

Documents received for the hearing on September 27, 2023

BRIEF SUBMITTED BY THE APPELLANT(S)

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.
- The applicant's arborist report makes statements regarding damage caused without substantiation.
- The applicant's report does not make clear either the basis for the rating of trees, nor what rating qualifies a tree for removal
- The applicant's arborist report recommends removal of both trees which are evaluated as having "questionable structural integrity" and the "sound trees" surrounding these without any proper analysis or justification.
- According to evidence presented, **either** the applicant's arborist report is incorrect, **or** the city should be able to allow ten of the trees (rather than 5) to remain.
- 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.

F. The applicant is framing this as a public safety issue without any factual evidence.

The Applicant's arborist advises *"there has been significant damage to vehicles and damage to property over time with these trees on non stormy days"* without providing any facts to base this on such as dates the damage occurred, details of the property damaged, extent of damage, value of the property etc.

G. The report does not provide any basis for the arborist's rating of the individual trees, and what rating should require removal is unclear.

What factors went into the allocation of the rating? The measure indicated is: 1-29 very poor, 30-49 poor, 50-59 fair. However, tree #14 with a condition rating of 55 is recommended for

removal with the same immediacy as tree #6 with a rating of 35. Further, 10 out of the 15 trees are granted the rating of "fair" yet immediate removal is recommended. Based on this it appears only trees with a rating of Good or Excellent are allowed to stand.

H. The applicant's arborist report recommends removal of both trees which are evaluated as having "questionable structural integrity" and the "sound trees" surrounding these without any proper analysis or justification.

The St. Francis arborist report states *"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"* This suggests some trees are not structurally sound and others will have to be removed because of them becoming more prone to failure due to higher wind pressure. However, there are no details provided regarding which of the trees are deemed structurally unsound. Based on the rating, we could assume it is the trees with the lowest ratings: Trees 5, 6, 7, 8 and tree 12. These trees are in the middle of the line of trees, and thus their removal should not alter the wind pressure on the rest of the "Fair" trees.

I. According to evidence presented, either the applicant's arborist report is incorrect, or the city should be able to allow ten of the trees (rather than 5) to remain.

The applicant's arborists report rates 10 trees at 50 or above. The city is however allowing 5 of these trees to be spared, yet there is no information about which 5 trees these are and what the basis of this decision is. If 10 of the trees have the exact same rating of 50, why are only 5 being spared? In sum, based on this, either the arborist report is entirely incorrect and needs to be disregarded, or the city is able to spare ten of the trees with the exact same rating of 50.

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/

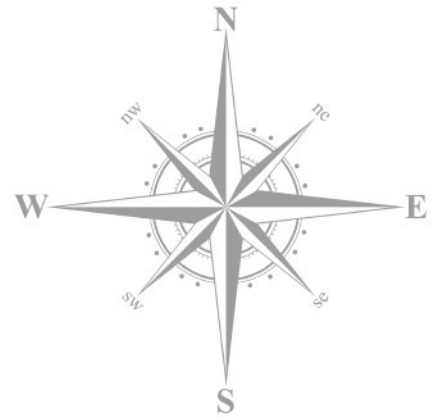
Date:

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September 20, 2023

To Whom It May Concern:

I am writing this letter at the request of Deetje Boler, a public protester of Tree Removal Permit Application No. 789225 (Public Works Order No. 208103) for the removal of 15 Significant trees on the 1300 block of Ellis Street. City Staff approved 10 of the 15 trees for removal and the resulting applicant and public protest took it to public hearing earlier in 2023. The appeal hearing is scheduled for September 27, 2023. This letter is intended to be included with the submittal for the appeal hearing.

I reviewed the following documents in preparation for this letter:

- Applicant's arborist report of December 10, 2021 written by Kleinheinz Arborist Services of Lone, CA
- Text version of the Department's Brief (a PDF file was not available) dated July 27, 2022 (sic) written by Chris Buck, City Urban Forester, sent to me by email.

I also went to the site on September 16, 2023, and looked at the trees and site in person. Due to limited time, I was not able to provide a visual tree risk assessment (a.k.a. "TRAQ Level 2 assessment") for each tree. Based on my review of the above documents, no TRAQ risk assessment has ever been done for these trees by any other arborists.

I have been an arborist for over 23 years in the San Francisco Bay Area. I have written and reviewed many reports as a private consultant and as a contracted arborist for several municipalities outside of San Francisco. I am a Certified Arborist and Qualified Tree Risk Assessor (TRAQ) with the International Society of Arboriculture (ISA). I am also a Registered Consulting Arborist (RCA) with the American Society of Consulting Arborists (ASCA).

Based on this experience, I am surprised that the City took the appellant's arborist report seriously. It provides imprecise and incomplete information and draws conclusions in an unmethodical way without providing supporting facts.

Let's start with the very first line: "trees are located on Ellis Street side of property." No block number, cross streets or landmarks cited. No map, sketch, marked-up aerial, or photos with tree numbers. It's little wonder that there has been so much confusion about the actual location of the trees. Job one of the report writer is to make it clear to the readers which trees are being assessed. A simple marked-up Google aerial or a more descriptive sentence would have sufficed. Already without reading further, we get the sense of a non-detail-oriented report unfolding.

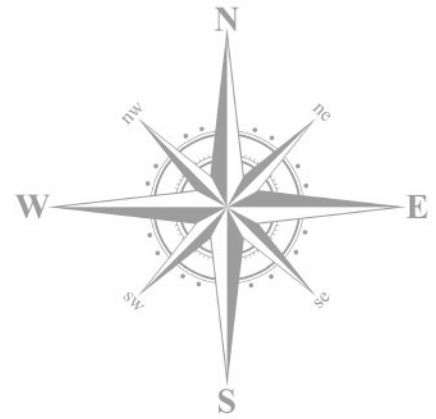
Trees are numbered 1-15 in this report with no indication how to determine which tree is which when you are in the field. Is tree "1" near the dead end of Ellis or near the corner of Laguna? Interestingly, when I visited the site, I noticed round aluminum number tags placed near the base of the trunks on the west side of the trees. Some of the tags were missing, but there were enough of them present for any arborist to use this numbering system instead of making up another one. Referring to trees by using the tag numbers already present on site

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makes it that much clearer which tree is which in the field. Did the applicant's arborist not observe the tags? Good observational skills are vital to be an effective consultant.

Let's move on to the tree assessments. The arborist's signature indicates that he is a TRAQ qualified arborist. This means that he took a 2-1/2-day course created by tree risk assessment experts and passed an exam relating to the process of tree risk assessment. The TRAQ methodology is the most current and commonly used risk assessment method. It is very defensible. The process and terms are well-defined, so arborists can support their recommendations. (See Appendix 1 for a description of the method) Why didn't the arborist use the TRAQ methodology to assess the trees?

The 1-100 rating method that he did use is typically used in tree appraisal to help determine the value of a tree. Tree appraisals may be used in legal or insurance cases where a tree was lost or damaged. They may also be used by municipalities in calculating fines or fees for tree removals. I'm assuming that Mr. Kleinheinz's assignment was not to appraise the trees, but to evaluate their hazard potential. Tree condition ratings may be included as part of a risk assessment, but they are not in themselves risk assessments.

In the 10th edition of the Guide to Plant Appraisal, the health, structure, and form of a tree are all rated separately on a 1-100 scale. There is a table in the book defining what tree characteristics might cause a tree to receive a certain rating. The method is definable and defensible. (See Appendix 2 for the table)

By contrast, the 1-100 ratings in this report appear to rate health, structure and form combined, with no indication what characteristics make a tree a "45" vs a "50" or a "55." We do get a little more information in the notes part of the assessment. Some trees have "rot and decay," some have "heavy rot and decay," others have no decay indicated. There is no information about the extent of the "rot and decay." Did the arborist strike the trunk with a mallet and listen for resonance that might indicate hollowness? Did he probe any of the cavities to get a sense of their size? Did he try to estimate what percentage of the trunk circumference might be dead wood? These are all typical risk assessment activities, but none of them are documented in the report.

He then suggests that "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."

Wait, does he mean the surrounding street trees also need to be removed? This is confusing. I think he's referring to the dynamics of a grove. The trees at the edge of a grove are exposed to wind and therefore are generally more able to withstand that wind, because trees build themselves stronger in response to their environmental influences. The inner trees are less exposed to wind because they are protected from the edge trees, and therefore less able to withstand wind forces. If the edge trees are removed, the inner trees become "new edge trees" that are at increased risk of failure due to increased wind exposure. That doesn't mean that these new edge trees must automatically be removed – in some cases, pruning them would reduce the risk of failure.

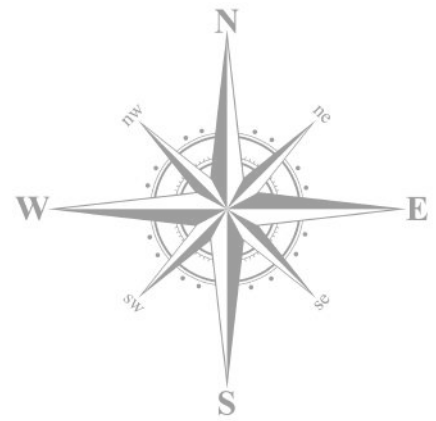
The edge trees in this grove (#1 and #15 according to his assessment) weren't observed to have any decay in the report. It seems possible that they could remain and some of the weaker inner trees within could be

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removed, or pruned, without compromising the stability of the outer trees. Why does the applicant's arborist condemn all the trees?

The arborist goes on to state "There has been significant damage to vehicles and...the property...on non-stormy days." There are no facts in the report to back up this vague statement. What happened? When? What was the size of part that failed? Which tree or trees failed? What were the consequences of the failure?

In the TRAQ method, "Significant" consequences are those that involve "property damage of moderate-to-high value, considerable disruption or personal injury." If there is proof of this damage available in the form of photos, repair invoices, etc., why would the arborist not include it in the report? It would only improve the chances of a removal permit being granted. If the proof is not available, the arborist must state that they were not able to review such proof and are simply re-stating what the applicant told them.

The arborist states: "I do feel these trees should be removed immediately." The word "immediately" is related to the word "imminent." In the TRAQ methodology, "imminent" is used to describe trees that are actively in the process of failing right now – dangling broken limbs, roots pulling out of the ground, tree parts splitting away from other parts. It is rare that an arborist sees one imminently hazardous tree in their career – let alone a row of 15 of them. At this point let's note the date of the report – December 10, 2021, a year before some of the worst storms on record occurred – and yet these trees are still standing. Recommending immediate removal for all 15 trees seems like an over-reaction – especially without completing a formal risk assessment.

Of course, recommending wholesale immediate removal may appear to be the "safest" course of action. But our TRAQ training tells us that it is our job as arborists to understand the difference between "imminent," "probable" and "possible" risk of failure and to consider all risk mitigation options. We must recognize the importance of preserving trees and avoid unnecessary removals.

Does this mean the trees in question are all perfectly safe? No. But there needs to be a formal risk assessment to help prioritize the removals and manage the trees. When City staff came out to look at these trees, it is unlikely that they had time to provide a detailed visual assessment using the TRAQ methodology for each tree. Municipal arborists, however highly qualified, tend to be overworked. The applicant's outdated and incomplete arborist report could not provide the City inspector with much insight, so they essentially had to assess 15 trees from scratch with limited time. This situation undoubtedly led to the confusion about the tree location and any other clerical errors that have occurred.

During my site visit, I observed a wide range of conditions on the trees. Some were in better health and structure than others. Some had a visible amount of dead wood and more than one cavity. Some appeared to be manageable for a few more years. A methodical Level 2 TRAQ risk assessment might yield a management plan that prioritizes the immediate removals and provides recommendations for pruning, phased removal, and replacement. Tree removals are expensive and it's worth spreading that cost out over time, if possible.

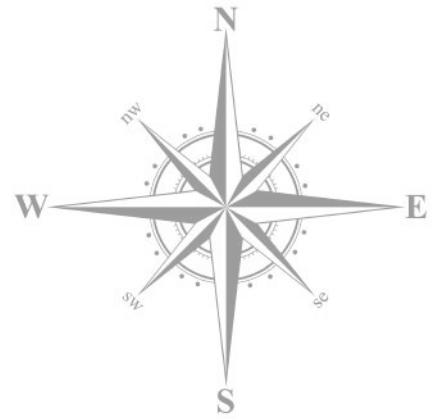
Replacement trees require regular watering to survive, and the management plan must consider how that water will be applied and who will apply it.

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New trees will not provide the economic and environmental benefits of mature trees for about 30 years. Planting is good, but preservation is better.

Summary:

- The applicant's arborist report is outdated and confusing. It proposes an extreme and unnecessary risk mitigation plan based on an incomplete evaluation of the trees.
- Because the arborist report did not provide enough useful information, the City staff arborist had to evaluate the trees essentially from scratch, with very little time to do so.
- The TRAQ risk assessment method is the most commonly used and defensible method for evaluating tree risk and making mitigation recommendations.
- No TRAQ risk assessment has been done for these trees. Before any decisions are made about these trees, I propose that a qualified arborist perform a Level 2 TRAQ assessment and provide a reasonable management plan, based on sound methodology, for the City to evaluate.

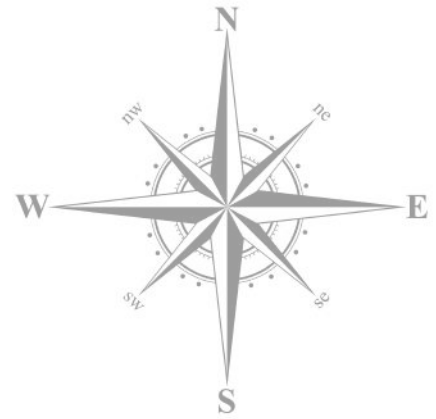
Handwritten signature of Ellyn Shea.

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Appendix 1: Risk Assessment Methodology

The risk assessment process used for the subject tree(s) is a system developed by the International Society of Arboriculture (ISA) and taught through the Tree Risk Assessment Qualification (TRAQ) course.

A Limited Visual Assessment (a.k.a. Level 1 assessment) is a fast but not thorough way to evaluate large populations of trees. Trees are viewed from only one perspective, typically on foot, driving by or flying over the trees. The risk assessor looks for the only most imminent issues such as broken, leaning, or dead trees posing a risk to people or property.

A Level 1 assessment can also be used to determine which trees should be more thoroughly evaluated using a Level 2 basic assessment.

A basic or Level 2 risk assessment is the most commonly used and most commonly required by municipalities for removal permits. With this method, the arborist visually assesses the tree and surrounding site from the ground plane from all angles or as many as are possible. Simple hand tools such as a probe (for determining the depth of cavities) or mallet (for striking the tree to listen for hollow areas) may be used.

A timeframe must be stated for all tree risk assessments. Trees and conditions change over time. Typical timeframes for risk assessments range from 6 months to 3 years, but other timeframes may be used.

Mitigation

Mitigation measures are not tied to the risk rating. That is, a high-risk tree does not automatically need to be removed, and a low-risk tree is not automatically retained. The risk rating is a tool to help with prioritizing trees in a given population; trees with higher risk ratings should be dealt with first.

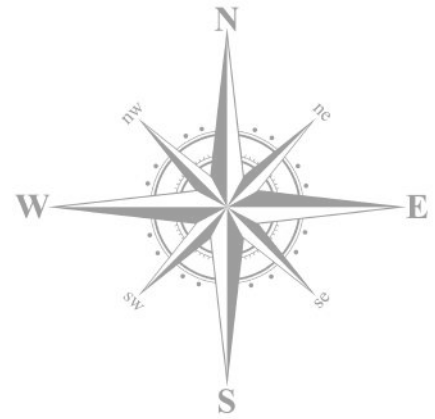
Tree removal is one mitigation measure, but it should not be considered the default. Other tree-related mitigation measures include pruning or using support systems such as cabling or propping.

Target-related mitigation measures include moving or restricting access to the target or posting warning signs. If the tree is retained, a combination of tree-related and target-related measures may be used whenever practical. Trees that are retained must be monitored at the end of the specified time for the risk assessment or sooner if warranted by the tree risk assessor.

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Steps for Determining a Risk Rating

(excerpted from Tree Risk Assessment Best Management Practices, published by the International Society of Arboriculture, 2011)

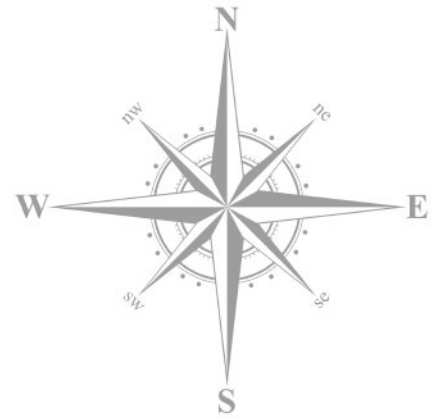
1. Identify tree part(s) that could strike target(s): branches, trunks, or the whole tree.
2. Identify possible targets: people and property that could be damaged by falling trees or tree parts. People are always the most important targets to consider, although high-value property must also be considered.
3. Evaluate **likelihood of failure** for each part to fail:
 - a. *Improbable*: The tree or branch is not likely to fail during normal weather conditions and may not fail in many severe weather conditions.
 - b. *Possible*: Failure could occur but is unlikely during normal weather conditions.
 - c. *Probable*: Failure may be expected during normal weather conditions.
 - d. *Imminent*: Failure has started or is most likely to occur in the near future, even without significant wind or increased loading.
4. Evaluate **likelihood of a tree or tree part impacting a target**, based on how often the target is occupied:
 - a. *Very Low*: Remote chance that failure will impact target. Example: a rarely used trail, or an occasionally used area with some protection from the failure.
 - b. *Low*: Not likely that failure will impact target. Example: an occasionally used area fully exposed, a constantly occupied area well protected from the failure.
 - c. *Medium*: Even odds that failure will impact target. Example: a frequently used area fully exposed on one side of the tree, or a constantly occupied area partially protected.
 - d. *High*: Likely that the failure will contact the target. Example: a high-use road or walkway fully exposed to a tree.
5. For each tree or tree part, categorize the **combined likelihood of failure and impact** using the conclusions reached in steps 3 and 4 in Table 1 below:

Likelihood of Failure	Likelihood of Impacting Target			
	<i>Very Low</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>
<i>Imminent</i>	Unlikely	Somewhat Likely	Likely	Very Likely
<i>Probable</i>	Unlikely	Unlikely	Somewhat Likely	Likely
<i>Possible</i>	Unlikely	Unlikely	Unlikely	Somewhat Likely
<i>Improbable</i>	Unlikely	Unlikely	Unlikely	Unlikely

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6. For each tree or tree part, estimate the **consequences of failure**:

- a. *Negligible*: Low-value damage or disruption, no personal injury.
- b. *Minor*: Low to moderate damage, small disruptions to traffic or communication lines, or very minor personal injury.
- c. *Significant*: moderate to high value damage, considerable disruption, or personal injury.
- d. *Severe*: high value damage, major disruption, severe personal injury, or death.

7. For each tree or tree part, determine a **risk rating** using the conclusion from Table 1 with the consequences of failure in Table 2 below:

Likelihood of Failure and Impact	Consequences			
	<i>Negligible</i>	<i>Minor</i>	<i>Significant</i>	<i>Severe</i>
<i>Very Likely</i>	Low	Moderate	High	Extreme
<i>Likely</i>	Low	Moderate	High	High
<i>Somewhat Likely</i>	Low	Low	Moderate	Moderate
<i>Unlikely</i>	Low	Low	Low	Low

- a. *Extreme*: Failure is imminent, there is a high likelihood of impacting the target, and consequences are severe. Extreme-risk trees are rare but must be mitigated immediately.
- b. *High*: Likelihood of failure and impact are likely or very likely and consequences are severe or significant. In a population of trees, prioritize mitigation measures for the high-risk ones first.
- c. *Moderate*: Likelihood of failure and impact is likely or very likely, but consequences are minor, or likelihood is somewhat likely, but consequences are significant or severe. Lower priority than high-risk trees but higher than low-risk trees.
- d. *Low*: Likelihood of failure and impact is unlikely or somewhat likely, regardless of consequences, or likelihood is very likely or likely, but consequences are negligible.

Table 4.1 Assessment of plant condition considers health, structure, and form. Each may be described in rating categories that can be translated into a percent rating.

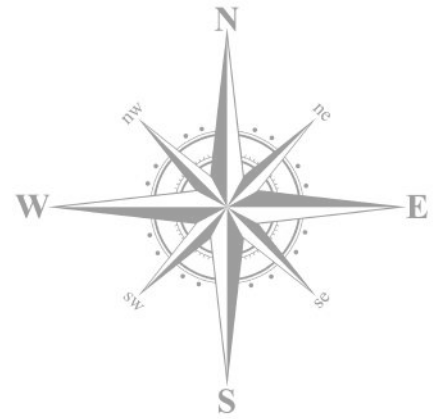
Rating category	Condition components			Percent rating
	Health	Structure	Form	
Excellent	High vigor and nearly perfect health with little or no twig dieback, discoloration, or defoliation.	Nearly ideal and free of defects.	Nearly ideal for the species. Generally symmetric. Consistent with the intended use.	81% to 100%
Good	Vigor is normal for the species. No significant damage due to diseases or pests. Any twig dieback, defoliation, or discoloration is minor.	Well-developed structure. Defects are minor and can be corrected.	Minor asymmetries/deviations from species norm. Mostly consistent with the intended use. Function and aesthetics are not compromised.	61% to 80%
Fair	Reduced vigor. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Twig dieback, defoliation, discoloration, and/or dead branches may comprise up to 50% of the crown.	A single defect of a significant nature or multiple moderate defects. Defects are not practical to correct or would require multiple treatments over several years.	Major asymmetries/deviations from species norm and/or intended use. Function and/or aesthetics are compromised.	41% to 60%
Poor	Unhealthy and declining in appearance. Poor vigor. Low foliage density and poor foliage color are present. Potentially fatal pest infestation. Extensive twig and/or branch dieback.	A single serious defect or multiple significant defects. Recent change in tree orientation. Observed structural problems cannot be corrected. Failure may occur at any time.	Largely asymmetric/abnormal. Detracts from intended use and/or aesthetics to a significant degree.	21% to 40%
Very poor	Poor vigor. Appears to be dying and in the last stages of life. Little live foliage.	Single or multiple severe defects. Failure is probable or imminent.	Visually unappealing. Provides little or no function in the landscape.	6% to 20%
Dead				0% to 5%

Garden Guidance LLC

Ellyn Shea, Consulting Arborist & Horticulturist

ISA Certified Arborist # WE-5476A - ISA Qualified Tree Risk Assessor
ASCA Registered Consulting Arborist #516

2085 Hayes Street, No. 10 • San Francisco, CA 94117
Phone: 415/846-0190 • E-Mail: ellyn.shea@sbcglobal.net
www.garden-guidance.com Venmo: @Ellyn-Shea



Assumptions and Limiting Conditions

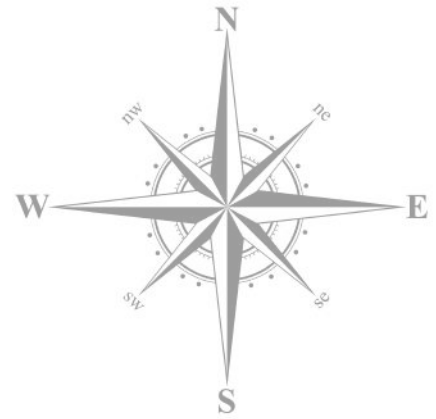
1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes, or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image, or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement, or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

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Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

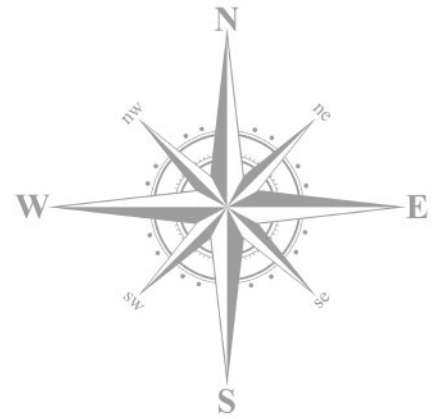
Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

Garden Guidance LLC

Ellyn Shea, Consulting Arborist & Horticulturist

ISA Certified Arborist # WE-5476A - ISA Qualified Tree Risk Assessor
ASCA Registered Consulting Arborist #516



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Certification of Performance

I, Ellyn Shea, Certify:

- That I have personally inspected the trees and/ or property evaluated in this report. I have stated my findings accurately, insofar as the limitations of my Assignment and within the extent and context identified by this report;
- That I have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions, and conclusions stated herein are my own and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That my compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.
- I am a member in good standing, Certified Arborist (#WE-5476A), and a Qualified Tree Risk Assessor with the International Society of Arboriculture, and a Registered Consulting Arborist (#516) with the American Society of Consulting Arborists.

