppeals (PAB)" <boardofappeals@sfgov.org>
Subject: Re: Appeal No. 23-031, Boler vs. SFPW-BUF

I oppose the removal of these incredible healthy trees which provide important canopy for San Francisco and habitat for birds and sequesters carbon dioxide. And shade in urban areas in urban areas is an increasingly important resource given global warming.

Dr Megan Boler
Professor
1280 Laguna St
San Francisco CA 94115

<image001.jpg>

<image002.jpg>

<image003.jpg>

<image004.jpg>

<image005.jpg>

<image006.jpg>

<image007.jpg>

<image008.jpg>

From: [manna4usall](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Re-hearing request
Date: Wednesday, July 26, 2023 7:07:03 PM

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re the care of Poplar Trees at St. Francis square

When i first moved to SF from the east coast i was immediately greeted by the parks and city trees that made me feel California knew something about preserving nature for us to enjoy.

These Poplar Trees are sentinels of a way of life beyond asphalt and concrete. They remind us of our true nature, not the busy one that is striving for achievement in a monied world.

These arborists that support their demise are clearly mistaken. The recent windstorm is enough evidence of that. We have had 2 ~ or possibly 3 ~ arborists declare our large willow would keel over any day and kill us all, and that was over 20 years ago. She's still gorgeous. So I know they can be wrong. Perhaps they have an agenda.

Please use common sense. These trees are strong and healthy and send a message much needed by residents and visitors to the City of San Francisco. The message is that San Francisco honors, respects and encourages nature. Breathe in. These are our allies.

A re-hearing is requested in this matter, due to improper posting. Thank you for your time and consideration.

Astaras Drolkar

Sent with [Proton Mail](#) secure email.

From: [Elena Rogan](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: 15 Lombardy Poplar trees on Ellis Street
Date: Wednesday, July 26, 2023 7:42:24 PM

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Hi -

I am writing in support of the appeal being presented with regard to the Bureau of Urban Forestry's decision to remove trees on Ellis Street (near Laguna). I firmly believe that it is of utmost importance to keep all the trees standing.

Given all the destruction being done to the environment lately, it is imperative that we keep as much of nature as possible protected. In San Francisco we need as many trees as we can get, and we should not be removing them. Please keep these trees!

Elena Rogan
4134 Fulton Street
San Francisco, CA 94121
erogan1212@gmail.com

From: [Marlene Montalvo](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Poplar trees on Ellis St.
Date: Wednesday, July 26, 2023 8:59:48 PM

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

Please reconsider your plan to remove all but five trees from this block. There are many elderly, who live nearby and really enjoy them. Unless of course, it is a safety hazard. Asking for a friend who cares a lot!

Marlene M

Sent from my iPhone

From: [Jane Sooby](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: support for Appeal No. 23-031, Boler vs. SFPW-BUF
Date: Thursday, July 27, 2023 10:25:32 AM

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

Dear San Francisco Public Works,

I have reviewed the appeal filed by Deetje Boler on the matter of removal of the poplar trees and I support the arguments she makes, both on the procedural question of inaccurate notice and the conceptual issue of tree removal for no apparent reason.

The inaccurate notice should require the notification process be done over again, this time specifying the correct location of the trees. And as we move into a world with increasingly volatile weather, we need to save the trees such as these that provide habitat for birds, windbreaks for structures and humans, and absorb carbon dioxide from the atmosphere.

Please grant the Boler appeal and keep the poplars where they are.

Sincerely,

Jane Sooby

Organic Science and Consulting
Santa Cruz, CA

phone 831-425-7205

There's work to be done, so let's do it little by little. --Bob Marley

From: [Anne P](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Fifteen Lombardy Poplar Trees on Ellis Street
Date: Thursday, July 27, 2023 3:01:16 PM

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

I am writing in opposition to the proposal to remove some of these trees. These 15 Lombardy Poplar Trees on Ellis Street are an important part of our Urban forest. As you well know, San Francisco has a severely diminished urban forest mainly because so much of the land that constitutes the city was either part of the bay coast line or sand along its western border. Every tree in the city is an important asset. These trees pose no threat to people, and should not be removed. If they need any branches to be trimmed that should be carried out by members of our city department, but total removal is not warranted.

Thank you.
Anne G Politeo, long time city resident of the Richmond District.

From: [Joshua Klipp](#)
To: [Longaway, Alec \(BOA\)](#)
Subject: Public Comment re Appeal No. 23-031, Boler vs. SFPW-BUF
Date: Thursday, July 27, 2023 3:13:47 PM

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To Whom It Concerns,

I write this comment in support of the above noted appeal, and wish to make three main points:

(1) The Respondent DPW-BUF admitted in its own decision that it did not comply with the notice requirements of Public Works Code Article 16 Section 806(b)(3)(B). This section requires, *inter alia*, "30 days prior to the Removal date, the Department *shall post a notice on the affected Tree.*" [Emphasis added].

Despite Respondent's admission that it did not comply with this section, the Hearing Officer dismissed this procedural flaw as "harmless error". There's nothing in Article 16 that allows a Hearing Officer to ignore legal procedure and substitute it with his own judgment as to whether this mattered or not. The process is in place for a reason. If the Respondent thinks it didn't do anything harmless, then the Respondent can amend the law to explicitly say that it may ignore procedural requirements when those mistakes are "harmless", and then additionally define "harmless" when notice is deficient. Until such time, the Respondent should be held to a bare minimum of following its own procedural mandates. For this reason alone, the appeal should be upheld, and the Respondent required to go back and try again, this time following all notice requirements of Section 806.