I have attained professional training in all areas of knowledge asserted through this report by completing relevant college courses, routinely attending pertinent professional conferences and by reading current research from professional journals, books, and other media.

I have rendered professional services in a full-time capacity in the field of horticulture and arboriculture for more than 23 years.

Signature:

Date: 9-20-23

BRIEF SUBMITTED BY THE DETERMINATION HOLDER



ST. FRANCIS SQUARE COOPERATIVE, INC.

10 BERTIE MINOR LANE #2 • SAN FRANCISCO, CALIFORNIA 94115-3730
TELEPHONE: (415) 931-7363 • FAX: (415) 931-7365 • EMAIL: office@sfsquare.org

*A housing community dedicated to the idea that all races,
religions and beliefs can live together in harmony.*

September 21, 2023

San Francisco Board of Appeals **NEW SUBMISSION WITH CORRECTIONS**
Hon. Rick Swing, Chair
49 South Van Ness Avenue
San Francisco, CA 94103

To: Board of Appeals – Removal and Replacement of one (1) tree on 1335 Laguna St.
And Removal of ten (10) trees with Replacement of 3 on 1320-24 Ellis St.

Re: Deetje Boler, Appellant vs
SF Public Works, Bureau of Urban Forestry, Respondent
Appeal No.23-031

From: Brief submitted by St. Francis Square Cooperative, Inc., Property Owners, and
Permit Holder

A Brief History:

St. Francis Square Cooperative (SFSC) has been concerned with the health and safety of the Lombardy poplar trees (1320-1324 Ellis St) for many years. San Francisco Public Works (SFPW) approved the removal of ten (10) of these trees. SFPW also recommended the replacement of the tree on 1335 Laguna.

St. Francis Square Cooperative is a housing cooperative with 299 apartments and approximately 600 residents. It is located within the blocks bordered by Geary Blvd., Laguna St., Ellis St., O'Farrell St., and Webster St. In 1963, our first residents moved in. We are a democratically run cooperative that lives by the motto of those original shareholders: Dedicated to the proposition that all races, religions, and beliefs can live together in harmony.

Our neighbors, directly impacted by the 10 trees, are:

- a) Phoebe Hearst Preschool, 1315 Ellis St.
- b) Rosa Parks Elementary School, 1501 O'Farrell St. (many children walk on Ellis to get to school via the Ellis St. playground entry gate)
- c) Central Gardens Post Acute, a skilled nursing home, 1355 Ellis St.

We have been observing these trees for many years. We planted them 50 years ago and they have grown large. In hindsight, they were planted too close together and, over time, frequently lose branches, leaves, and bark. To help us decide what to do about these trees, we hired professional arborists on two separate occasions.



EQUAL HOUSING
OPPORTUNITY

Exhibit A

Oct. 14, 2015 – Arborist (Arborcadabra Arborist Company, Inc.) stated that the “tree on Laguna should be pruned away from pedestrian paths and monitored for dieback and fungus.... Growth was noted (on Lombardy poplars along Ellis) and should be pruned away from pedestrian paths and monitored for dieback and fungus.... Many surface roots are somewhat rotted and rotting.” (Exhibit A attached)

Exhibit B

Dec. 10, 2021 – Arborist (Kleinheinz Arborist Services)

“[D]ue 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.... [T]hese 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.... [T]hese trees should be removed immediately.... The tops ... have exceeded most of the surrounding trees and structure, therefore the impact from the prevailing winds would make significant failure more probable.”

Exhibit C

Notice of Public Works Hearing on May 22, 2023:

Public Works Order No.: 208103

Exhibit D

Recommendation from Public hearing on May 22, 2023, from Interim Director, Carla Short

May 22, 2023 – Director of Public Works Hearing held a public hearing.

From the report of Public Works Order No. 208103

“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 removal and the applicant appealed.”

Findings:

“The Hearing Officer deems the clerical error address of Ellis St trees to be harmless.... Staff confirmed the Significant trees are physically addressed as 1320 X Ellis. “

Note from SFSC: The Board of Appeals Executive Director, Julie Rosenberg, informed us that the address has since been **corrected**, after the September 6, 2023 Board of Appeals hearing, to **1320-1324 Ellis St.**

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.” from Interim Director, Carla Short.

Exhibit E

Letter from the General Manager of St. Francis Square dated May 23, 2023, concurring with Recommendation made at Public Hearing on May 22, 2023.

Exhibit F

June 29, 2023—Letter from Board of Appeals and Preliminary Statement to St. Francis Square Cooperative Manager for Appeal No. 23-031

Appeal Order 23-031; Appeal Title: Boler vs. SFPW-BUF. Subject Property: 1345 Ellis St; Determination Type: Tree Removal by Private Entity; Order No: 209224

“The hearing regarding this matter has been scheduled for August 2, 2023.”

From page 2:

The Board of Appeals Preliminary Statement for Appeal No. 23-031

On June 29, 2023 by Deetje Boler appealed the “Issuance of Order for Tree Removal by Private Entity Order No. 209224 by 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 St.”

Exhibit G

From Minutes of Regular Meeting, Board of Appeals, September 6, 2023, page 4

“On August 2, 2023, upon motion by Commissioner Lemberg, the Board of Appeals voted 5-0 to continue this matter to September 6, 2023. The Appellant requested the continuance and the parties agreed to it.”

St. Francis Square Cooperative RESPONSE TO CONCERNS

At the September 6, 2023 hearing, the Appellant, St. Francis Square Cooperative, property owner, and San Francisco Public Works Bureau of Urban Forestry presented their arguments.

The following addresses some of the appellant’s and Board of Appeals’ concerns with a response by St. Francis Square Cooperative.

- 1) Confusion over the 1345 Ellis St. address given for Lombardy Poplar trees.

Response: The row of trees is on the north side of the 1300 block of Ellis Street. There are no buildings on it with street numbers. The address provided in the Permit Request was 1345 Ellis Street, which would be a building number directly across the street from the trees. It was decided at the September 6th hearing that the street address needed to be corrected for Appeal No. 23-031. We received notice via an email that **1320-1324 Ellis St** will be the address used at the September 27th Board of Appeals hearing.

2) Why were no briefs submitted by Public Works or SFSC?

Response: It is regrettable that briefs were not submitted by SFPW or the Square but this in no way mitigates the need to rectify the problems and potential harms these trees create. We have since corrected the error.

At the September 6th hearing, both parties apologized. SFPW was 35 minutes late submitting their brief to the original hearing scheduled for August 2, 2023. They were told that because they had missed the correct time for the August 2 hearing, the Board of Appeals could not accept a brief at the continued hearing on September 6.

SFSC submitted a brief at the beginning of the hearing. The hand-delivered brief was accepted, but board discussion established that it should not have been. As part of the resolution of this matter, attached as Exhibit H, is a copy of the letter dated September 6, 2023, signed by both SFSC and by the Phoebe Hearst Preschool. A copy of this letter was hand delivered to the Appellant, Deetje Boler, on September 13, 2023.

See Exhibit H (SFSC letter dated Sept. 6, 2023)

3) Why are the trees being removed and not replaced?

Response: Some trees will remain, and there will be some replacement trees, but with appropriate spacing and safety. The SFPW decision of the May 22, 2023 hearing was that these ten (10) significant trees would be removed but the five (5) other poplar trees would remain.

As previously noted, “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.”

SFSC accepted this recommendation and is researching the Brisbane Box, a species recommended by SFPW. It is defined by Santa Barbara Beautiful:

“The Brisbane Box defines as a moderate- to fast-growing tree but after reaching a height of 30 to 40 feet, its rate of growth slows considerably. Under ideal conditions here, it can be as tall as 60 to 70 feet with a width of 25 feet.”

4) Basal replacement was not provided.

One of the reasons that these Lombardy poplar trees were deteriorating is that the trees were planted too close together and did not allow for continued growth during their maturing years. Per discussions with SFPW-BUF, it was concluded that the basal replacement could only include the planting of four (4) significant trees. One (1) additional signature tree could be included, but it would be located on Laguna St.

The permit holder, St. Francis Square Cooperative, reviewed the video of the September 6 hearing and considered the different points of view. We offer these comments and responses:

- 1) The strikingly beautiful and majestic Lombardy trees on Ellis are almost 50 years old. Residents of SFSC, neighbors, and the community have enjoyed them over the decades. They still need to be removed.
- 2) We have learned, throughout this process, that Lombardy poplar trees are “fast growing and early dying trees.”
- 3) After hiring two arborists over the past decade, the most recent being December 10, 2021, and being concerned about public safety, SFSC concluded that the removal of the fifteen (15) Lombardy poplar trees on Ellis was warranted. In addition to the SFPW-BUF arborist’s findings, the arborist with Kleinheinz Arborist Services provided a report on the condition of the 15 poplar trees (December 2021). At that time, ten of the 15 trees were designated as being in “fair” condition; the rest were in the “poor 30-49” category. Of the five rating categories, the highest category is excellent (90-100). The numerical rating of 50 (9 trees had this rating) falls at the lowest end of the “Fair 50-69” range, so it is very close to poor.
- 4) The Square contacted SFPW-BUF and requested these fifteen (15) trees be removed.
- 5) SFPW-BUF examined the trees individually. Realizing the history of branch failure and seeing the deterioration of the tree trunks and the decline of their canopies, they recommended that ten (10) of these trees be removed. SFSC accepted this recommendation. Also, one street tree on Laguna would be removed and replaced.
- 6) These significant trees are located on private property and, as such, the ordinance regulating them is slightly differently from that of significant trees on public property.
 - a. The property owners must pay for their care.
 - b. The Ellis Street trees are not on the public right of way.
 - c. The property owners continue to be concerned about public safety and the risk assessment involved, especially as climate change produces more frequent and severe weather events.
- 7) SFSC has agreed with SFPW-BUF to keep five (5) of the significant trees on Ellis Street and replace four (4) of the significant trees – three (3) of which should be planted in the same row as the current poplar trees. A fourth replacement of a significant tree will be planted along Laguna Street.
- 8) As per the direction of the Board of Appeals, SFSC has tried to be in contact with the Appellant numerous times.
 - a. Calling and leaving messages on September 7 and 8.
 - b. Sending emails on September 11 and 12. **See Exhibit I (emails).**
 - c. Contacting Chris Buck, BUF, to attempt to reach Appellant on Sept. 13. Ms. Boler responded late afternoon on Friday, September 15.
- 9) In the hearing on September 6, 2023, the remediation of “clerical” errors was discussed.
 - a. The Board of Appeals sent new notices after September 6 to all residents within a 150’ radius of the corrected addresses: 1320-1324 Ellis St. and 1335 Laguna St. **See Exhibit J (postcard notice).**
- 10) The Board of Appeals postcard notification to neighbors was reinforced by SFSC with the inclusion of the information in our weekly newsletter (sent September 1, 8, and 15, and also to be sent again Sept. 22) with the corrected addresses of the trees’ location. SFSC continues to inform residents of the tree permit and appeal through our weekly

newsletter, "Friday Flyer," distributed to all residents.

See Exhibit K (SFSC weekly newsletter).

Also, a large informal Google group email is used to inform residents.

11) SFSC is providing a brief in a timely manner to the Board of Appeals for the September 27 continuance hearing.

12) A petition was circulated among residents and neighbors to show their approval of the removal and replacement of the trees. These petitions (with about 125 signatures) show support from SFSC residents, Japantown neighbors, and families of Rosa Parks Elementary School and Phoebe Hearst Preschool. **See Exhibit L (petitions).**

13) We continue to work on plans to establish more trees on SFSC property. The Rosa Parks Elementary School's Advisory Board oversees a tree planting program. The graduating classes of the Japanese Bilingual Bicultural Program (JBBP) at Rosa Parks Elementary School have been planting trees in their Ohanami (Cherry Blossom viewing) Grove. However, they have run out of space so they want to plant cherry trees on our property. JBBP's fiftieth anniversary is approaching and they would like to plant some in recognition of the program.

Rosa Parks Elementary School's principal wrote a letter of support for the removal and replacement of the trees.

See Exhibit M (Rosa Parks Elementary School letter).

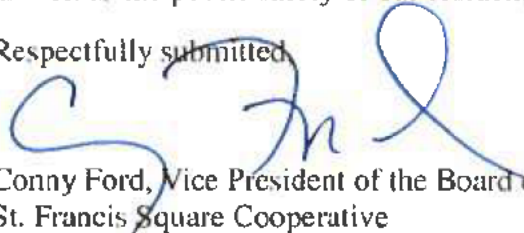
In Summary:

Residents of St. Francis Square Cooperative, families whose children attend Phoebe Hearst Preschool and Rosa Parks Elementary School, and staff members who work at Central Gardens Post Acute have expressed the importance of two very basic principles:

- The value and importance of trees within our urban environment. The shade, wind breaks, air quality improvements, habitat, and beauty are beneficial to all forms of life, people and animals. All greenery amidst the concrete and asphalt is essential to our health and happiness.
- The safety of residents, families, the many children who walk down Ellis St, and the people who live or work close by is also important to our well-being. Over the years, windshields and cars have been damaged in the parking lot beneath the Ellis St trees. Fortunately, no individuals were hurt, but there will be many "next times" when the 40 mph and stronger winds break more of the limbs and branches.

We respectfully urge the Board of Appeals to deny Appeal No. 23-031. Allow us to continue our property management, keeping in mind, always, the continued care of our trees within our co-op as well as the public safety of our residents and surrounding community.

Respectfully submitted,



Conny Ford, Vice President of the Board of Directors
St. Francis Square Cooperative

Appeal No.23-031 EXHIBITS

September 21, 2023

From: San Francisco Square Cooperative

Re: Deetje Boler, Appellant vs

SF Public Works, Bureau of Urban Forestry, Respondent

Appeal No.23-031

A.	Arborcadabra Arborist Company, Inc. report dated October 24, 2015
B.	Kleinheinz Arborist Services, LLC report dated December 10, 2021
C.	Notice of May 22, 2023 Public hearing, Public Works Order No. 208103 from San Francisco Public Works
D.	Recommendation from Public hearing on May 22, 2023 from Interim Director, Carla Short
E.	Letter from General Manager of St. Francis Square dated May 23, 2023, concurring with Recommendation made at Public Hearing on May 22, 2023.
F.	Letter from Board of Appeals dated June 29, 2023, and Preliminary Statement for Appeal No. 23-031 dated June 29, 2023.
G.	Regular Meeting of Board of Appeals, September 6, 2023 (excerpt from minutes)
H.	Letter dated September 6, 2023, to Board of Appeals from the Permit Holder (SFSC) and Phoebe Hearst Preschool (Brief submitted late; not accepted for September 6, 2023 hearing)
I.	Emails to Appellant from Permit Holder, dated Monday, September 11 and Tuesday, September 12, 2023
J.	Postcard notices from Board of Appeals dated September 8, 2023 regarding continued Hearing on September 27, 2023.
K.	Copies of "Friday Flyer" from Permit holder, sent weekly (sent September 8 and 15) to residents of SFSC announcing September 27, 2023 Board of Appeals hearing. It will also be sent out on September 22, 2023.
L.	Petitions in favor of Removal and Replacement of Ellis Street trees.
M.	Letter of support from Rosa Parks Elementary School principal, Laura Schmidt-Nojima.

EXHIBIT "A"

Arborist Tree Report

October 24, 2015

Report prepared by:

Elliot Goliger
Certified Arborist WC-2256-A
Certified Tree Risk Assessor #1390

Type of tree: *Corymbia ficifolia*, Red Flowering Gum

Size of tree: Approximately 40 feet tall, with the crown approximately 30 feet wide,
Trunk Diameter at breast height approximately 22" diameter at 48" above the ground.

Location of tree: On Laguna Street, adjacent to a garbage bin shed which is adjacent to the building

Owner of tree: St Francis Square HOA

Objective of Report:

The objective of this tree report is to determine the health of the *Corymbia ficifolia* tree, assess it's potential risks and its long-term viability in the landscape.

Background:

Corymbia ficifolia is a widely used species in Northern California that is generally planted because of its size, and fast growing habit. They generally grow to be up to 50 feet tall, and have a medium lifespan of 100 years but generally less in urban environments.

Observations:

This tree is about 45 feet tall

The crown of the tree is about 30 feet wide

The base of the trunk of the tree is immediately adjacent to a concrete slab, preventing roots and the trunk from growing in that direction

This specimen is growing over a lawn and sidewalk area and is about 10 feet from the path

The tree trunk is leaning at about a 45 degree lean, towards the street and sidewalk area

The tree has some bacterial ooze emerging from the trunk

The tree is lifting up the slab and damaging the garbage bin shed

The trunk at the base is deformed due to it's placement immediately adjacent to the concrete.

Exhibit "A"

12:18 PM (19 minutes ago)

to me

The Second:

----- Forwarded Message -----

From: Elliot Goliger <elliot@artisanslandscape.com>

To: Donald Cryer <manager@sfsquare.org>; Norman Young <nodayo@sbcglobal.net>

Sent: Saturday, October 24, 2015 3:06 PM

Subject: Other trees that need attention and possible removal

Hello,

When I surveyed your trees, I identified some trees that also need attention but that are not as immediately dangerous as the two mentioned in the reports. This does not mean they pose no risk. The following trees should be cared for or removed.

1. The leyland cypress adjacent to the one mentioned in the Arborist report\
2. Two Incence cedar trees on the south side of the path between Bertie Minor lane and the YMCA
3. Five Corymbia ficifolia on Laguna Street
4. Tanglefoot should be removed from two Japanese maple tree trunks adjacent to the parking area at Geary and Webster
5. Lombardy poplars at Geary and Webster should be pruned away from pedestrian paths
6. Lombardy poplars along Ellis St. should be pruned away from pedestrian paths and monitored for dieback and fungus. Some fungal growth was noted on tree #, and many surface roots are somewhat rotted or rotting.

EXHIBIT "B"

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

Exhibit B

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

EXHIBIT “C”



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: 208103

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

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 has partially approved the removal and the public has protested. Staff has partially denied the removals and the applicant has appealed.

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

You are invited to a Zoom webinar. When: May 22, 2023 5:30 PM Pacific Time Tree Removal	https://us06web.zoom.us/j/88209115028
One tap mobile	+16699006833,,88209115028# or +16694449171,,88209115028#
Telephone	+1 669 900 6833 or +1 669 444 9171
Webinar ID	882 0911 5028

Persons unable to participate in the videoconference may submit written comments regarding the subject matter to Bureau of Urban Forestry at 49 South Van Ness Ave. Suite 1000, San Francisco CA., 94103 or urbanforestry@sfdpw.org. Comments received before the hearing will be brought to the attention of the hearing officer and made a part of the official public record. Individuals who wish to use materials such as PowerPoint files, documents and photo images in their presentations must send the materials to Bureau of Urban Forestry via email at urbanforestry@sfdpw.org by 5 p.m. the day before the hearing. If attendees access the webinar via a computer, they will be able to share documents themselves via the “share screen” functionality.

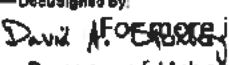
DocuSigned by:

Bureau of Urban Forestry • (628) 652-TREE (8733) • urbanforestry@sfdpw.org
For more information / Para más información / 想要查询更多信息

Exhibit C

EXHIBIT “ D ”



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

Public Works Order No: 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.

Exhibit "D"

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:
Carla Short

Short, Carla
Interim Director

EXHIBIT "Ε"



ST. FRANCIS SQUARE COOPERATIVE, INC.

10 BERTIE MINOR LANE #2 • SAN FRANCISCO, CALIFORNIA 94115-3730
TELEPHONE: (415) 931-7363 • FAX: (415) 931-7365 • EMAIL: office@stsquare.org

*A housing community dedicated to the idea that all races,
religions and beliefs can live together in harmony.*

May 23, 2023

Bureau of Urban Forestry
Re: Ellis St. Permit No. 789225

Dear Urban Forestry Hearing Officer:

Last night, the appeal regarding the decision by DPW regarding removing 15 significant trees, now amended to include only the following:

- Trees 1, 2, 3, 14, 15 have been denied. (Our tree counting/numbering system is backwards from yours, so tree 1 starts at the East driveway, Quickstep Lane)
This is tree 1, 2, 13, 14, 15 for your tree numbering system.
- Tree 2 at 1355 Laguna Street has been approved
- Tree 4-13 have been approved and will be posted for 30 days.
- The trees that have been denied are healthy and sustainable.
- Reasons for removal are not warranted at this time.
- Trees denied can be mitigated by pruning.

Referenced in permit no. 789225 was heard.

This is to inform you that St Francis Square supports this current compromised version of this issue.

We sent members of our Executive Board to the appeal meeting last night and they confirmed our support for this.

I am the Manager of St. Francis Square and want to make it clear that the members of St. Francis Square urge the City to support DPW's recommendation of this appeal and move forward. We are concerned about another large branch breaking and with our members or the children across the street a Phoebe Hearst Child Care Center may be hurt.

One question came up that we were unable to address last night concerned the age of the trees and if they were planted before or after the parking lot on Ellis was built.

After researching historical files and talking to members who were present during the 1960's when our coop was constructed, they confirmed that the trees were planted after the parking lot was built. This means that the trees were probably planted in 1964 our 65 and therefore are almost 60 years old.

This seemed to be a major point of contention of this meeting and we wanted to ensure that all of the facts were represented accurately.

Sincerely,
Tiona Mitchell, General Manager



Exhibit "E"

EXHIBIT "F"



June 29, 2023

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
manager@sfsquare.org
office@sfsquare.org

Appeal No.: 23-031
Appeal Title: Boler vs. SFPW-BUF
Subject Property: 1345 Ellis Street
Determination Type: Tree Removal by Private Entity
Order No.: 209224

Dear Tiona Mitchell:

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of the above-referenced Determination. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the Determination is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **August 2, 2023, at 5:00 p.m., and will be held in Room 416 of San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via the Zoom video platform.

If you have any further questions, you may email this office at boardofappeals@sfgov.org or call (628) 652-1150.

Sincerely,

BOARD STAFF

cc: San Francisco Public Works, Bureau of Urban Forestry c/o Chris Buck
chris.buck@sfdpw.org

Deetje Boler, Appellant(s)
1280 Laguna Street, Apt. 6B
San Francisco, CA, 94115
deetje@aol.com

Exhibit "F"



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. 209224** 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

Page 2

EXHIBIT “ 6 ”

REGULAR MEETING, BOARD OF APPEALS, SEPTEMBER 6, 2023 - PAGE 4

(5) APPEAL NO. 23-031

<p>DEETJE BOLER, Appellant(s)</p> <p>vs.</p> <p>SAN FRANCISCO PUBLIC WORKS, BUREAU OF URBAN FORESTRY, Respondent</p>	<p>1345 Ellis Street. Appealing the ISSUANCE on June 16, 2023, to Saint 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). ORDER NO. 208224. FOR HEARING TODAY. Note: On August 2, 2023, upon motion by Commissioner Lemberg, the Board voted 5-0 to continue this matter to September 6, 2023. The appellant requested the continuance and the other parties agreed to it.</p>
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ADJOURNMENT.

Note: The materials for each item on this agenda may include some or all of the following documents: Preliminary Statement of Appeal; Departmental determination being appealed; briefs submitted by Appellants, Permit Holders, Respondent Departments or Other Parties; submittals by members of the public; and correspondence. These items, and any materials related to an item on this agenda that are distributed to the Board members at the hearing, are available for public inspection at the Board's website <https://sf.gov/departments/board-appeals> and upon request by emailing the Board Office boardofappeals@sfgov.org. Please call 628-652-1150 if you have any questions concerning this agenda.

Date posted: **September 1, 2023**

MEMBERS OF THE BOARD OF APPEALS	
RICK SWIG	PRESIDENT
JOSE LOPEZ	VICE PRESIDENT
ALEX LEMBERG	COMMISSIONER
JOHN TRASVIÑA	COMMISSIONER
J.R. EPPLER	COMMISSIONER

Members of the Board will attend the meeting in-person, and members of the public are invited to attend in-person, by computer, or by telephone as described above. To ensure full public

Exhibit "G"

EXHIBIT "H"

September 6, 2023

Board of Appeals boardofappeals@sfgov.org
Permit Center
49 South Van Ness, Suite 1475
San Francisco, CA 94103

Bureau of Urban Forestry (BUF) urbanforestry@sfdpw.org
49 South Van Ness Ave. Suite 1000
San Francisco CA., 94103

Re: Appeal No. 23-031, Boler vs. SFPW-BUF
Address: 1320 Ellis Street (Permit #789225 was listed as 1345 Ellis Street)

To the Board of Appeals:

St Francis Square Cooperative is a housing cooperative with 300 apartments. Along our property at 1320 Ellis Street, there are 15 poplar trees with health problems. Many have heavy rot and decay at the roots. For the safety of our members and the public at large, we requested to be allowed to remove them.

At the May 22, 2023 hearing, the DPW Bureau of Urban Forestry (BUF) representative, Sara Stacy, urban forestry inspector determined that ten of the poplar trees could be removed and five should remain. The coop board members present agreed to this compromise, and our manager sent a letter of support for the compromise. Ms. Stacy analyzed each tree at the hearing, describing the trees as variously having poor structure or condition, hollow trunk, large cavities, and root decay.

We are very much aware of and agree with the value and importance of trees within our city. The shade, wind breaks, air quality improvements, habitat, and beauty that trees provide are beneficial for all forms of life, people and animals. All greenery amidst the concrete and asphalt is essential to our health and happiness.

However, our concern is for the safety of people. Already, huge tree branches have fallen during the stormy month of January 2023 and at other times. Windshields and cars were damaged in the parking lot beneath the Ellis Street trees. We are concerned about the future possibilities of branches and/or trees falling and severely injuring people in addition to damaging property.

The tall poplars pose a risk to the public at large. The height of the trees ranges from 50 to 60 feet. If they fall, they could land on the Phoebe Hearst Preschool (1315 Ellis) or Central Gardens (a nursing home at 1355 Ellis) which are in the same block across the street from the 15 trees. Ellis Street is a route that school children and adults take to the preschool. Also, many families walk down Ellis Street to Rosa Parks Elementary School.

To address some of the concerns of the appellant, we would like to point out the following:

Exhibit "H"

We, too, are concerned about the number of trees in our city. Some of our members were concerned about the removal of the Ellis Street trees. But with further investigation, the arborists' findings revealed root rot and other conditions resulting in poor or nearly poor tree health. We are sincerely concerned about the potential danger of unhealthy, tall trees falling.

In addition to the city's arborist's findings, the arborist with Kleinheinz Arborist Services provided us a report on the condition of the 15 poplar trees (December 2021). At that time, ten of the 15 trees were designated as being in "fair" condition; the rest were in the "poor 30-49" category. Of the five rating categories, the highest category is excellent (90-100). The numerical rating of 50 (9 trees had this rating) falls at the lowest end of the "Fair 50-69" range, so it is very close to poor.

The 1320 Ellis Street trees have not been subjected yet to winds as high as experienced in other parts of the Bay Area. However, future weather could have a more serious impact on the trees' stability.

We do not want a net loss of trees because of any removal of the poplars. We intend to plant more trees throughout the coop property to replenish the number of any removed poplars and, additionally, add more trees.

For safety concerns, we pursued the idea of removing the trees. Originally, we asked for all 15 to be removed, but are agreeing to keep the five poplar trees recommended by the Bureau of Urban Forestry inspector.

As stated above, we agree to keep five of the poplars and plant replacement trees on our property. We appreciate the concern that many want to keep the urban "forest" intact and expand it. We hope the compromise proposed by Public Work's Bureau of Urban Forestry will be approved and that no serious damage will occur to people or property in the future.

Sincerely,



Conny Ford, Vice President
St Francis Square Cooperative



Irene Byrne, Exec Director
Phoebe Hearst Preschool

EXHIBIT "I"



Conny Ford <connyford@sfsquare.org>

Ellis Trees - Board of Appeals hearing

2 messages

Conny Ford <connyford@sfsquare.org>

Mon, Sep 11, 2023 at 9:27 AM

To: Deetje Boler <deetje@aol.com>

"Buck, Chris (DPW)" <Chris.buck@sfdpw.org>

Bcc: Conny Ford <connyford@sfsquare.org>

Morning Deetje -Hope this finds you well.

At the hearing on 9/6, it was strongly suggested by the Board of Appeals' members that we, the Appellant, a Representative from The Square, and Chris Buck, DPW meet prior to the 9/27 continuance hearing to see if we could agree on any settlement(s).

I am writing to invite you to this meeting. I tried to call you several times last week but not sure my calls went through. So, am emailing you this morning to request the meeting.

Please let me know your thoughts on this matter and if you are willing to meet with us? If yes - please suggest a couple of days and times that work for you. We could meet in the Square's social hall or in your building?

This is not a formal meeting just the 3 orgs involved here to see if there can be a meeting of the minds.

Sincerely,
Conny Ford
415 279 9479

Conny Ford <connyford@sfsquare.org>

Tue, Sep 12, 2023 at 3:44 PM

To: Deetje Boler <deetje@aol.com>

Cc: "Buck, Chris (DPW)" <Chris.buck@sfdpw.org>

Hi Deetje - I am going to cross the street, tomorrow, and deliver a copy of the letter (brief) that we tried to give to the board members on 9/6. It was rejected because of the latest of its deliver.

Also, please email or call me (415) 279 9479 if you are willing/interested in meeting with us. We still have a little time as the hearing is 2 weeks from now.

I re-watched the hearing last night and realized how strongly several of the Board members suggested to that "talk"..

Best regards Deetje - Conny
[Quoted text hidden]

Exhibit "I"

EXHIBIT “J”

Sent 9/8/23

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS
49 SOUTH VAN NESS, SUITE 1475
SAN FRANCISCO, CA 94103



THE RESIDENT
65 WESTERN SHORE LN #2
SAN FRANCISCO, CA 94115

NOTICE OF APPEAL HEARING



Dear Occupant or Property Owner: You are receiving this notice because you reside in or own property within 150 feet of the subject property mentioned below.

Hearing Date: September 27, 2023 at 5:00 p.m. The meeting is currently scheduled to be held in Room 416 of SF City Hall, 1 Dr. Carlton B. Goodlett Place. It will be broadcast live on SFGOV TV. The public may attend in-person or access the meeting remotely via Zoom or telephone. If you would like to watch the hearing or provide public comment remotely, go to the Board's website at www.sfgov.org/boa on the day of the hearing to find how to access the hearing by phone or computer.

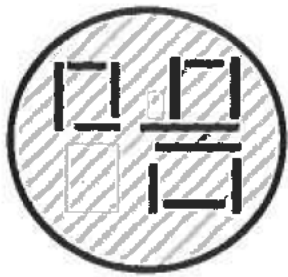
Appeal No. 23-031; 1320-1324 Ellis Street and 1335 Laguna St. Appealing the issuance on June 16, 2023, of Public Works Order No. 208224 (Approval to remove ten Significant Trees on private property with the replacement of four (1320-1324 Ellis St. adjacent to the parking lot for St. Francis Square Cooperative located on Parcel No. 0723043) and approval to remove one street tree with replacement (the street tree is located approximately 50 feet north of 1335 Laguna St). Please call the Board Office at 628-652-1150 or email boardofappeals@sfgov.org if you would like a map of the trees proposed for removal.

Public Comment: Letters of support or opposition can be submitted to the Board Office by email boardofappeals@sfgov.org. It is recommended that you submit a letter by 4:30 p.m. on the Thursday prior to the hearing so it will be included with the materials given to Board members. Any written public comment submitted after this date will be provided to the Board members at the hearing. Letters to the Board are subject to public review unless redaction is requested. You may also provide public comment by telephone or attend the online meeting as indicated above. **If you would like more information or to receive notice of any changes to the hearing date, please email boardofappeals@sfgov.org or call the Board office at 628-652-1150.**

311 (Outside SF: 415-701-2311; TTY: 415-701-2323) / 311 (Outside SF: 415-701-2311) / 311 (Outside SF: 415-701-2323) / 311 (Outside SF: 415-701-2311) / 311 (Outside SF: 415-701-2323)
Multilingual Assistance / Assistance linguística gratuita / 多語言協助 / 무료 언어 지원 / 多語言協助 para sa wikang Filipino / 多語言協助 (免費)
لغات متعددة / 多語言協助

Exhibit "J"

EXHIBIT “K”



ST. FRANCIS SQUARE COOPERATIVE, INC.
FRIDAY FLYER

Dedicated to the proposition that all races, religions, and beliefs can live together in harmony

Friday

September 1, 2023

WEEK 35

ADDRESS:

10 Bertie Minor Lane # 2
San Francisco, CA 94115

OFFICE HOURS:

Mon-Wed.

8:00 a.m. to 12:00 p.m.

12:30 p.m. to 4:30 p.m.

Tues. & Thurs.

8:00 a.m. to 12:00 p.m.

3:00 p.m. to 4:30 p.m.

Friday 8:00 a.m. to 12:00
p.m.

OFFICE NUMBER:

(415) 931-7363

FAX NUMBER:

(415) 931-7365

EMERGENCY NUMBER:

(After Hours & Holidays)

(415) 747-2269

E-MAIL:

office@sfsquare.org

manager@sfsquare.org

board@sfsquare.org

WEBSITE:

www.sfsquarecoop.com

POLICE NON-EMERGENCY:

(415) 553-0123

DADSON LAUNDRY

1-800-729-8434

Committee / Upcoming Meetings This Week

Wed. Sept. 6 - Executive Board Meeting @ 2 pm

Wed. Sept. 6 - **Tree Removal Hearing in City Hall @ 5 pm,**

in person in Room 416, or via Zoom.

Questions? Contact: connyford@sfsquare.org

Sun. Sept. 10 - BYOBowl Soup + @ 3-5 pm in Social Hall

Mon. Sept. 11 - Conservation & Innovation Comm. Mtg. @ 7 pm

Mon. Sept. 18 - Safety & Security Meeting. @ 6 pm via Zoom

Log in ID: 998 2268 0953 | Passcode: 764101.

Wed. Sept. 20 - Open Board Meeting @ 6 pm

Wed. Sept. 27 - Finance Committee Meeting @ 10 am in Social Hall

**IN OBSERVANCE OF LABOR DAY,
OFFICE WILL BE CLOSED
ON MONDAY, SEPTEMBER 4TH**

REMINDER

The Fire Lane in Galilee Parking Lot is not for any car to park there. It is strictly reserved for the Fire or Police Dept. If you are parked in this red zone, you will be towed at your own expense.

MEMBERSHIPS ON THE MARKET

1545 Buchanan, #3
(3 Br 2 Ba)

65 Western Shore, #6
(3 Br 2 Ba)

45 Western Shore, #5
(2 Br 1 Ba)

45 Western Shore, #3
(2 Br 1 Ba)

1420 Webster, #5
(3 Br 2 Ba)

Message from Board: Poplar Trees on Ellis

Regarding the issue of the poplar trees on Ellis, an appeal from

Someone outside the Coop will be heard on September 6, 2023. Interested in attending and/or speaking during Public Comment from home, see this website for details in the September 6, 2023 Agenda.

<https://sf.gov/departments/board-appeals>

Exhibit "K"



ST. FRANCIS SQUARE COOPERATIVE, INC.
FRIDAY FLYER

Dedicated to the proposition that all races, religions, and beliefs can live together in harmony

Friday

September 1, 2023

WEEK 35

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 San Francisco, CA 94115

OFFICE HOURS:

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FAX NUMBER:

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E-MAIL:

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 manager@sfsquare.org
 board@sfsquare.org

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 (3 Br 2 Ba)

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 (3 Br 2 Ba)

45 Western Shore, #5
 (2 Br 1 Ba)

45 Western Shore, #3
 (2 Br 1 Ba)

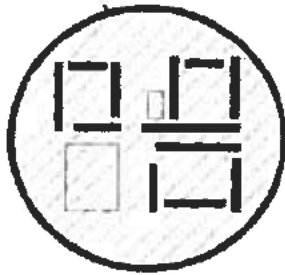
1420 Webster, #5
 (3 Br 2 Ba)

Message from Board: Poplar Trees on Ellis

Regarding the issue of the poplar trees on Ellis, an appeal from

Someone outside the Coop will be heard on September 6, 2023. Interested in attending and/or speaking during Public Comment from home, see this website for details in the September 6, 2023 Agenda.

<https://sf.gov/departments/board-appeals>



ST. FRANCIS SQUARE COOPERATIVE, INC.

FRIDAY FLYER

Dedicated to the proposition that all races, religions, and beliefs can live together in harmony

Friday

September 8, 2023

WEEK 36

ADDRESS:

10 Bertie Minor Lane # 2
San Francisco, CA 94115

OFFICE HOURS:

Mon-Wed.

8:00 a.m. to 12:00 p.m.
12:30 p.m. to 4:30 p.m.

Tues. & Thurs.

8:00 a.m. to 12:00 p.m.
3:00 p.m. to 4:30 p.m.

Friday 8:00 a.m. to 12:00 p.m.

OFFICE NUMBER:

(415) 931-7363

FAX NUMBER:

(415) 931-7365

EMERGENCY NUMBER:

(After Hours & Holidays)
(415) 747-2269

E-MAIL:

office@sfsquare.org
manager@sfsquare.org
board@sfsquare.org

WEBSITE:

www.sfsquarecoop.com

POLICE NON-EMERGENCY:

(415) 553-0123

DADSON LAUNDRY

1-800-729-8434

MEMBERSHIPS ON THE MARKET

1545 Buchanan, #3
(3 Br 2 Ba)

65 Western Shore, #6
(3 Br 2 Ba)

45 Western Shore, #5
(2 Br 1 Ba)

45 Western Shore, #3
(2 Br 1 Ba) *Sale Pending*

1420 Webster, #5
(3 Br 2 Ba)

Committee / Upcoming Meetings This Week

Sun. Sept. 10 - BYOBowl Soup + @ 3-5 pm in Social Hall

Mon. Sept. 11 - Conservation & Innovation Comm. Mtg. @ 7 pm

Wed. Sept. 13 - Comm. Living Campaign Comm. Mtg. @ 4 pm via Zoom

Mon. Sept. 18 - Safety & Security Meeting. @ 6 pm via Zoom

Log in ID: 998 2268 0953 | Passcode: 764101.

Wed. Sept. 20 - Open Board Meeting @ 6 pm via Zoom

Wed. Sept. 27 - Finance Committee Meeting @ 10 am in Social Hall

Coop Insurance HO6

If you are shopping for an HO6 Coop/Condo policy, you may want to check the California Insurance Department website which has excellent information about coverage and links to a long list of insurers with phone numbers.

We are expecting that the Coop will require that all members carry HO6 insurance in the next few months so you might want to start looking now.

Here is the link to the website:

<https://www.insurance.ca.gov/01-consumers/105-type/5-residential/index.cfm>

Thursday, September 7, 2023

To SFSq Board and Members,

Last night the Ellis Street tree removal was on the agenda of the Board of Appeals (BoA). Ms. Deetje Boler indicated in her appeal that all trees should remain. After a few hours with presentations and then discussion by the BoA Commissioners, they decided on a continuance. That will be on Wed., Sept 27 at 5:00 p.m.

Thank you to those who spoke about safety concerns of the decaying trees' branches falling on someone or something. Lorraine Luna, Courtney Hight, Conny Ford (Vice President), and Linda Walsh all spoke in favor of removing 10 of the 15 Lombardy poplar trees.

Page 3

Continued on page 3

Some of the reasons that resulted in no decision being made:

1. The incorrect address on the initial permit (1345 Ellis) and on subsequent Dept of Public Works permit papers
2. All neighbors within 150 feet must be notified (about Sept 27 continuance hearing) after the correct address was agreed upon. It will probably be listed as 1302 to 1398 Ellis St since there are no building addresses next to the trees. Some of our SFSq members within the 150 feet range did receive notices about the Sept 6 hearing.
3. A tree on Laguna is in bad condition and needs to be removed per Public Works (Bureau of Forestry, BUF). BUF id not correctly identifies the address. It is about 20 feet north of 1335 Laguna St., at the curb near the Galilee building.
4. We need to submit a Brief (12 pg max, double-spaced, 12 pt font, etc.; unlimited exhibits can be attached).

So, in going ahead, we hope to:

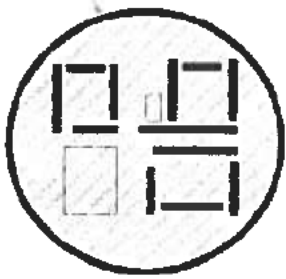
- . Collect 100 signatures in support of removing the 10 trees in the row of 15 Lombardy poplar trees along Ellis.
- . Collect letters of support (and attach to the brief)
- . Collect information on damage done to cars or property by the trees. Photos of car damage would be helpful (to attach to the brief). The car damage that occurred during these past winter storms was mentioned in the hearing. That was interpreted as being the only incidence to cause us concern. Does anyone know of other incidences over the decades?
- . Have a ten or more members attend on Sept 27 in person or via Zoom
- . Come up with more ideas to win the Appeal
- . Get members' assistance with petitions or a PowerPoint presentation

The Board of Appeals suggested we meet with the Appellant, Ms. Boier, and the city arborist, Chris Buck, from the Bureau of Urban Forestry, to try to come to an agreement on resolving our differences of removing ten trees.

If you've read this far, know that you can see a rebroadcast of hearing on Friday at 4:00 p. on Channel 26. Or click this link of the BoA video with SFSq starting about 16 minutes after beginning.

https://sanfrancisco.granicus.com/player/clip/44369?view_id=6&redirect=true&h=9be89f7fd08bdcb76ff37c1477d58879

Conny Ford and Linda Walsh



ST. FRANCIS SQUARE COOPERATIVE, INC.
FRIDAY FLYER

Dedicated to the proposition that all races, religions, and beliefs can live together in harmony

Friday

September 15, 2023

WEEK 37

Committee / Upcoming Meetings This Week

Mon. Sept. 18 - Safety & Security Meeting. @ 6 pm via Zoom

Log in ID: 998 2268 0953 | Passcode: 764101.

Wed. Sept. 20 - Open Board Meeting @ 6 pm via Zoom

Wed. Sept. 27 - Finance Committee Meeting @ 10 am in Social Hall

ATTENTION!

The Appeals process for the Ellis Street trees was continued.
 There will be another hearing to hopefully conclude the outcome of the trees.

Date: Wednesday, Sept. 27th
 Time: 5:00
 Location: City Hall, room 416
 Board of Appeals Order No. 23-031

Going into the hearing on 9/6, we thought that this issue had been settled. The Dept of Urban Forestry, Dept of Public Works and the Square. all agreed on the final outcome. However, a neighbor, not living in the Square, appealed the settlement.

The agreement was that 5 trees on Ellis would remain. 10 trees would be removed with a replacement of 4 trees (per the Dept. of Urban Forestry, the site conditions and spacing limited the number of replacement trees). These decaying trees, with their branches having a history of breaking, and their upper canopies in decline, according to the arborist who evaluated them in 12/22, are unsafe and create a major public safety issue.

For our residents and staff, the children and families who attend Phoebe Hearst (the pre- school right across the street from these trees) and the children and families of students walking to and from Rosa Parks Elementary School, we are advocating that these trees be removed.

Letters can be written to: boardofappeals@sfgov.org. It is recommended to send them by Thursday 9/21 by 4:30. There will also be time for public comment and attending online.

Date: Wednesday, Sept. 27th
 Time: 5:00
 Location: City Hall, room 416

Thoughts, questions or concerns: Please write connyford@Board.org

ADDRESS:

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 San Francisco, CA 94115

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pg 5

EXHIBIT “ L ”

Petition to the San Francisco Board of Appeals

To the Board of Appeals

September 2023

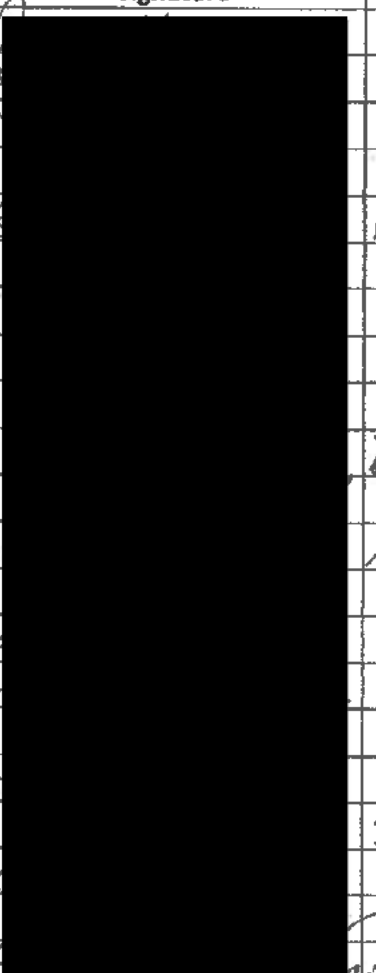
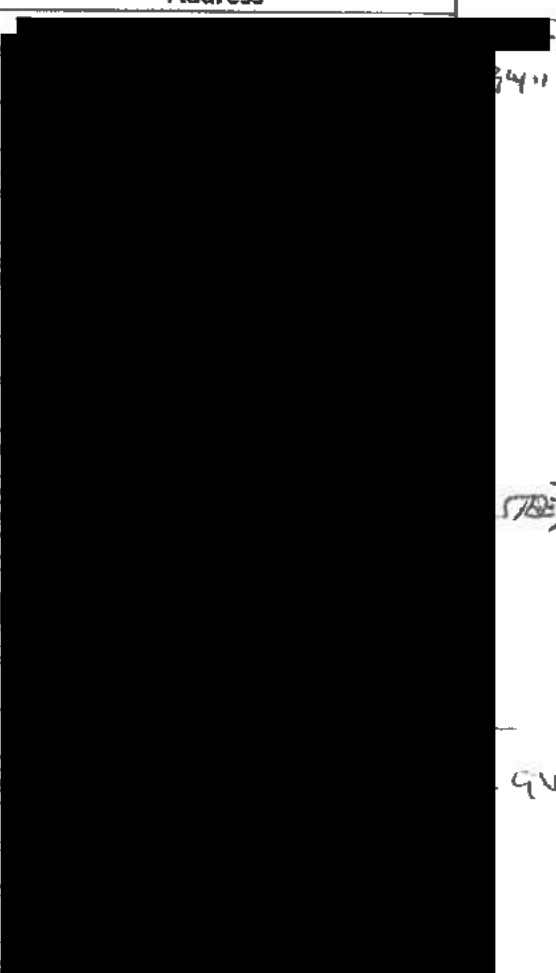

Re: Appeal No. 23-031 at 1320-1324 Ellis St.