(2) There is no finding that these trees are hazardous or an imminent threat - if so, then the Respondent could have applied the process for removal of hazardous trees under Public Works Code Article 16 Section 806(a)(4). In fact, these trees just endured through the worst winter storms our City has seen in a hundred years, and are still standing - unlike nearly 600 other trees that succumbed. There is no need to remove these trees. And, given that our City is behind on its tree planting #s by thousands of trees, and that our Climate Action Plan specifically calls for a policy of tree preservation, these trees deserve our respect and to be protected.

(3) The "replacement" plan fails to meet critical Climate Action Plan needs. The City's [2021 Climate Action Plan](#) calls for a policy of "basal" tree replacement (and only if trees absolutely cannot be preserved). This means, in essence, we need to replant as much tree diameter as we have removed. This Commission is well aware that San Francisco has the smallest urban canopy of any major US city. The Commission is also aware that over a dozen neighborhood organizations recently banded together to call for a [moratorium on the removal of trees](#) that did not present a hazard to humans. It is unacceptable and unconscionable for the Department responsible for the

preservation and growth of our urban canopy to continue to approve permits as if we are (a) not in a climate crisis and (b) not bleeding out critical tree canopy when in fact we are.

For the above stated reasons, I respectfully support Ms. Boler's appeal.

Thank you, Josh Klipp

--

Josh Klipp, Esq.

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

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

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From: [Megan Boler](#)
To: [Buck, Chris \(DPW\)](#)
Cc: [BoardofAppeals \(PAB\)](#)
Subject: Re: Appeal No. 23-031, Boler vs. SFPW-BUF
Date: Thursday, July 27, 2023 4:18:44 PM

I oppose the removal of these incredible healthy trees which provide important canopy for San Francisco and habitat for birds and sequesters carbon dioxide. And shade in urban areas in urban areas increasingly important resource given global warming.

Dr Megan Boler
Professor
1280 Laguna St
San Francisco CA 94115

On Jul 18, 2023, at 8:37 AM, Buck, Chris (DPW) <Chris.Buck@sfdpw.org> wrote:

Hello Julie and Megan and Deetje,

I was out early yesterday for a doctor's appointment but I wanted to confirm that Public Works has no problem with any type of extension. We really appreciate that you reached out, sorry I couldn't send a quick reply yesterday afternoon.

No issue on our part.

Respectfully,

Chris

<!--[if !vml]-->

<image003.jpg>

<!--[endif]-->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
sfpublishworks.org · twitter.com/sfpublishworks

From: Megan Boler <megan.boler@gmail.com>

Sent: Monday, July 17, 2023 3:58 PM

To: BoardofAppeals (PAB) <boardofappeals@sfgov.org>; To: manager@sfsquare.org

<manager@sfsquare.org>; Buck, Chris (DPW) <Chris.Buck@sfdpw.org>;
Deetje@aol.com; Rosenberg, Julie (BOA) <julie.rosenberg@sfgov.org>

Subject: Appeal No. 23-031, Boler vs. SFPW-BUF

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To Whom It May Concern

This email is on behalf of Deetje Boler. Please find attached:

1) Appeal No. 23-031, Boler vs. SFPW-BUF,
accompanied by three submissions:

- a) Testimony Arguments Addendum from Deetje Boler
- b) photographs of these iconic Poplar trees
- c) the original arborist report

--

Megan Boler
Professor
OISE/University of Toronto
www.meganbolers.net

From: [Lance Carnes](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Comments on Appeal 23-031
Date: Thursday, July 27, 2023 4:29:26 PM
Attachments: [Scan20001.PDF](#)

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First attached page -- shows correct location of tree at 1355 Laguna St

Second attached page --- shows all 15 poplar trees, no posted removal notices, on 7/27/23

Western Shore Ln

Western Shore Ln

1st

7-27-23

Laguna St



1355 Site 1

Correct site

Galilee Ln

Galilee Ln

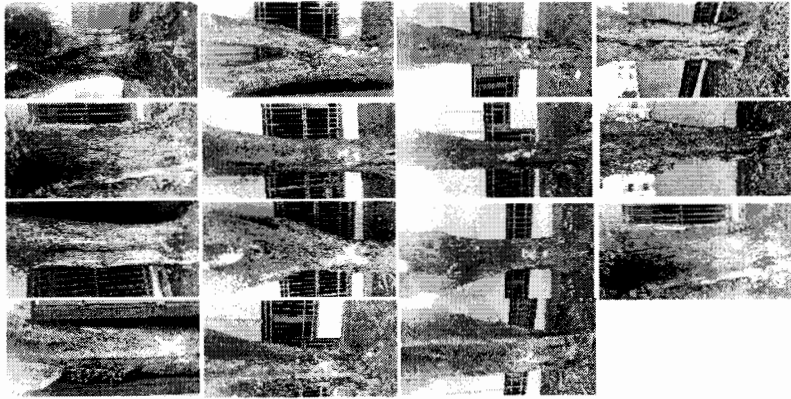
Galilee Ln



1355
SITE 2

Laguna

← Site in Permit - incorrect



7-27-23

15 Poplars

No removal notices