We, the undersigned, agree with the Public Works decision to allow removal of ten of the fifteen significant Lombardy poplar trees on the 1300 block of Ellis Street. They are situated on the south side of the St Francis Square Cooperative property.

The presentation by Sara Stacy, arborist with the Bureau of Forestry, on May 22, 2023, reported that the ten "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."

We are concerned about the safety on the sidewalks and area around the trees. Many large branches have fallen during windy and stormy weather. Adults and children walk on this section of Ellis Street to get to the Phoebe Hearst Preschool and Rosa Parks Elementary School. Also, seniors and other adults often use this street. Please allow the removal of the ten decayed and rotting Lombardy poplar trees. They will be replaced with four in the 1300 block location and more trees will be planted at other sites.

Signed by the following members of St. Francis Square Cooperative:

	Print Name	Signature	Address
1.	Rose Sharkey		
2.	Judith Barks		
3.	Miyako Uek.		
4.	KUNDA SHIRODKAR		
5.	Aurohata Jaiswal		
6.	LALITA CHAUDHARI		
7.	Nam Park		
8.	S. Lam		
9.	Sindu Salmu		
10.	Kay Stegner		
11.	JACK ROSENBERG		
12.	Nancy Nagano		
13.	March Perardi		
14.	Bettie Traynor		
15.	Unchwedik Wilko		
16.	Elizabeth Treacy		
17.	JANET TOM		
18.			
19.	Jim Williams		
20.	Rachelle Taper		
21.	Eugene J. ...		

Attachment II Exhibit L

Petition to the San Francisco Board of Appeals

To the Board of Appeals

September 2023

Re: Appeal No. 23-031 regarding 1320-1324 Ellis St.

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Signed by the following members of St. Francis Square Cooperative:

	Print Name	Signature	Address
1	DAVID WALSH	[Redacted]	[Redacted]
2	UNIKIA KIM	[Redacted]	[Redacted]
3	James Pittman	[Redacted]	[Redacted]
4	William DORCA	[Redacted]	[Redacted]
5	J. Thornton	[Redacted]	[Redacted]
6	Hina Shah	[Redacted]	[Redacted]
7	Marta Madryl	[Redacted]	[Redacted]
8	Deke Rade	[Redacted]	[Redacted]
9	Flombert Smith	[Redacted]	[Redacted]
10	Siona Mitchell	[Redacted]	[Redacted]
11	Elizabeth Trean	[Redacted]	[Redacted]
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Petition to the San Francisco Board of Appeals

To: San Francisco Board of Appeals

September 2023

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Signed by the following members of St. Francis Square Cooperative:

	Print Name	Signature	Address
1	GERRON PAGENRUP	[Redacted]	[Redacted]
2	COLE THOMASON PEDOS	[Redacted]	[Redacted]
3	Alexander Gann	[Redacted]	[Redacted]
4	John Lin	[Redacted]	[Redacted]
5	Lorraine Luna	[Redacted]	[Redacted]
6	Maria Lim	[Redacted]	[Redacted]
7	VAN PARK	[Redacted]	[Redacted]
8	BHENDENT	[Redacted]	[Redacted]
9	Hancy Gray	[Redacted]	[Redacted]
10	Zoe Azler	[Redacted]	[Redacted]
11	Richard Fsen	[Redacted]	[Redacted]
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Petition to the San Francisco Board of Appeals

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	Print Name	Signature	Address
1	Herschel Pecker	[Redacted]	[Redacted]
2	LATHY BILLUPS	[Redacted]	[Redacted]
3	Courtney Hight	[Redacted]	[Redacted]
4	Sarah Lanterborn	[Redacted]	[Redacted]
5	Julia Chandler	[Redacted]	[Redacted]
6	Susan Solomon	[Redacted]	[Redacted]
7	Claire Ogden	[Redacted]	[Redacted]
8	JASON OGDEN	[Redacted]	[Redacted]
9	WILLIAM SHARKE	[Redacted]	[Redacted]
10	Robin A. Larsen	[Redacted]	[Redacted]
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Petition to the San Francisco Board of Appeals

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JAPANTOWN COMMUNITY

	Print Name	Signature	Address
1	Masato Kawahatsun	[Redacted]	[Redacted]
2	Alice Kawahatsun	[Redacted]	[Redacted]
3	Akiko Takeshita	[Redacted]	[Redacted]
4	ARLY NAGASE	[Redacted]	[Redacted]
5	John Bandwich	[Redacted]	[Redacted]
6	Matt Stinson	[Redacted]	[Redacted]
7	Amiko Tomi	[Redacted]	[Redacted]
8	JANICE FUKUDA	[Redacted]	[Redacted]
9	Katherine Dakuy	[Redacted]	[Redacted]
10	Rodney Yano	[Redacted]	[Redacted]
11	Glynis Nakchue	[Redacted]	[Redacted]
12	Jeremy Chan	[Redacted]	[Redacted]
13	Genea Santa Maria	[Redacted]	[Redacted]
14	Lori Yamauchi	[Redacted]	[Redacted]
15	Luey Fisher	[Redacted]	[Redacted]
16	Paul Goff	[Redacted]	[Redacted]
17	EMILY MURASE	[Redacted]	[Redacted]
18	KAREN KAI	[Redacted]	[Redacted]
19	MARY ANN HORI	[Redacted]	[Redacted]
20	Karson J. Little	[Redacted]	[Redacted]

Petition to the San Francisco Board of Appeals

To: San Francisco Board of Appeals

September 2023


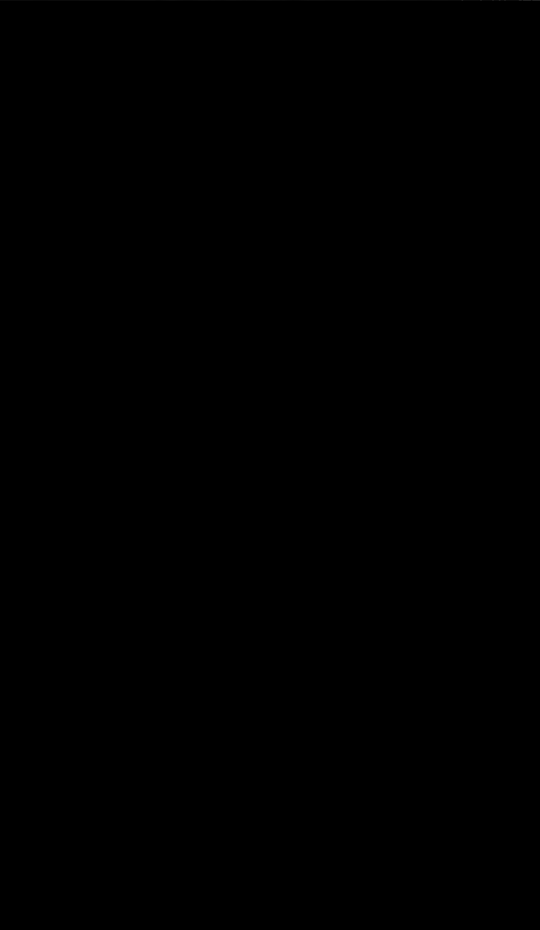
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ROSA PARKS ELEMENTARY

	Print Name	Signature	Address
1	KING EVANS		
2	Shan		
3	John Ed		
4	Mary Ann Lopez?		
5	Michelle Mah		
6	ERIL WAYNE		
7	Kara Glapion		
8	Remi Nakamoto		
9	Lisa Tsukamoto		
10	daney espritu		
11	Cecily Ina-lee		
12	Chloe Badger-Hart		
13	NANAYO SILVER		
14	Mairw Ruiz B		
15	NAOHI NISHIOKA		
16	Vincent Reyes		
17	Quinn Thompson		
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	Print Name	Signature	Address
1	Jenni Elam		
2	JAKE BORDELEAU		
3	Kate Blank		
4	Jennifer Vicente		
5	Elizabeth So		
6	Chamnan So		
7	Alan Hitchcock		
8	Cecilia Bocanegra		
9	Tina Larson		
10	Jennifer DiSioia		
11	ADAM ANDERSON		
12	Ronan A. CHOUAIS		
13	Megan Porter		
14	Ed Wolf		
15	Amanda Ross		
16	Ma [unclear]		
17	Steven Dine		
18	Laura Rubenstein		
19	CHARLIE GETHAUS		
20	PLUC BARRONS		

Handwritten mark

115

Petition to the San Francisco Board of Appeals

To: San Francisco Board of Appeals

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Phoebe Hearst Preschool

	Print Name	Address	Phone
1	Katharine Aiken	[REDACTED]	[REDACTED]
2	DEREK SPREDELOZZI	[REDACTED]	[REDACTED]
3	Phuong Le	[REDACTED]	[REDACTED]
4	Suzanne M. Mann	[REDACTED]	[REDACTED]
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Page 8

Petition to the San Francisco Board of Appeals

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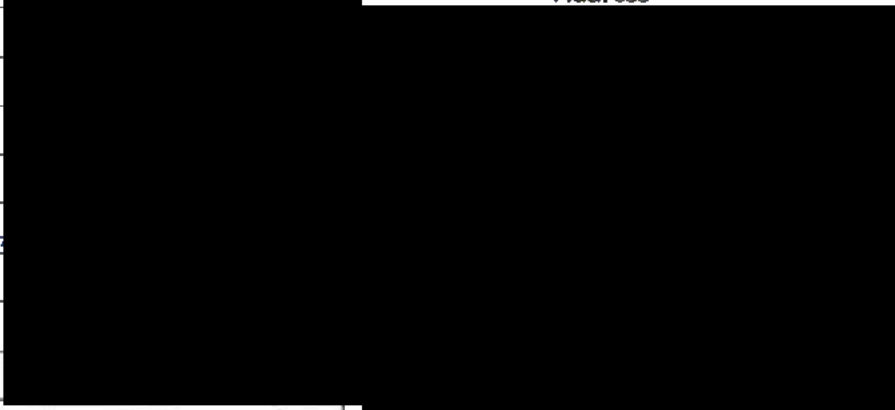
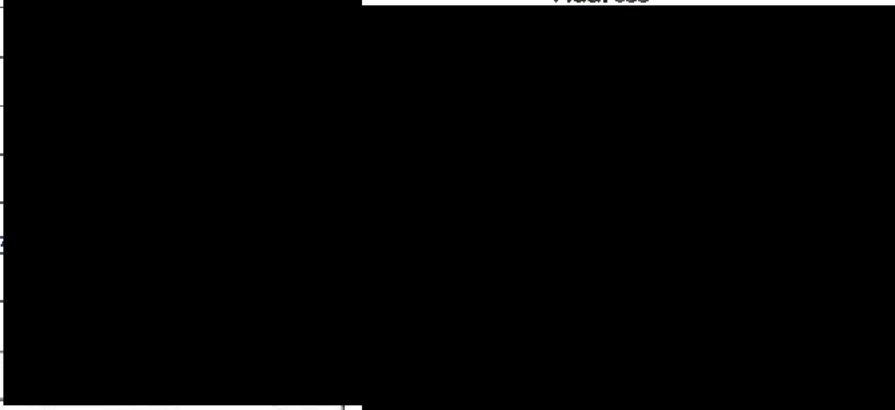
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	Print Name	Signature	Address
1	Sarah Wu		
2	MARCUS BOON		
3	Herman Melara		
4	SANDRA MOZO		
5	Pedro Herrera		
6	Armando Aceves		
7	Angel Ortiz		
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Page 9

Petition to the San Francisco Board of Appeals

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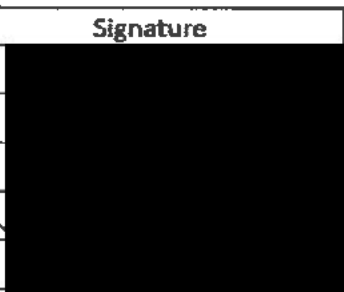
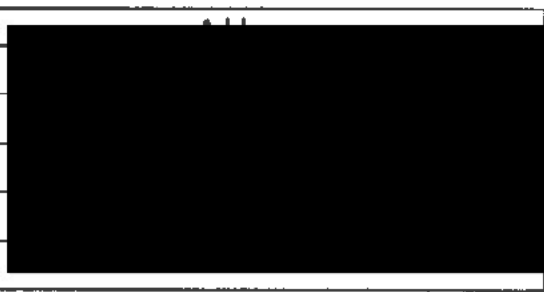
	Print Name	Signature	
1	Michael Liu		
2	Satoko Kanzaki		
3	Tae Kim		
4	Siri Littlejohn		
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EXHIBIT “m”



SFUSD SAN FRANCISCO
PUBLIC SCHOOLS

Rosa Parks Elementary School
A Restorative Practices School

1501 O'Farrell Street
San Francisco, CA 94115

T 415-749-3519
F 415-749-3610

Laura Schmidt-Nojima, Principal

September 21, 2023

San Francisco Board of Appeals
Hon. Rick Swing, Chair
49 South Van Ness Avenue
San Francisco, CA 94103.

Re: Deetje Boler, Appellant v SF Dept. of Public Works, Bureau of Urban Forestry; Respondent
Appeal No. 23-031

Honorable Commissioners,

My name is Laura Schmidt-Nojima and I am the new principal at Rosa Parks Elementary School. I recently learned about the hearings before your board regarding the issue of the removal of trees that is the subject of the appeal listed above.

As a matter of safety for the children and families of the Rosa Parks School site, I urge you to deny the appeal and allow St. Francis Square to proceed with their plans to remove the diseased trees and engage in replacement efforts.

The ten poplar trees in question border on the sidewalk of Ellis Street that leads to entrances to the Rosa Parks School and Raphael Weill Early Childhood Education Center. We have approximately 400 students enrolled on our campus. A large number of our students live in the neighborhood and a good number choose to walk or ride bicycles to and from school. One of the entrances to the school that is actively used by our families is located off Inca Lane and Ellis Street adjacent to the poplar trees.

We value the beauty of the trees that surround the school but are equally mindful that diseased trees and overhanging branches can pose a danger to students and our school grounds. We have worked with St. Francis Square to ensure that overhanging branches from the pine trees at the north end of Inca Lane were trimmed to promote safety. Even with such measures, we have had branches fall onto our playground. Having learned of the potential hazard posed by the poplar trees on Ellis Street, we support measures that will increase the safety of our families and the public.

We appreciate the steps that St. Francis Square has taken to evaluate the poplar trees and to take steps to assure that those that could pose a danger are removed. The board of St. Francis Square have always acted as good stewards of their property and so I have confidence that they also work to plant new trees to replace those that are removed. In fact, members of our school community have been discussing plans to cooperate with the Square to expand the grove of cherry blossom trees by allowing our graduating Japanese Bilingual Bicultural Program classes to plant trees on the Square's property adjoining the school.

I thank you for your consideration of our concerns that the areas that provide access to the school for our students and families are maintained in a manner that promotes safety and urge you to allow St. Francis Square to proceed with their removal of the compromised trees.

Sincerely,



Laura Schmidt-Nojima
Principal

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



Urban Forestry

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

September 20, 2023

Appeal No. 23-031 1320-1324 Ellis St. (St. Francis Square Cooperative Association)

Tree Removal Permit No. 789225 (Public Works Order No. 208224)

Department's Brief

RE: Removal of fifteen (15) Significant trees on private property at 1320 Ellis St. with replacement with four (4) future Significant trees and removal of one (1) street tree with replacement adjacent to 1335-1355 Laguna St.

President Swig and Commissioners:

The St. Francis Square Cooperative Association at Ellis and Laguna Streets submitted tree removal permit application (no. 789225), to remove fifteen (15) Significant trees on private property along the Ellis St. frontage of the property. The subject trees are Lombardy poplar trees (*Platanus nigra* 'Italica') located within 10' of the public right-of-way along Ellis St. Significant trees have the same tree protections as street trees and follow the same process.

During the tree removal permit process, a street tree in poor condition adjacent to 1355 Laguna St., was added to their application. This street tree is in severe decline and although it is the maintenance responsibility of Public Works, Urban Forestry staff added the removal of this tree to the application process, so that its removal would be considered at the same time. Public Works now proposes that this tree be deleted from this permit.

Staff approved the removal of ten (10) Significant trees within 10' ft. of the Ellis St. public right-of-way (PROW) and approved the removal of a street tree on Laguna St, and the public protested. Staff denied the request to remove five (5) of the Significant trees and the applicant appealed this partial denial. The matter was scheduled for a Tree Hearing on May 22nd, 2023. Following the hearing, the applicant stated in writing that they would no longer contest the denial of the five trees that were denied by staff, as a gesture of compromise.

Following the hearing, Public Works issued our tree removal recommendation Order No. 208224 (permit no. 789225), a resulting decision recommending removal of the ten (10) Significant trees and one (1) street tree on Laguna St. Due to the limited spacing along the Ellis St. frontage of the property, and the row of existing street trees which will naturally shade and suppress the growth of trees nearby, there is not enough physical space in the same location to require the replacement of ten trees.

Prior to the September 6, 2023 Board of Appeals hearing, the Department met with the applicant in July to determine if additional replacement tree locations could be identified on their property, to serve as future Significant trees when they reach the size criteria.

On their permit application, the stated reasons for seeking removal of the trees is that the trees are diseased and dying. An arborist's report was submitted with the application for removal. The arborist noted the extensive amount of decay that is present within the trees.

At the Public Works hearing in May, our Urban Forestry staff provided a detail presentation on the condition of the ten (10) trees that were approved for removal (Exhibit F). The presentation was made by Sara Stacy and outlined in detail, that the ten (10) poplar trees recommended for removal are in poor structural condition with hollow trunks, large cavities with decay, and decay within the root systems. Our primary concerns about the ten (10) trees is that they have reached a point in their anticipated lifespan for their species, and have advanced stages of decayed wood. Decayed wood has no strength-holding capacity, so too much decay leads to entire trunk or large stem failures. The applicant spoke to a history of branch failures. We consider the overall vigor to be fair, but their structure is poor to very poor.

The five (5) trees that were denied for removal do not have any cavities (open wounds) with detectable decay and we believe that their overall vigor is good and their structure is fair (Exhibit K). These five trees have more canopy to work with, more options for pruning to help mitigate near-term maintenance of the trees. The ten trees in poor condition have fewer opportunities for mitigations and have more signs of decay which reduces the structural integrity of the branches and stems. Increasing amounts of decayed wood is a problem in living trees. Additionally, this species is known for being poor at resisting decay and are not effective at compartmentalization of cavities.

This species is widely known to cause infrastructure damage from their root systems and their proximity to the base of the parking garage structure will become increasingly problematic.

Following the Department's hearing, and preparing for the Board of Appeals hearing, Public Works believed that this was a well-founded, and reasonable request to remove ten (10) trees. We met with the applicant in July to walk their site, explain how the BOA appeal process works, and discuss replacement species. We explained why we were not requiring a similar row of tightly spaced trees be replaced in the same manner, because as with each site, when a tree is removed on a sidewalk, or on private property under our jurisdiction, we apply best management practices such as planting with mature tree size in mind, and follow our Director's Order that regulates the planting and maintenance of street trees, which recommends far greater spacing between trees (Exhibit G).

Response to Appellant's Brief

The Appellant outlined five (5) key concerns in their brief.

A. The notice gave the wrong address for the street tree on the Laguna St.

frontage

The applicant submitted their permit for tree removal with the address 1345 Ellis St. The property where the trees are located are along the even side, of the 1300 block of Ellis St. When referenced on the removal notices, the address 1320 Ellis St. should have been used. The mailing address for the property is 10 Bertie Minor Ln., on private property, not a public address. The application was submitted by a contractor acting on behalf of the applicant. There are very few visible addresses on this block because the parking garage takes up most of the property, and across the street there is a large preschool and senior center site, with few addresses visible. The correct trees were posted, and photos of the correct trees were posted on our Public Works website on our tree removal notification

page. Our Urban Forestry Inspector entered their photos and notes into the correct tree records listed as 1320 “X” Ellis St. and that was the critical moment when our staff should have corrected the address, update the permit application, and check if any other documents required updating. This did not occur.

Our Public Works hearing notice and tree removal notices prior to that, described the removals as “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.”

At the hearing, the correct trees were reviewed by staff, and the Laguna St. street tree was accurately referred to as 1355 Laguna St., tree no. 2. (tree ID/asset 140341). Our Public Works resulting decision acknowledges and discusses the address correction, brought to our attention by the appellant and Mr. Nulty. The street tree on Laguna is may be referred to as 1335 Laguna St., because that address is visible on site, or 1355, which is how the tree is referenced in our tree database.

In argument A. of their brief, the Appellant states that we provided the wrong address for the street tree on Laguna St. We believe we had the Laguna St. street tree referenced correctly; it is the Ellis St. address that was incorrect. If it is the appellant’s wish for us to start over with the street tree on the Laguna St. frontage of the property near 1355 Laguna St., located approximately 50’ north of 1335 Laguna St., the closest visible address, this tree was not part of the original tree removal application submitted by the applicant, but was added by staff so that the tree was also considered for removal.

However, the tree is now developing cracks. Street trees are the maintenance responsibility of Public Works and as such, we can delete this tree from this permit application, and return next week to post a new removal notice on the tree, and on our website, starting the process over and clarifying that it will be removed and replaced by Public Works. The tree's health has worsened in the last few months, the canopy is mostly dead, and the main stems have developed multiple cracks. We would post the tree as a 15-day hazard tree removal notification (Exhibit I). The 15-day notice will still allow the public to protest the proposed removal of this tree.

B. & C. Applicant's own arborist report and the fact that the trees survived a brutal winter.

The appellant reviews the applicant's arborist report from 2021 and provides a narrow interpretation of the overall recommendations. Removal of all fifteen trees was recommended by the arborist, in the same report. Citing a condition rating of 50, as a reason to retain a tree, is not compelling. The arborist's report clearly, and repeatedly notes the "rot" or decay and cavities that are present, and states that "their structural integrity is in question and should be removed."

D & E. Arguments for greater replacement requirements and value

The appellant argues that the property owner should be required to plant larger size or amounts of replacement trees (by replacing equivalent basal area/trunk diameter). If there is room to plant any trees that have the potential to become future potential significant trees, along Laguna St., the applicant is open to walking the site to identify any

additional opportunities. There may be room for one more tree to be planted as a future significant tree along the Laguna St. frontage of the property.

We recognize how large these trees are and that the young replacement trees will take a long time to restore any canopy that comes close to the existing canopy's size and grandeur. However, this permit application is received from an applicant who is managing their property, not due to impacts from development or infrastructure modifications. On page 4 of their brief, the appellant cites HE.5-4 which specifically refers to "development or infrastructure modifications" and there is no development or infrastructure modifications taking place at this site. Public Works *does* require equivalent replacement value when the trees are in good condition and when the trees are being sought for removal due to development or infrastructure projects.

September 6, 2023 Board of Appeals hearing

At the September 6th Board of Appeals hearing, it was confirmed that the incorrect address was used to carry out the required BOA mailing radius. The incorrect address of 1345 Ellis St. was used instead of 1320 Ellis St (or 1320-1324 Ellis St.). This error occurred when our staff didn't correct the address within the permit application and within the resulting decision, at the top of the document. Public Works wishes to apologize to the commissioners for this oversight, to the administrative staff at Board of Appeals, and to the appellant for furthering the original mistake.

Additional feedback was received from commissioners due to the Department's failure to submit a brief in a timely manner. Urban Forestry staff and the applicant approved and supported the appellant's request to submit a late brief back in July, and again,

supported the request from the appellant to reschedule the hearing from August to September.

Follow-up Actions Since the September 6th hearing

On Thursday, September 7th, Public Works staff met on a call with BOA staff to review the parcel maps for the subject property and provided an updated diagram to help identify the locations of the subject trees. Public Works staff also met on a call with the applicant to begin discussing feedback received at the hearing. A few days later Public Works outlined the following measures, and shared this via email with Ms. Boler on Friday, September 15th.

1. Work with BOA admin staff to confirm the best address to be used for the new radius mailings. This meeting with Julie Rosenberg and Alec Longaway took place on Thursday, September 7th.
2. Records request 23-4761 (9/8/23) for street tree information on Laguna St. from Lance Carnes. We completed this request as soon as possible. We respectfully ask that Mr. Carnes reach out to staff directly if he has follow-up questions with any of the information he received in request 23-4761.
3. Both the applicant and Public Works staff will submit briefs by the 9/21 deadline.
4. Applicant and Public Works will reach out to the appellant, Ms. Deetje Boler, to determine her interest in meeting, either in person, on the phone, or online method.
5. Ask the appellant Deetje Boler if she wishes that Public Works asks the applicant to delete the removal of the street tree on Laguna. Public Works would then pursue removal of the tree. This is what we now recommend take place.

6. Public Works has identified additional planting sites. St. Francis Square Coop Assoc also owns the property to the north, between Cleary and Geary Blvd, and Public Works is asking that additional replacement trees be planted on this property (Exhibit L).
7. Public Works will create more visual diagrams of the potential replacement tree locations, to assist all parties (Exhibit A).
8. The Public Works Urban Forester will provide additional photos of the defects, of each tree, in our brief, and during the hearing (Exhibit I.).
9. Public Works will begin a new practice, which is to include information about active Appeals on our website (<http://sfpublicworks.org/tree-removal-notifications>).
10. Staff reviewed the feedback received from the commissioners and the appellant, that Deetje Boler walked the site looking for the subject trees and could not locate the address, and that the error in address, though it was reviewed and openly discussed in our resulting hearing decision (Public Works Order No. 208224), still went uncorrected into the Board of Appeals file, which then required the BOA hearing to be continued and re-noticed, due to an incorrect radius mailing.

Urban Forester's Feedback (September 16th site visit)

Without the benefit of having received and reviewed a brief from Public Works prior to the September 6th BOA hearing, which would have included the staff presentation from the May 2023 Public Works tree hearing (Exhibit F), the commissioners and the public were at a disadvantage. It was an impossible task to try to cover all this information during the Department's presentation, and the condition of each of the ten trees, and those five

trees that were denied. When this appeal was continued for a number of reasons, to September 27th, it provided an opportunity to make this right.

The Urban Forester returned to the site again on September 16th, took an additional round of photos and videos and measurements of the decays present in the trunks of the 10 poplar trees. We believe this additional documentation will provide clarity, that the ten trees should be removed, that the trees are no longer healthy or sustainable.

A sounding mallet, a probe, and a tape measure were used to explore the extent of the decay accessible through the existing cavities. Some of the measurements documented far greater extent of decay than was previously described. In one instance, the tape measure advanced to 36" inches of decay inside a main stem.

Tree no. 10, needs to be removed immediately

During the site visit on September 16th, the Urban Forester found that the lower trunk of tree no. 10 (Asset ID 267271), is severely degraded, with 1/3 of the circumference of the tree decayed, and at least 50% of the main trunk decayed as well. All buttress roots that were sounded with the mallet were decayed/hollow and even attracted the interest of a neighbor across the street who walked over to ask incredulously "does that mean it is hollow?" Based on this level of decay and canopy decline, and a lean to the east, Public Works has directed the property owner to remove the tree as soon as possible and declared the tree an immediate hazard (Exhibit J). A notice of emergency removal, a courtesy notice not required of Article 16 of the Public Works Code prior to removal, was placed on the tree and nearby utility poles on Monday, September 18th. Before this action was taken however, the Urban Forester notified the BOA Executive Director, about this immediate public safety

concern, and will email the appellant separately, with the photos and explanation. The Department will not take any action on a permit that is under the jurisdiction of the Board of Appeals (through an active appeal), but in the interest of Public Safety, this tree needs to be removed as soon as possible – and it is hoped this will be a very rare exception to the rule.

Exhibit I. documents the conditions found during the September 16th site visit.

While less severe than tree no. 10, all of the remaining nine (9) Significant trees have extensive amounts of decay, and through the use sounding with the mallet, have extensive decay in their lower trunks, buttress roots and main stems.

Plan for Tree Replacement

Based on the most recent site visit, Public Works believes that if the replacement trees are spaced more tightly, that five (5) future Significant trees can be replanted along Ellis St., not four (4). This will require planting two trees between each street tree, instead of one. Where eight of the existing trees are tightly spaced, five trees can be planted as replacements. The leading replacement species being considered at this time for the Ellis St. property are Brisbane box (*Lophostemon confertus*) and *Afrocarpus gracilior*. There is room for a replacement Significant tree to be planted near 1335 Laguna St., bringing the total replacement to six (6), at this property/parcel.

In Exhibit L, the applicant should consider planting additional future significant trees, at the neighboring property which they also own, along the Geary Blvd frontage. In the Planting Plan diagram, I show where an additional six (6) replacement trees may be planted, bringing the total number to twelve (12) future Significant trees. With the interest and

support of the surrounding community evidenced in the applicant's brief, Public Works believes this would be a great opportunity and can be a condition placed on the permit.

The Department believes it is reasonable to approve the removal of ten (10) Significant trees with replacement with twelve (12), future Significant trees. Six (6) of the trees would be required to be replaced at the subject property (1320-1324 Ellis St), and an additional six (6) future Significant trees should be voluntarily agreed to by the applicant, as a condition of approval. The trees are in poor condition and present a reasonable amount of risk to the property and to the public.

The Department asks that the commissioners approve the removal of the ten (10) Significant trees with replacement with six (6) future Significant trees on private property at 1320-1324 Ellis St., and replacement with an additional six (6) future Significant trees on their neighboring property at 1425-1465 Laguna St & 1535-1555 Geary Blvd, on the condition that Public Works and the applicant delete the Laguna St. street tree from this application, and that the applicant voluntarily agrees to the planting of the six (6) additional replacement trees at the neighboring property. Replacement trees to be 24" box, species to be reviewed by staff. This could be done through granting certain aspects of the appeal, with suggested conditions above.

Respectfully

Chris Buck

Chris Buck

Urban Forester

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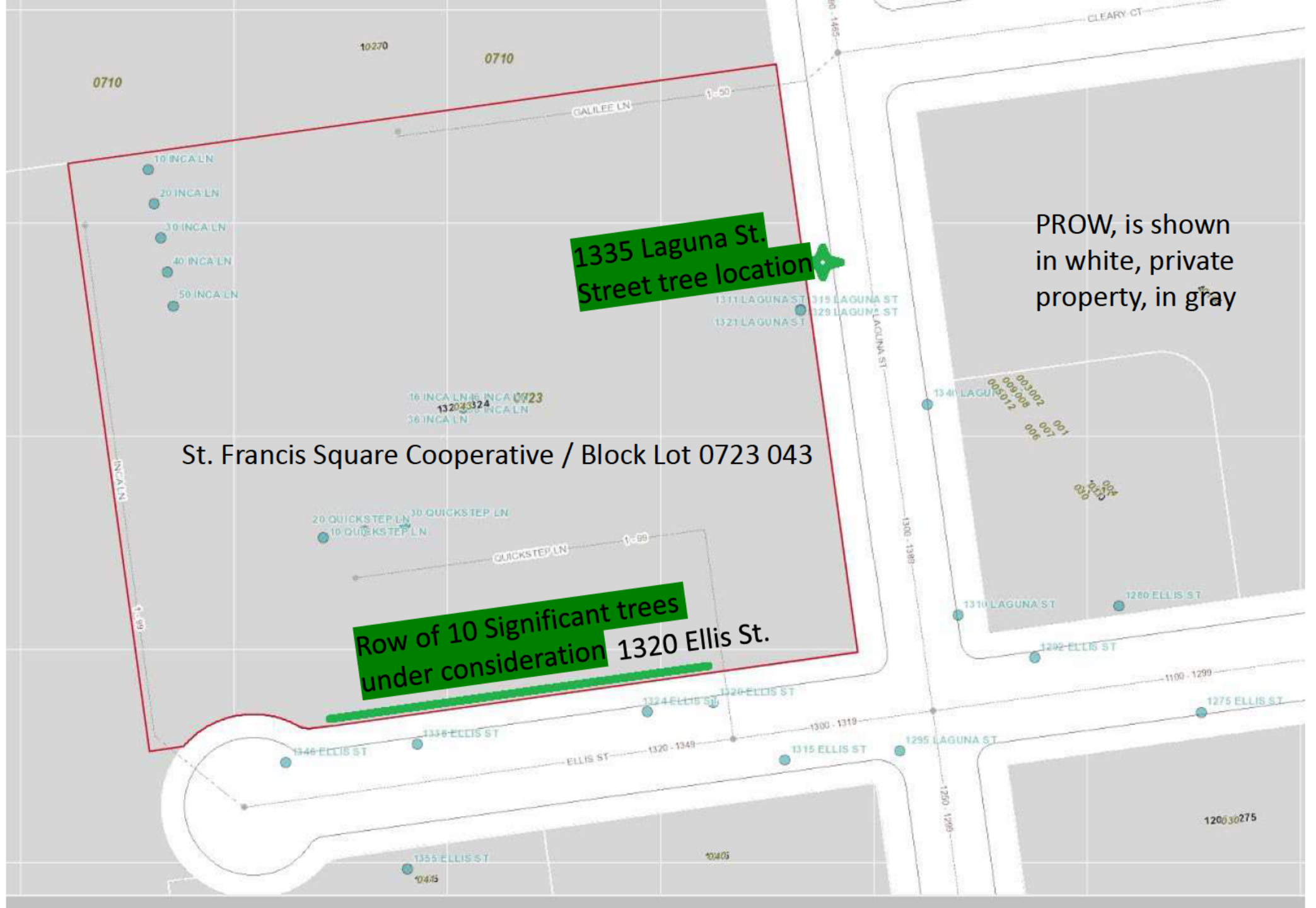
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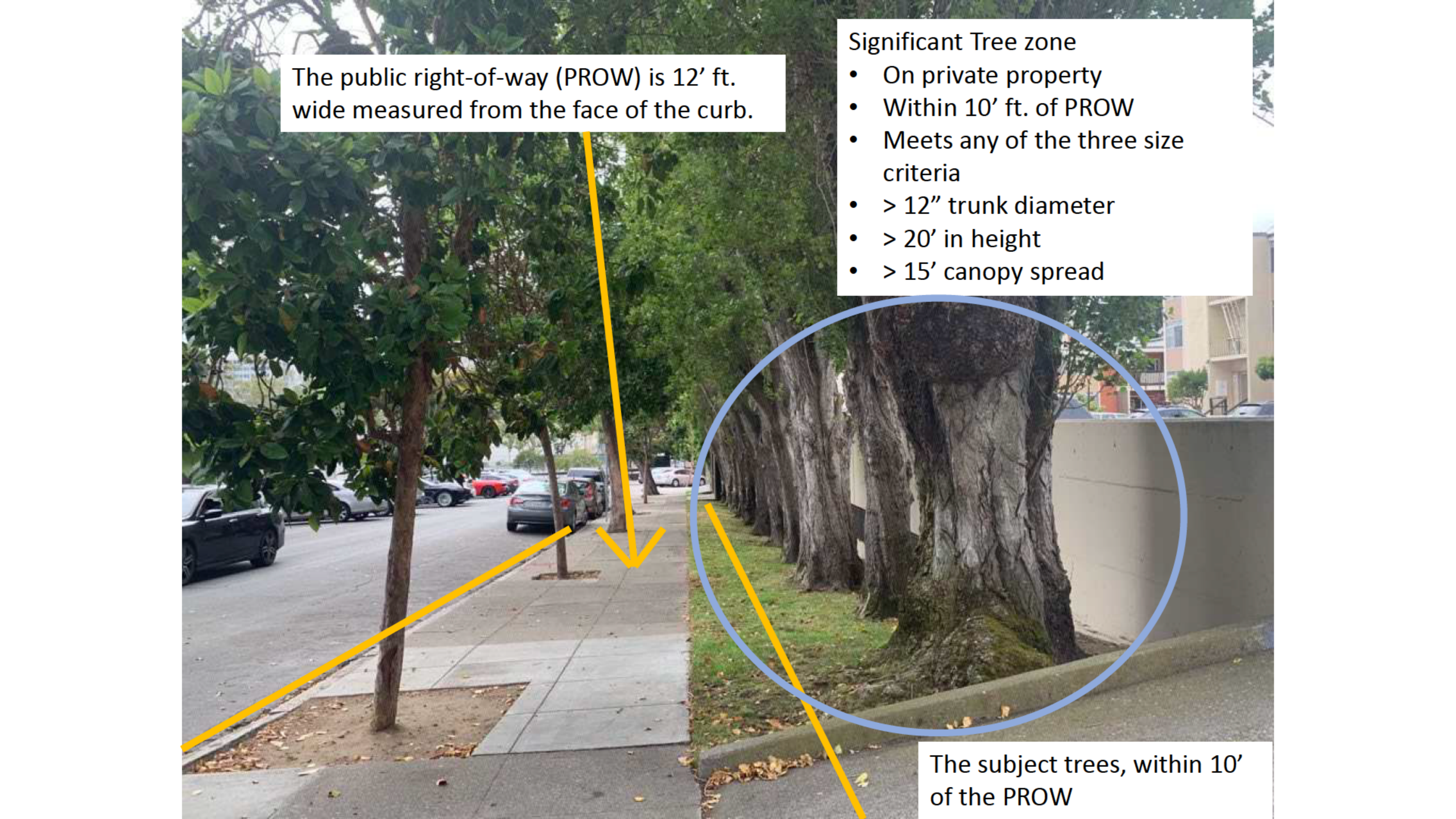
1335 Laguna St.
Street tree location

St. Francis Square Cooperative / Block Lot 0723 043

Row of 10 Significant trees
under consideration 1320 Ellis St.

PROW, is shown
in white, private
property, in gray





The public right-of-way (PROW) is 12' ft. wide measured from the face of the curb.

Significant Tree zone

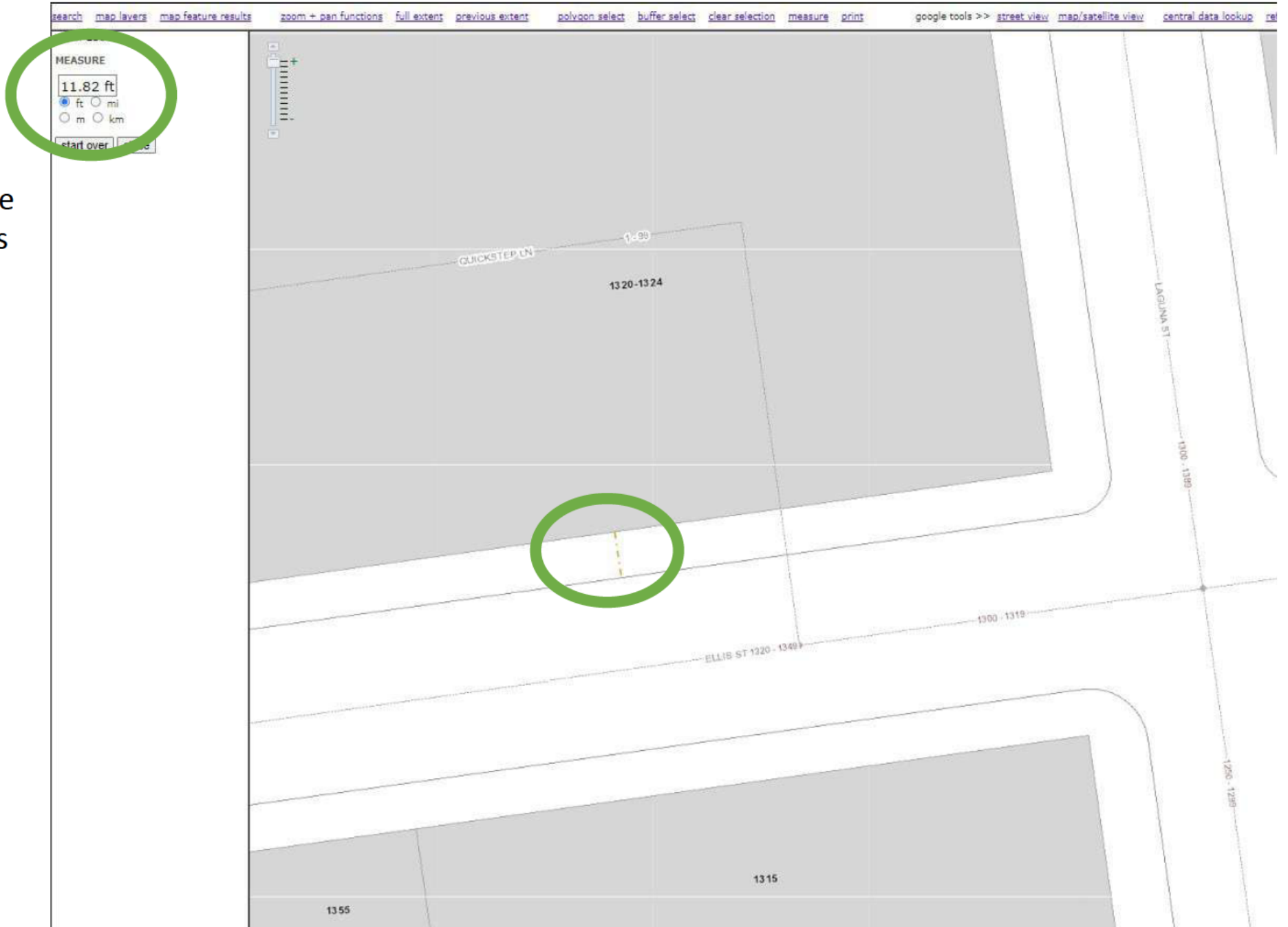
- On private property
- Within 10' ft. of PROW
- Meets any of the three size criteria
- > 12" trunk diameter
- > 20' in height
- > 15' canopy spread

The subject trees, within 10' of the PROW



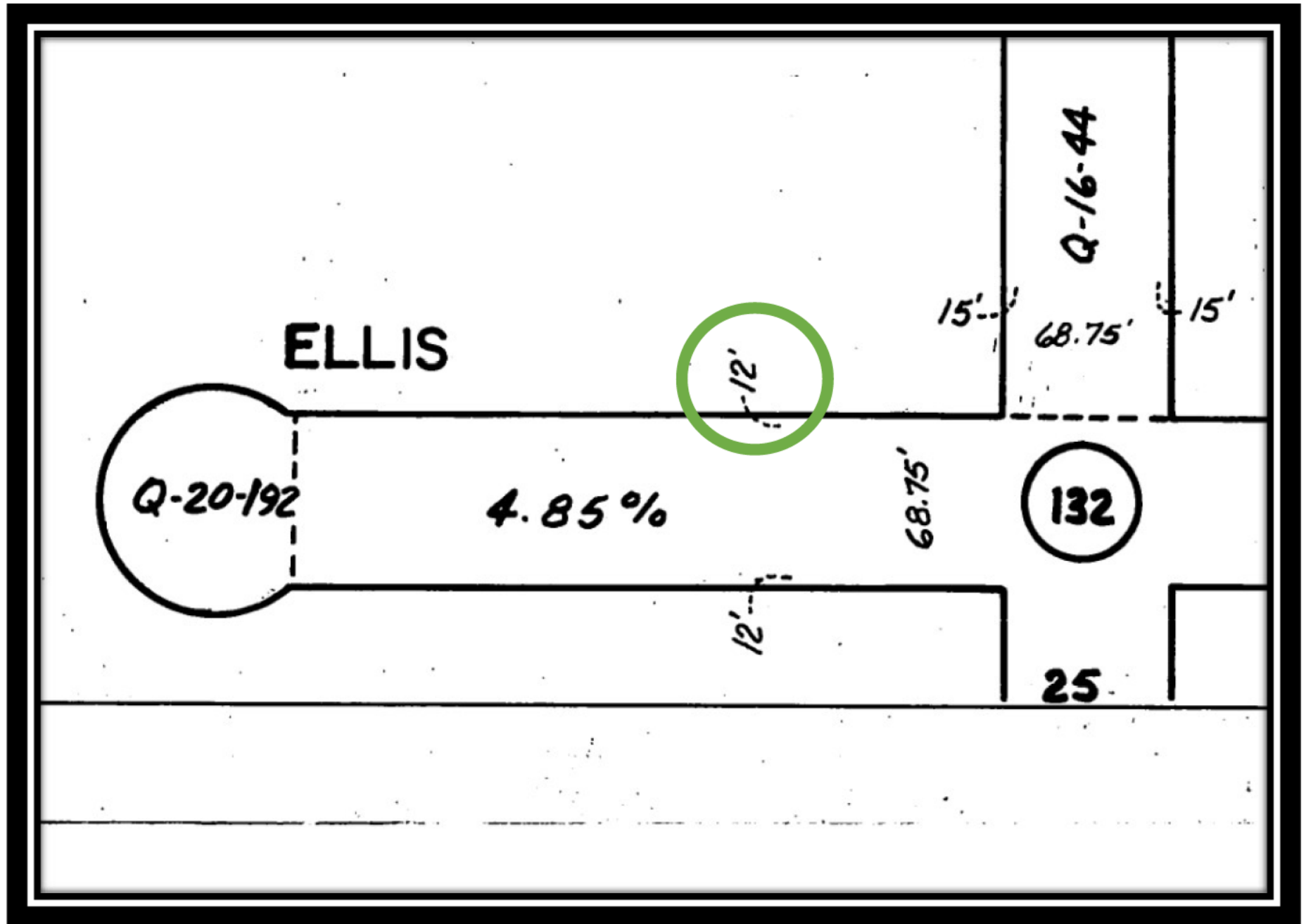
1320 Ellis St.

There is a 12' ft. wide public right-of-way, measured from the face of the curb, along the Ellis St. frontage of the property.



Previous image is based on this grade map maintained by CCSF, often referred to as a key or grade map.

Width of the public right-of-way is 12' along this frontage of Ellis St.





1335 Laguna St.
Street tree is located at the curb, 50' ft. north of the address.



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.

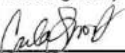
Appeal: This Order may be appealed to the Board of Appeals within 15 days of June 16, 2023.

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/>

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DocuSigned by:

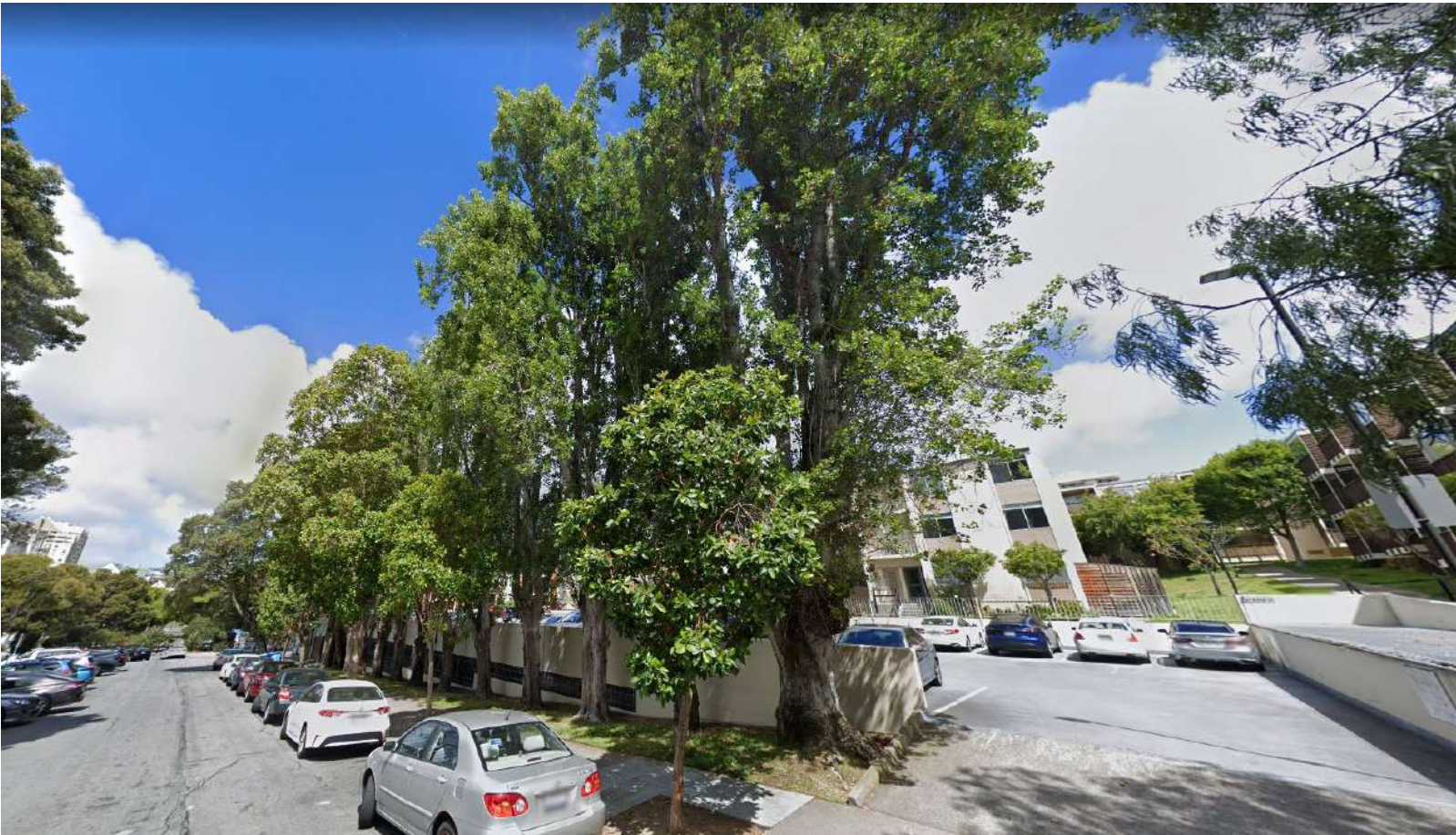


Short, Carla 073CF73A4EA6486...

Interim Director

Five (5) significant trees denied, ten (10) significant trees approved

- Denied: T1, 2, 3, 14, 15
- Approved: T4 - T13
- Partial replacement @ T5, 7, 9, 11
- Replacement at T2 @ 1355 Laguna Street.



1320 Ellis Street. Tree Site #1
Lombardy Poplar
Populus nigra 'Italica'

- Denied
- **Tree Height** – large tree >50'
- **Condition:** Fair
- **Deficiencies:**
 - Fair structure
 - Heavy canopy
 - Extends over parking lot
- Tree can be mitigated by pruning







1320 Ellis Street. Tree Site #2
Lombardy Poplar
Populus nigra 'Italica'

- Denied
- **Tree Height** – large tree >50'
- **Condition:** Fair
- **Deficiencies:**
 - Fair structure
 - Heavy canopy
 - Extends over parking lot
- Tree can be mitigated by pruning





1320 Ellis Street. Tree Site #3
Lombardy Poplar
Populus nigra 'Italica'

- Denied
- **Tree Height** – large tree >50'
- **Condition:** Fair
- **Deficiencies:**
 - Fair structure
 - Heavy canopy
 - Extends over parking lot
- Tree can be mitigated by pruning





1320 Ellis Street. Tree Site #4
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Fair
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree not replaceable due to proximity to adjacent trees



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09/13/2022 13:28:36



1320 Ellis Street. Tree Site #5
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree can be replaced





1320 Ellis Street. Tree Site #6
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree not replaceable due to proximity to adjacent trees





1320 Ellis Street. Tree Site #7
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree can be replaced



09/13/2022 13:11:26



09/13/2022 13:10:53



1320 Ellis Street. Tree Site #8
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree not replaceable due to proximity to adjacent trees







1320 Ellis Street. Tree Site #9
Lombardy Poplar
Populus nigra 'Italica'

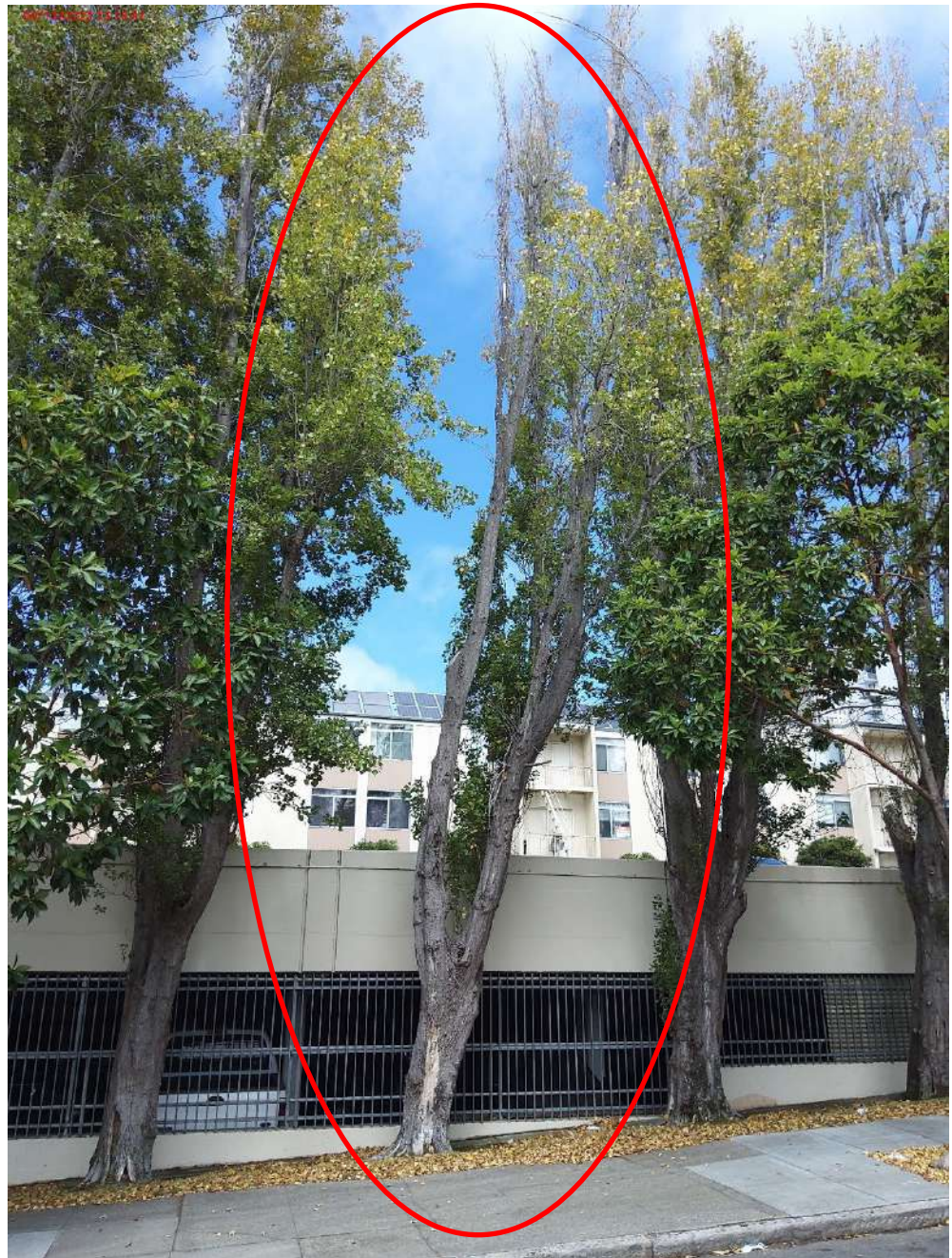
- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree can be replaced

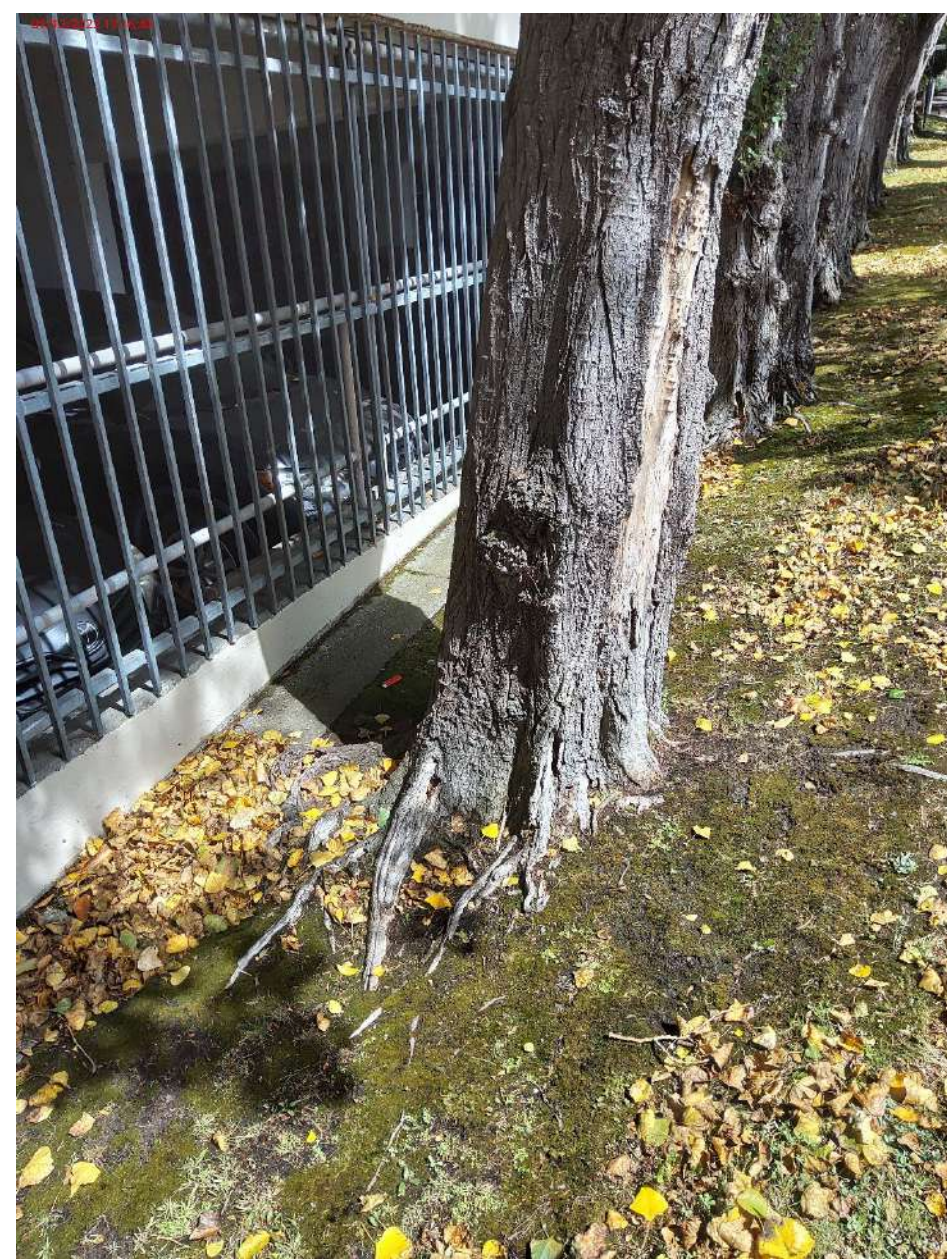




1320 Ellis Street. Tree Site #10
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree not replaceable due to proximity to adjacent trees





1320 Ellis Street. Tree Site #11
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree can be replaced



09/13/2022 13:17:44

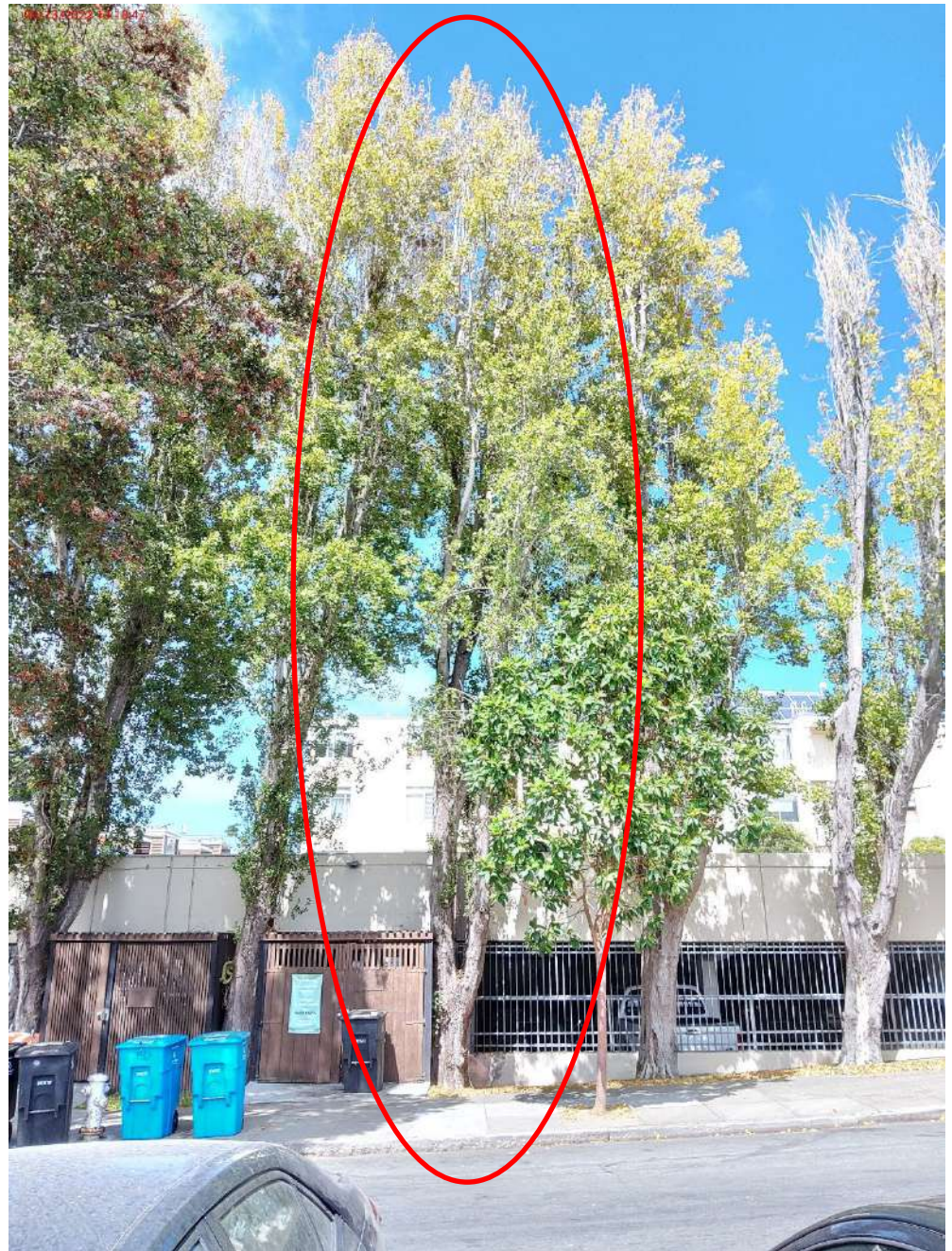


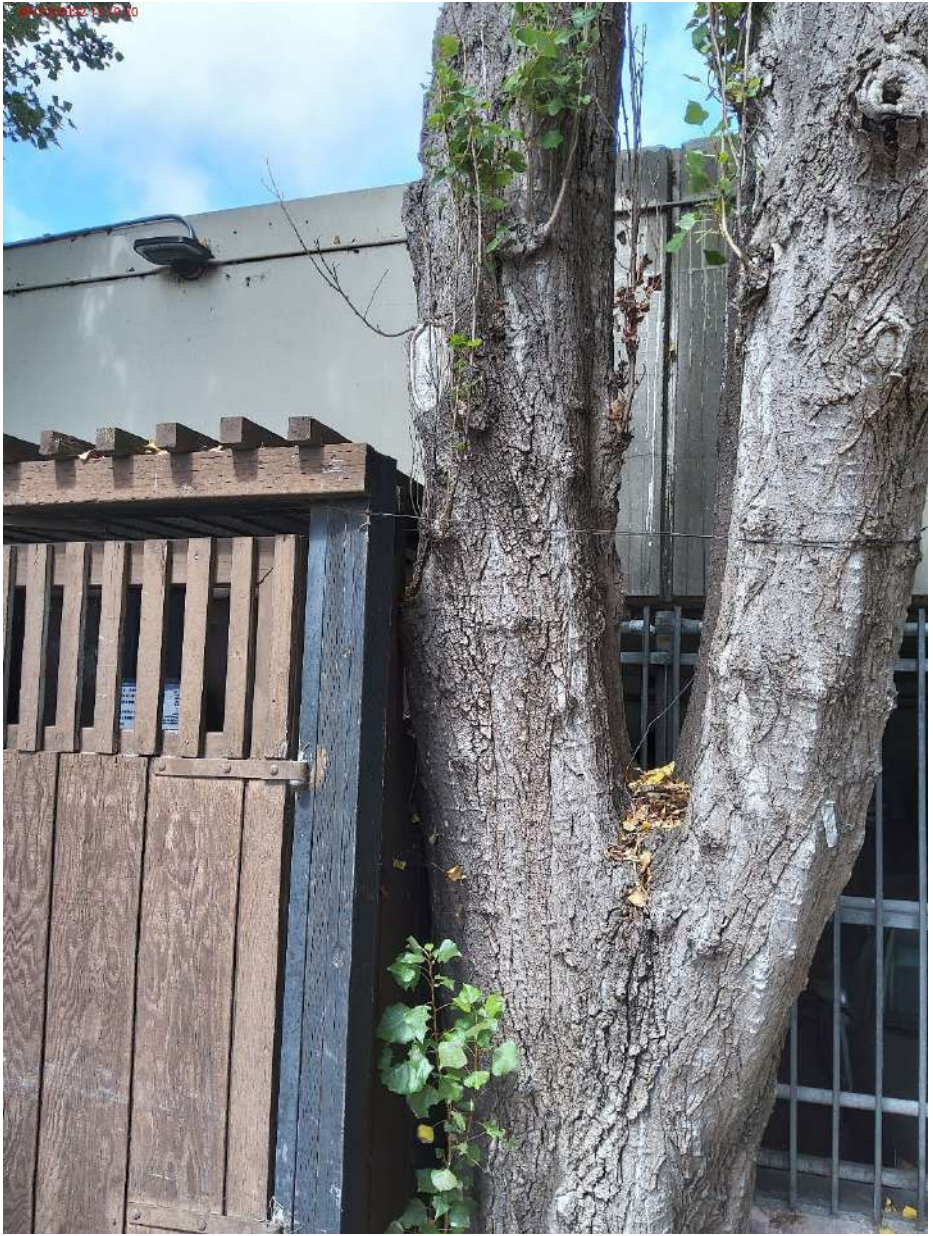
09/13/2022 13:17:44



1320 Ellis Street. Tree Site #12
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree not replaceable due to proximity to adjacent trees





1320 Ellis Street. Tree Site #13
Lombardy Poplar
Populus nigra 'Italica'

- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Poor structure
 - Heavy canopy
 - Extends over parking lot
 - Rot/decay present
 - Large cavities
- Tree not replaceable due to proximity to adjacent trees





1320 Ellis Street. Tree Site #14
Lombardy Poplar
Populus nigra 'Italica'

- Denied
- **Tree Height** – large tree >50'
- **Condition:** Fair
- **Deficiencies:**
 - Fair structure
 - Heavy canopy
 - Extends over parking lot
- Tree can be mitigated by pruning

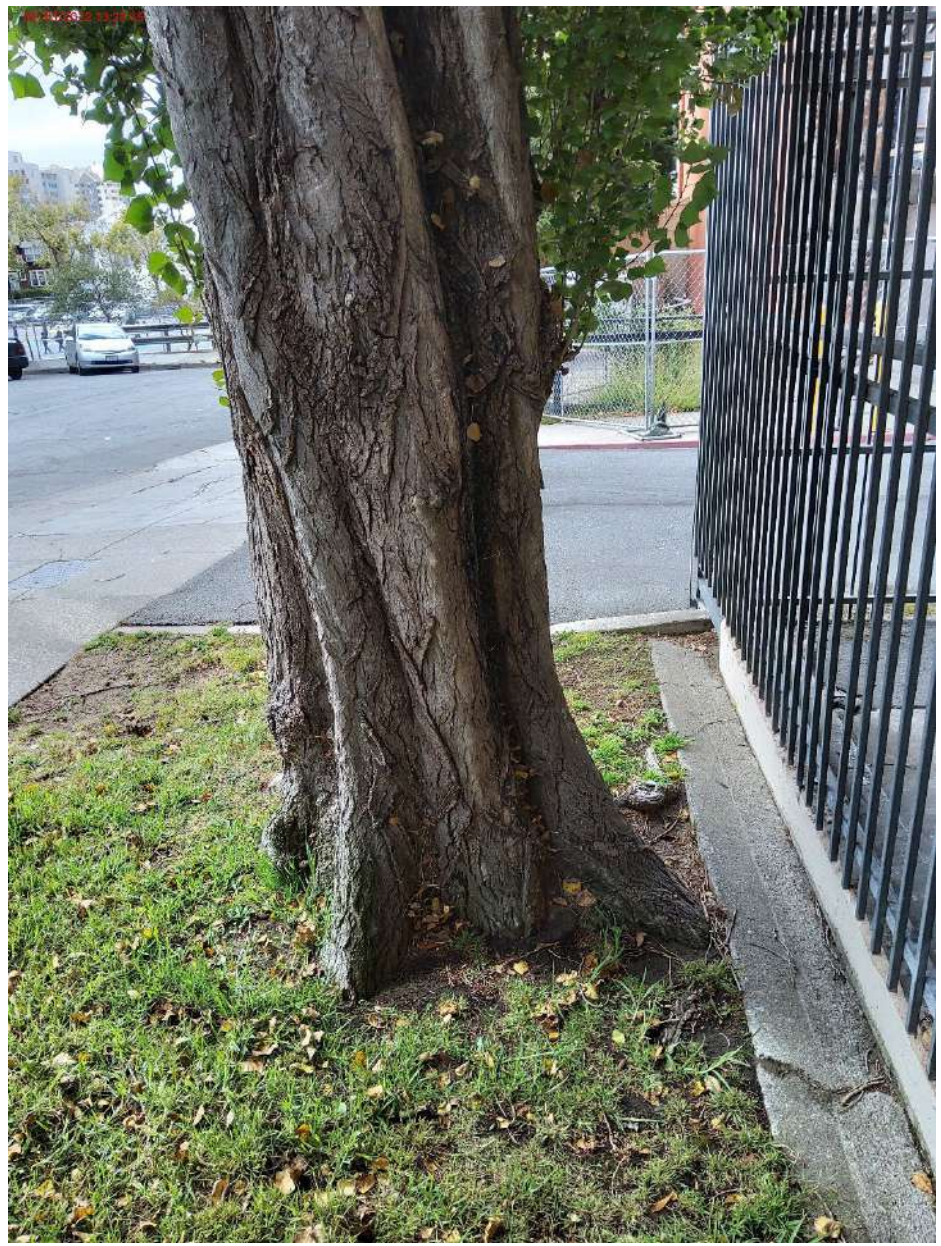




1320 Ellis Street. Tree Site #15
Lombardy Poplar
Populus nigra 'Italica'

- Denied
- **Tree Height** – large tree >50'
- **Condition:** Fair
- **Deficiencies:**
 - Fair structure
 - Heavy canopy
 - Extends over parking lot
- Tree can be mitigated by pruning





1355 Laguna Street. Tree Site #2
Red Flowering Gum
Corymbia ficifolia

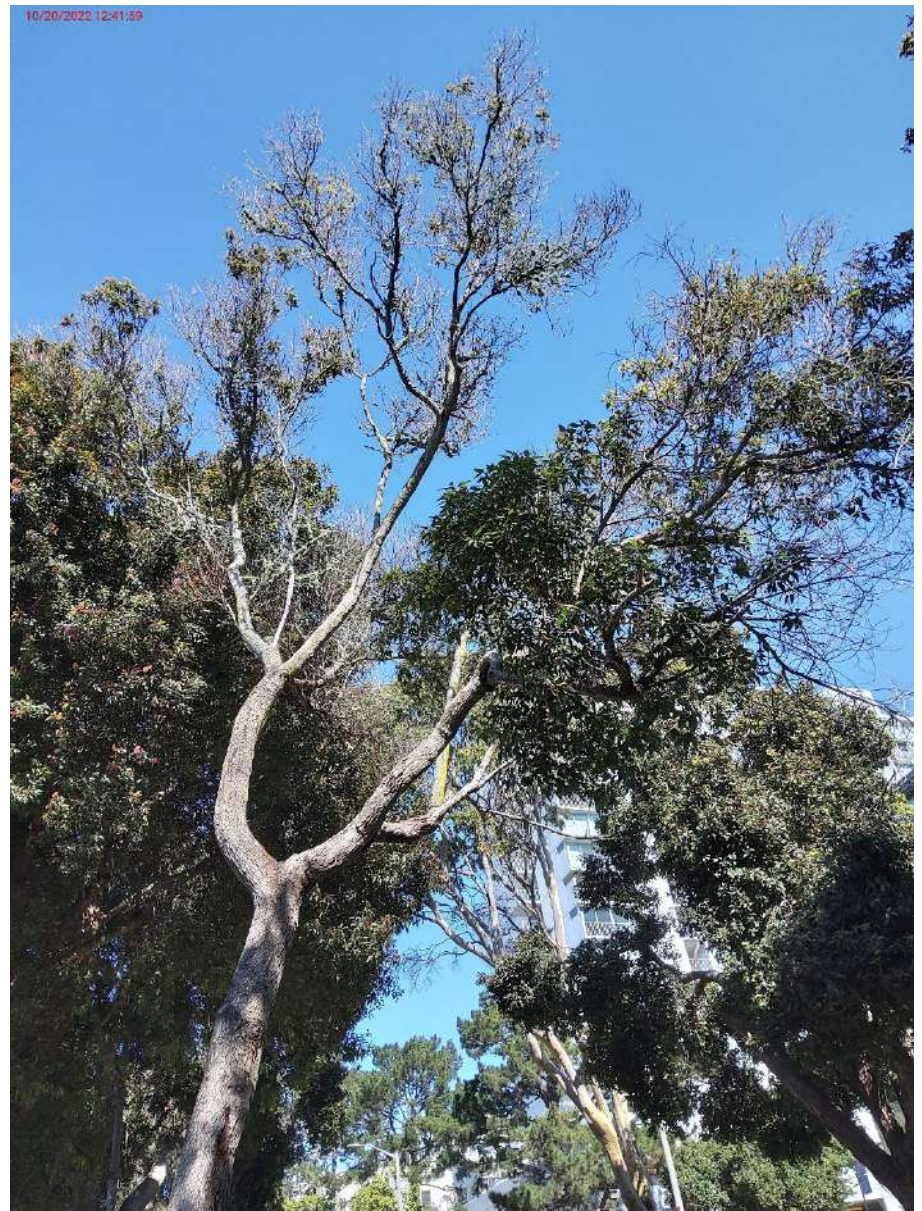
- Approved
- **Tree Height** – large tree >50'
- **Condition:** Poor
- **Deficiencies:**
 - Fair structure
 - Poor live crown ratio
 - In decline
- Tree can be replaced



10/20/2022 12:42:25



10/20/2022 12:41:59





Tree Removal Notice

Aviso de Corte de Árbol

樹木移除通知

The Bureau of Urban Forestry has reviewed and approved this tree for removal.

Location: 1 Quickstep Ln. (T4-T13), 1355 Laguna St (T2) # of trees: Eleven-11

Proposed for removal and to be replaced (if applicable) by:

- Permit applicant. Permit number 789225
- Public Works Bureau of Urban Forestry
- Other: 1345 Ellis Street

Reason(s) for removal:

- Dead and/or posing a structural public safety hazard
- Dying / in poor condition / weak / diseased
- Sewer repair or required root pruning will destabilize tree
- Other: Poor structure/form, heavy canopy extends over parking lot, impacting structures, rot/decay present, large cavities, codominant stems.

Will tree be replaced?

- Yes, meets all planting guidelines
- Yes, unless conflicting underground utilities found
- No because:
 - Inadequate spacing between adjacent trees
 - Conflict with underground utilities identified
 - Other: Not all trees will be replaced.

This tree removal notice must remain posted from 10/24/2022 to 11/23/2022

For more information / Para más información / 想要查询更多信息

Bureau of Urban Forestry, 49 South Van Ness Avenue, Suite 1000, San Francisco, CA 94103
(628) 652-TREE (8733), urbanforestry@sfdpw.org, sfpblwork.org/tree-removal-notification



APPLICATION FOR TREE REMOVAL PERMIT

Email completed application to: urbanforestry@sfdpw.org, Invoice for payment will be sent once application is received.

DATE _____ APPLICATION # _____ APPROVED BY _____

TO REMOVE _____ SPECIES _____

TO PLANT _____ SPECIES _____

----- Applicant write below this line. Please include building permit number if construction related. -----

Street Tree(s) 15 Species Poplar

Street Tree(s) _____ Species _____

Sig. Tree(s) _____ Species _____

REASON FOR REMOVAL

Trees are diseased and dying

SITE INFORMATION

Site Address: 1345 Ellis St. Zip: 94109

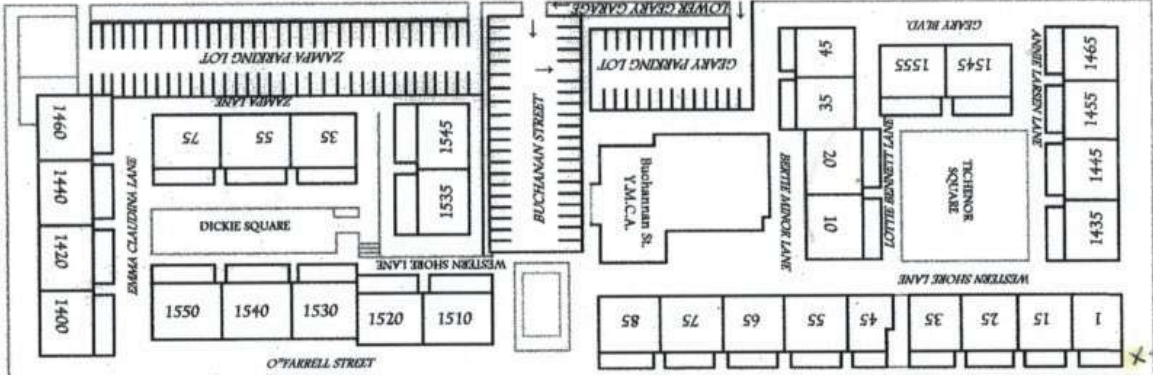
Cross Street: Laguna St. Block: _____ Lot: _____

Owner Name: St. Francis Square Cooperative: 10 Bertie Minor Ln. #2

Tristania 24" 804 15

GEARY BLVD

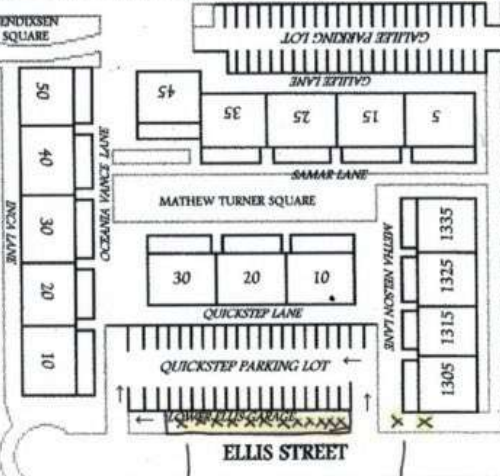
WEBSTER STREET



O'FARRELL STREET

ROSA PARKS SCHOOL

ST FRANCIS SQUARE COOPERATIVE INC.

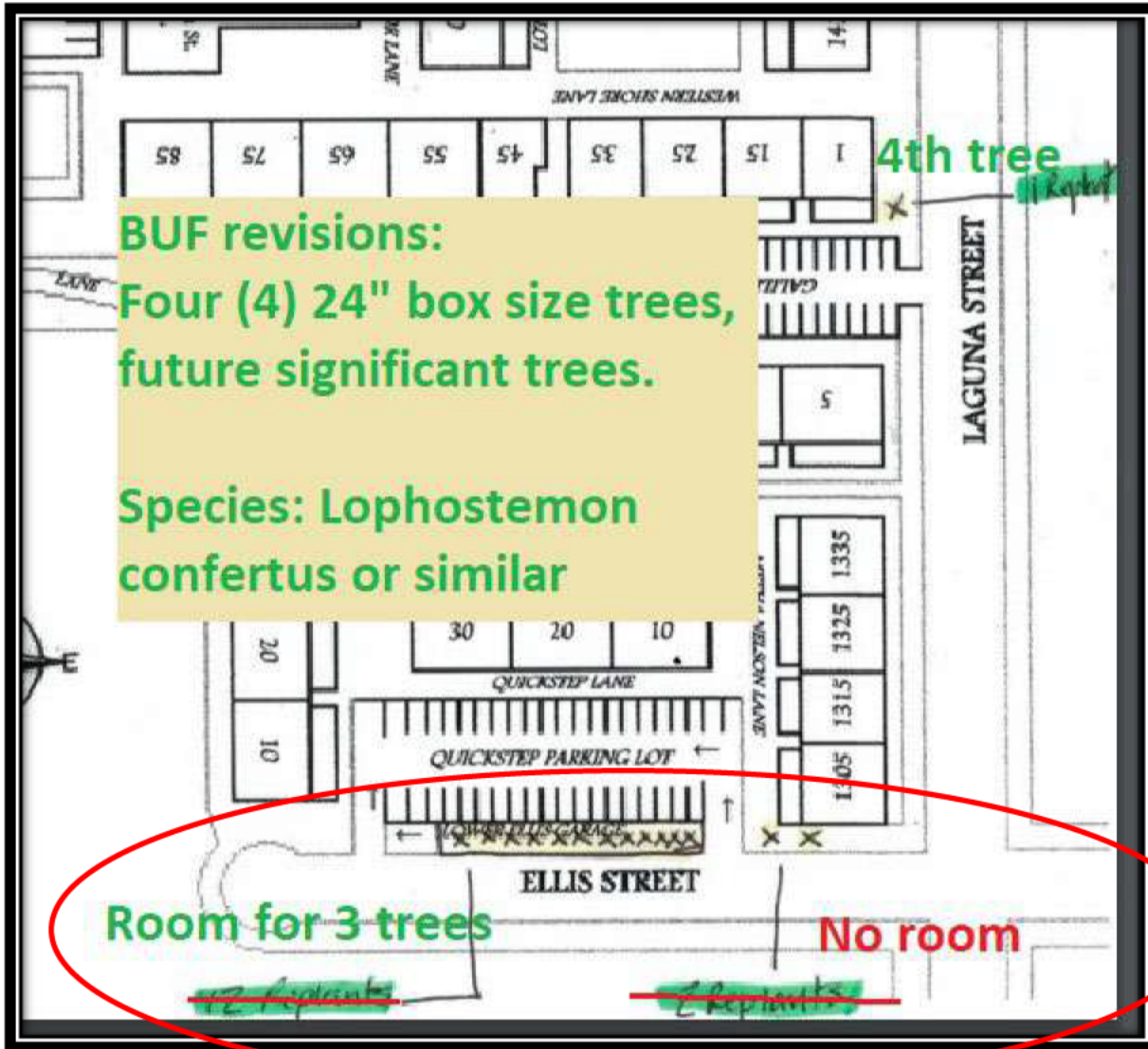


LAGUNA STREET

ELLIS STREET

12 Replants

2 Replants



- Denial of five (5) Significant trees not appealed by applicant
- Met on site to confirm replacement options
- Replacement species, most likely Lophostemon confertus (Brisbane box) to match existing street trees.
- *One amendment: Public Works will pursue removal of the street tree on Laguna, and begin a new posting notice*

Permit no. 789225

Public Works Hearing Recommendation no. 208224

- Permit the removal of ten (10) Significant trees with replacement with four (4).
- Removal of one street tree with replacement.



1355 Ellis, via Google Street View

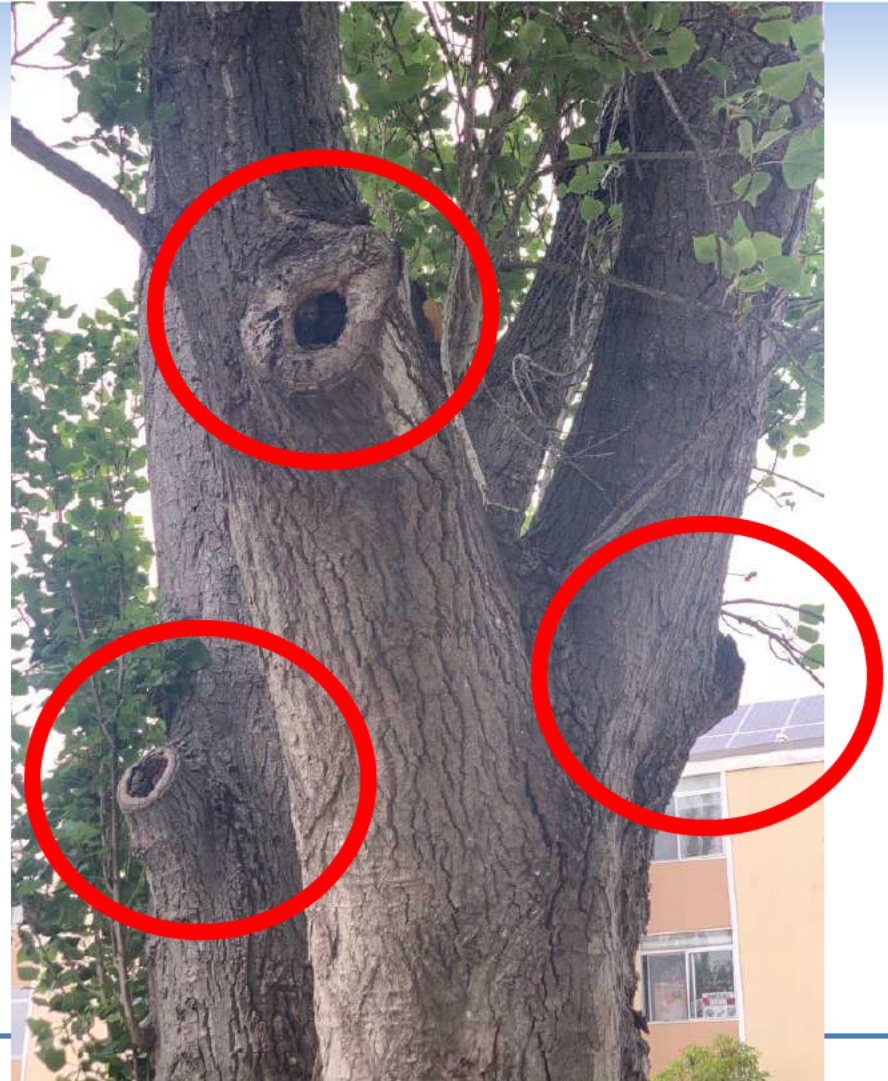
1320-1324 Ellis St.

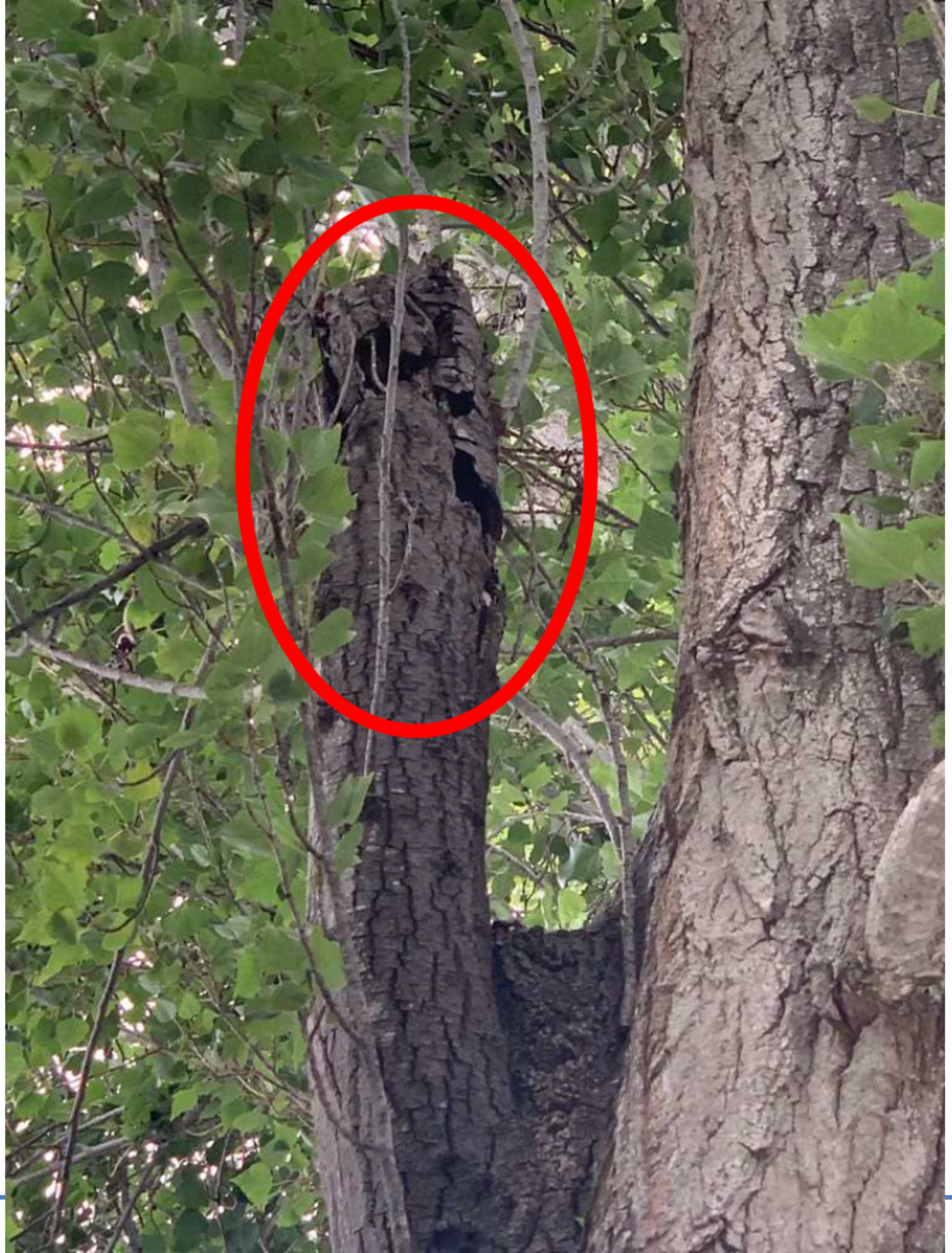
9/16/2023

Tree 4

Site notes:

- Cavities at 10' above grade
- Two decayed stems/shortened stubs over garage
- Photos and video of 6" inches of decay at base of trunk
- Mallet sounded buttress roots, very hollow sounds produced





1320-1324 Ellis St.

9/16/2023

Tree 5

Site notes:

- Cavities with decay measured to be 10" and 30" deep
- Sounded with mallet, very hollow sections throughout
- 2 cavities at 6' and 7' above grade, located at base of two main stems/main union







1320-1324 Ellis St.

9/16/2023

Tree 6

Site notes:

- Smaller diameter tree
- 2 wounds with decay at 5' & 7'
- Hollow between the two cavities
- 14" deep pocket of decay
- Major stem cavity/decay



1320-1324 Ellis St.

9/16/2023

Tree 7

Site notes:

- To the east/right, of small pedestrian light
- 18" of decay at 6' above grade
- 8" decay minimum, at base of trunk (west side)
- Major hollow sounds, with mallet



1320-1324 Ellis St.

9/16/2023

Tree 8

Site notes:

- Lower trunk is heavily degraded with decay
- Three large vertical visible cavities, facing street
- 6' above grade, cavity with 36" inches of decay (!!!)
- Video of major hollow sounding trunk throughout
- Photo from garage above, 4' stub hollow
- Another cavity photo, from garage, east stem 25' up





1320-1324 Ellis St.

9/16/2023

Tree 9

Site notes:

- Decay in root crown, west side of tree (lower trunk)
- 10" inches of decay on right side (east), within root crown
- 16" tape measure, large decay cavity

Note: updated photos to be presented at the 9/27 BOA hearing.



1320-1324 Ellis St.

9/16/2023

Tree 10

Site notes:

- While sounding with mallet the bark on the lower trunk flaked off and revealed a massive cavity.
- Entire face of tree towards street (south), is eroded with no strength holding capacity
- Reverse taper above hollow trunk
- Entire tree is degraded with decay
- Contact applicant, tree is an immediate public safety concern and should be removed immediately; contact BOA Executive Director
- Buttress roots also totally decayed, hollow, with use of mallet





Section circled in red is not even connected to the earth, it is broken underneath.

This tree needs to be removed on an emergency basis as soon as the property owner can secure a qualified tree contractor to remove the tree.

My entire mallet fits into the base of the trunk, handle completely obscured.



1320-1324 Ellis St.

9/16/2023

Tree 11

Site notes:

- Visible decay in front (south)
- Major decay throughout, very obvious in photos



1320-1324 Ellis St.

9/16/2023

Tree 12

Site notes:

- Tree to the right of the utility shed
- Some fire damage at back of trunk
- Wood mostly sound at root crown, lower trunk
- Main trunk divides into three stems
- One stem, at 10' is hollowed out



1320-1324 Ellis St.

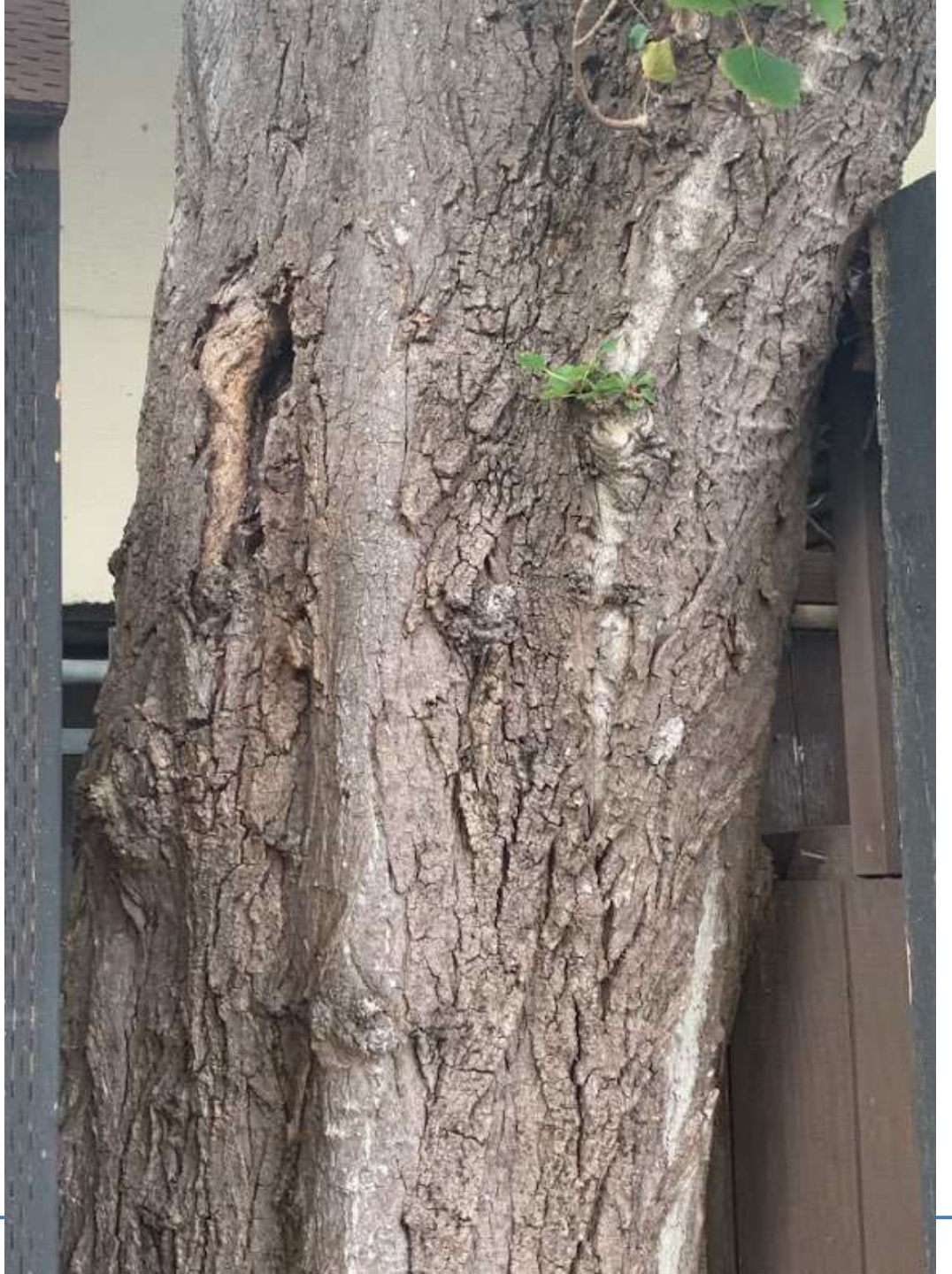
9/16/2023

Tree 13

Site notes:

- Tree located between utility sheds
- Cavity at front
- 6" cavity, measured on right front
- Vertical seam of decay likely to cavity 7' above grade, where the large cavity is visible





← 1320 ellis st sf ca 🔍 ✕

1321 Ellis St
San Francisco, California
Google Street View
Jun 2022 See later





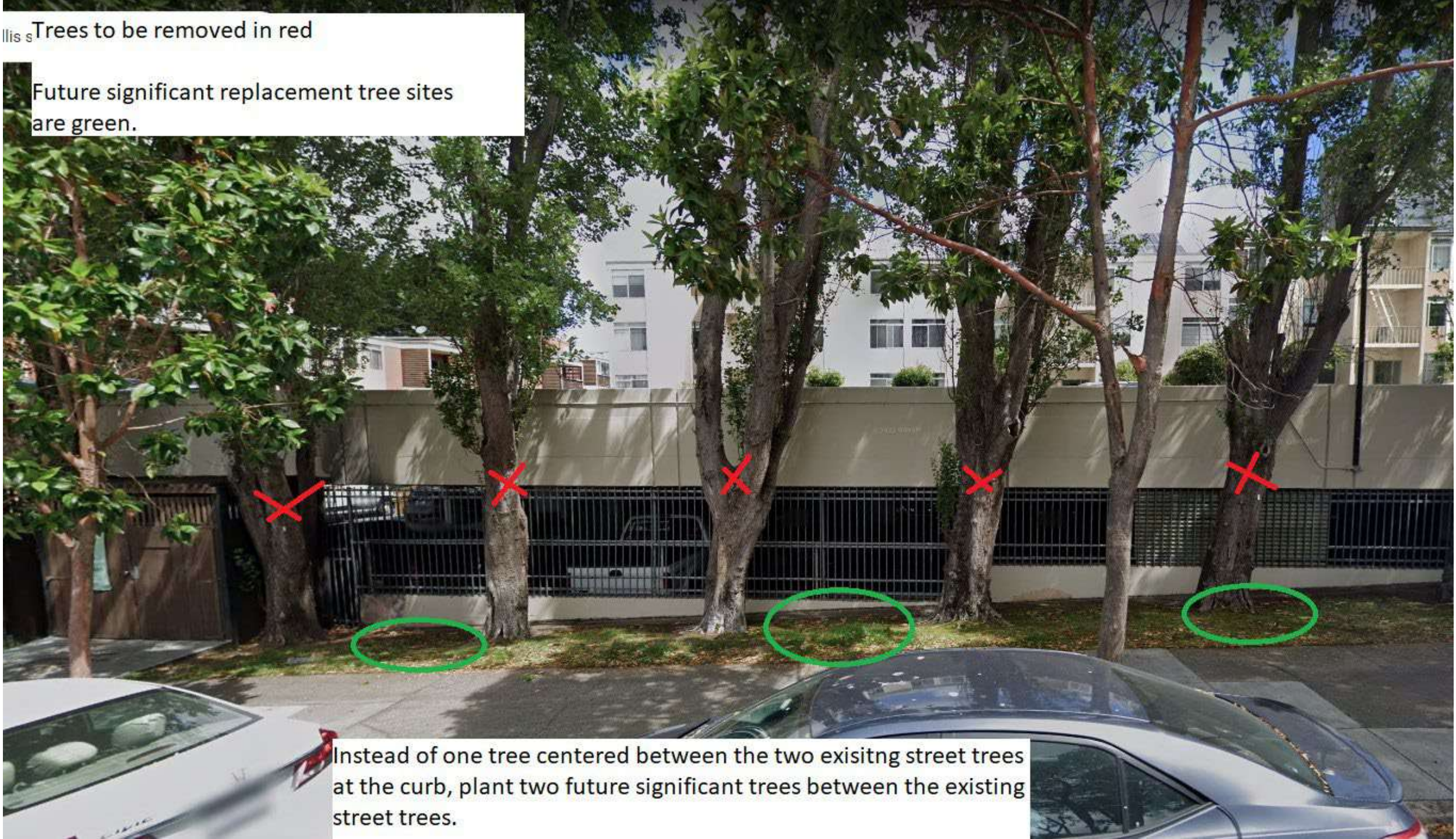
1321 Ell
San Fran
Google
Jun 2022

Google

Image capture: Jun 2022 © 2023 Google

l i s s Trees to be removed in red

Future significant replacement tree sites are green.



Instead of one tree centered between the two existing street trees at the curb, plant two future significant trees between the existing street trees.



**Replacement tree site on
Laguna St., near 1335**

**Street tree to be
removed & replaced.**

laguna and ellis st sf ca



1545
San F
Jan 2

1545-1555 Geary Blvd.

6

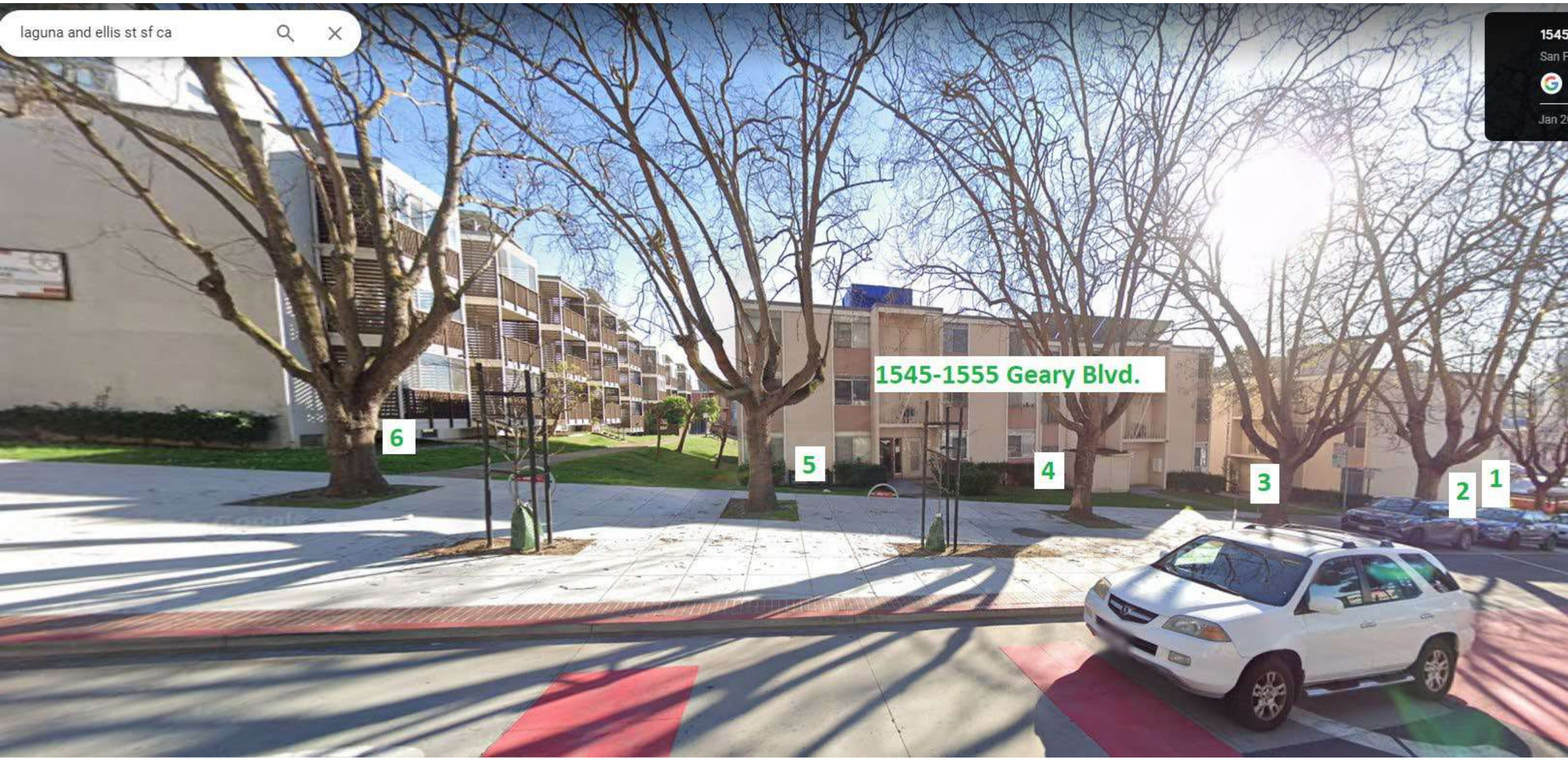
5

4

3

2

1



PUBLIC COMMENT

From: lgpetty@juno.com
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal 23-031 Order 208224 Item # 4 on Aug 2, 2023
Date: Sunday, July 30, 2023 7:09:56 PM

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

Dear Members of the SF Board of Appeals,

I'm writing in Support of Appellant Deetje Boler in Appeal # 23-031.
Item #4 Agenda Aug 2, 2023

I am a neighbor and resident of Laguna St just around the corner from these beautiful and historic Poplar trees.

Almost every day of the week I enjoy walking along this amazing row of trees in the 1300 block of Ellis St. on the way to shop, eat, and ride transit on Fillmore St.

These trees are majestic and magnificent to view. They provide me with cooling temps, green beauty and shade, and oxygen--refuge from heavy Laguna St. traffic.

They withstood all that this winter's extreme storms could throw at them. While three major street trees (not Poplar) on the 1200 block of Ellis (the next block up the steep hill) fell in the storms, these 15 Poplars stood tall and proud.

The experts seem to have said several may be diseased. I accept imminent death as the only legitimate reason to cut them down. But all the others seem to be "suffering" from nothing more serious than senior age. It appears in this case that is the reason why most are targeted for removal. If that logic were applied to humans, our community of Western Addition human seniors would be depopulated instantly. I feel that getting older, plus undue anxiety over what "could" happen are not reasons to kill living things or reduce the number of living things that protect me from wind, cold and climate change. These trees vastly improve my environment. Their loss would be a crime.

In summary, please grant this appeal and preserve the Ellis St. Poplars.

Thank you,

Lorraine Petty

From: [Sarah Jenkins](#)
To: [BoardofAppeals \(PAB\)](#)
Cc: [Deetje Boler](#); [Megan Boler](#); [Kathy Boler](#); [Olivia Boler](#); [Elena Rogan](#)
Subject: RE: Item No.: 23-031 re 1345 Ellis St (Poplar Trees)
Date: Tuesday, September 5, 2023 5:38:28 PM

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

Dear San Francisco Board of Appeals,

I write to you today regarding the proposed removal of Lombardy poplar trees on Ellis Street in San Francisco.

I am a third generation native of San Francisco and have seen the city change much over the years. However, one of San Francisco's charms has always been the tree-lined streets, which add character and beauty (not to mention oxygen!) to our beloved city.

For the record, **I am very much opposed to the proposed removal of any of the Lombardy Poplar trees on Ellis Street.** We do not want San Francisco to become a concrete jungle! These beautiful trees are much needed to protect the quality of the environment in the community.

It is my hope that the trees remain standing for as long as possible -- they are pretty, great for the environment, and bring enjoyment to the community.

Most sincerely,
Sarah Jenkins



Sarah Jenkins

Operations Director
Debbie Austin Realty
Mobile: 916-671-9704
E-mail: cre8ivesarah@gmail.com
Visit: debbieaustinrealty.com
[Review Debbie Austin](#)

From: [Rose Sharkey](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal no. 23-031: 1320-1324 Ellis Street and 1335 Laguna St.
Date: Friday, September 15, 2023 10:11:49 AM

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

We support the approval of the removal of ten trees on the St. Francis Square Cooperative property and one street tree at 1335 Laguna. We are especially concerned about safety. If action is not taken, we fear cars on Ellis Street and in the St. Francis Square parking lot may potentially be damaged by falling limbs from dead/dying/weak limbs. More importantly, we are concerned for the safety of the many pedestrians who walk along Ellis Street. Ellis Street between Laguna and Rosa Parks, despite being a dead end street, is a handy pathway for local residents of all ages to walk, bike, or scoot to Safeway, the Fillmore Street retail offerings, the Saturday farmer's market, Rosa Parks school, Sacred Heart Cathedral School, the Phoebe Hearst preschool, the Central Gardens Post Acute Center, Margaret Hayward Playground and field, Japantown, and more. The Square's efforts to complete needed work on these trees has gone on far too long. Please let the removal proceed before someone gets seriously injured by a falling limb.

Thank you,
Rose and Bill Sharkey
65 Western Shore Ln #3
San Francisco 94115

From: [Nancy Noah-Bear](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: St Francis Square Poplars on Ellis
Date: Saturday, September 16, 2023 3:25:08 PM

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

To the Board of Appeals:

I own a co-op apartment that looks down on the parking lot where two very large branches fell from the Ellis Street poplars on October 24th, 2021, I believe was the date. The branches fortunately fell mostly between parked cars, though there was some damage, but had there been a person under those branches, they most certainly would have been killed or gravely injured. Like the non-resident who is objecting to these weakened trees coming down, I love trees and I enjoy seeing them and the birds outside my window. However, I am a realist and I don't find it worth the risk of having one of those branches fall on me, a loved one or any of my neighbors (or their transportation) or folks who use this street, and I understand that diseased or unhealthy trees need to be removed due to serious safety concerns. I believe the safety interests of many override the aesthetic appreciation of the minority and these trees need to be dealt with before this upcoming predicted El Niño winter so we don't have to worry about a potential tragedy.

Thank you for your consideration,
Nancy Noah-Bear
10 Quickstep Lane, Apt 3
SF, CA 94115





From: [Susan Solomon](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: trees on Ellis Street at Laguna Street
Date: Thursday, September 21, 2023 3:17:55 PM

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

Dear San Francisco Board of Appeals,

I am writing to request that you deny the appeal regarding the removal of trees on Ellis Street at Laguna, near St. Francis Square Cooperative, Phoebe Hearst Preschool, and Rosa Parks Elementary School. As you know, the Department of Public Works, the Department of Urban Forestry, and the residents of St. Francis Square have all agreed that the decaying trees need to be removed. The plan is for four replacement trees to be planted after the decaying trees are removed.

I have lived in St. Francis Square for 45 of my 68 years, and we have always tried to be good stewards of our trees and plants. Since the branches of these trees have a history of breaking, and the canopies are in decline, according to an arborist, they are a safety hazard. Please deny the appeal, so that we may address this public safety issue by removing the decaying trees.

Thank you very much for your consideration,
Susan Solomon
1520 O'Farrell Street, Apt. 1
St. Francis Square

Documents submitted for the hearing on September 6, 2023

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
--	---



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

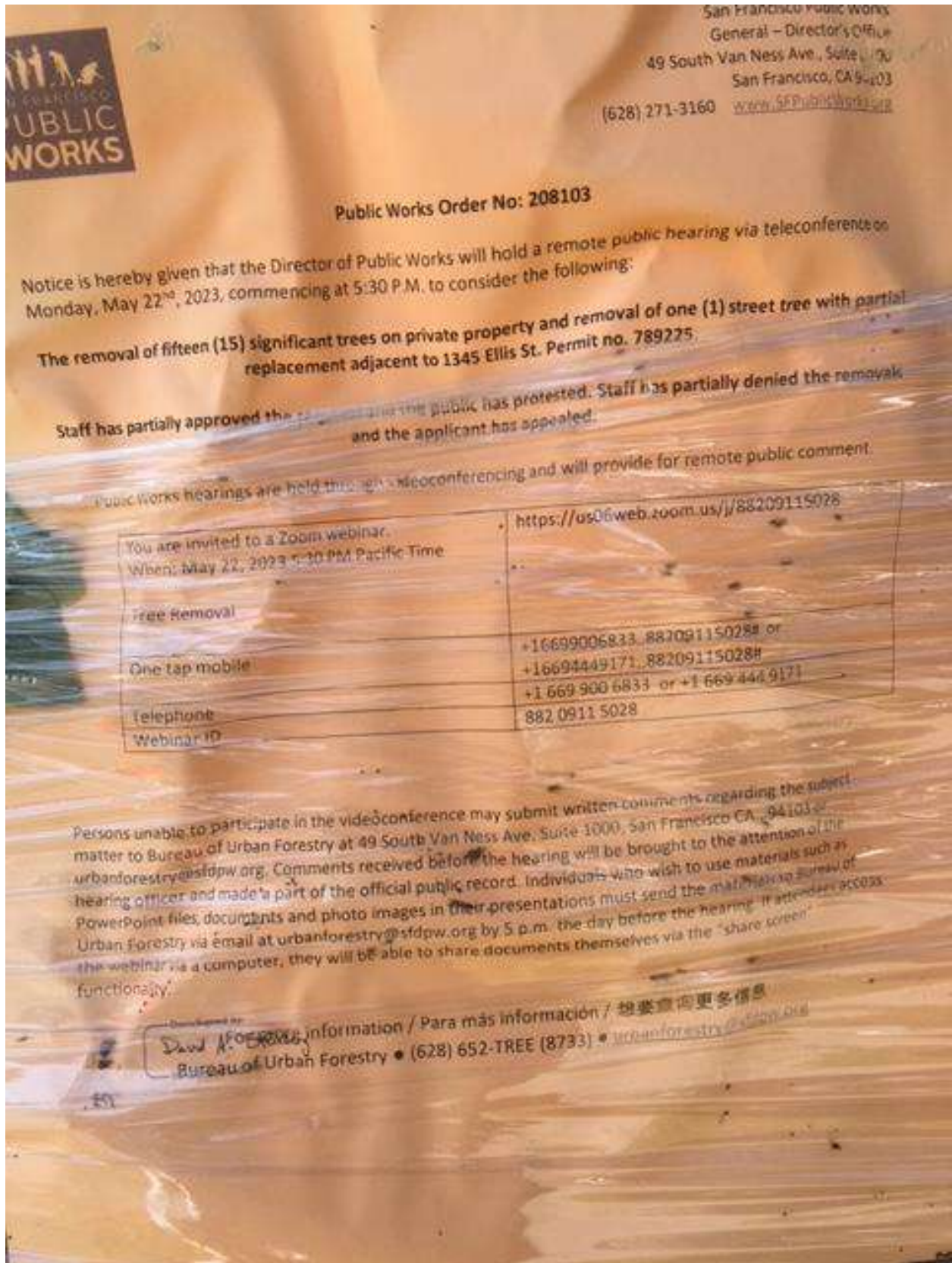


Cody J. Kleinheinz
WE-7720A

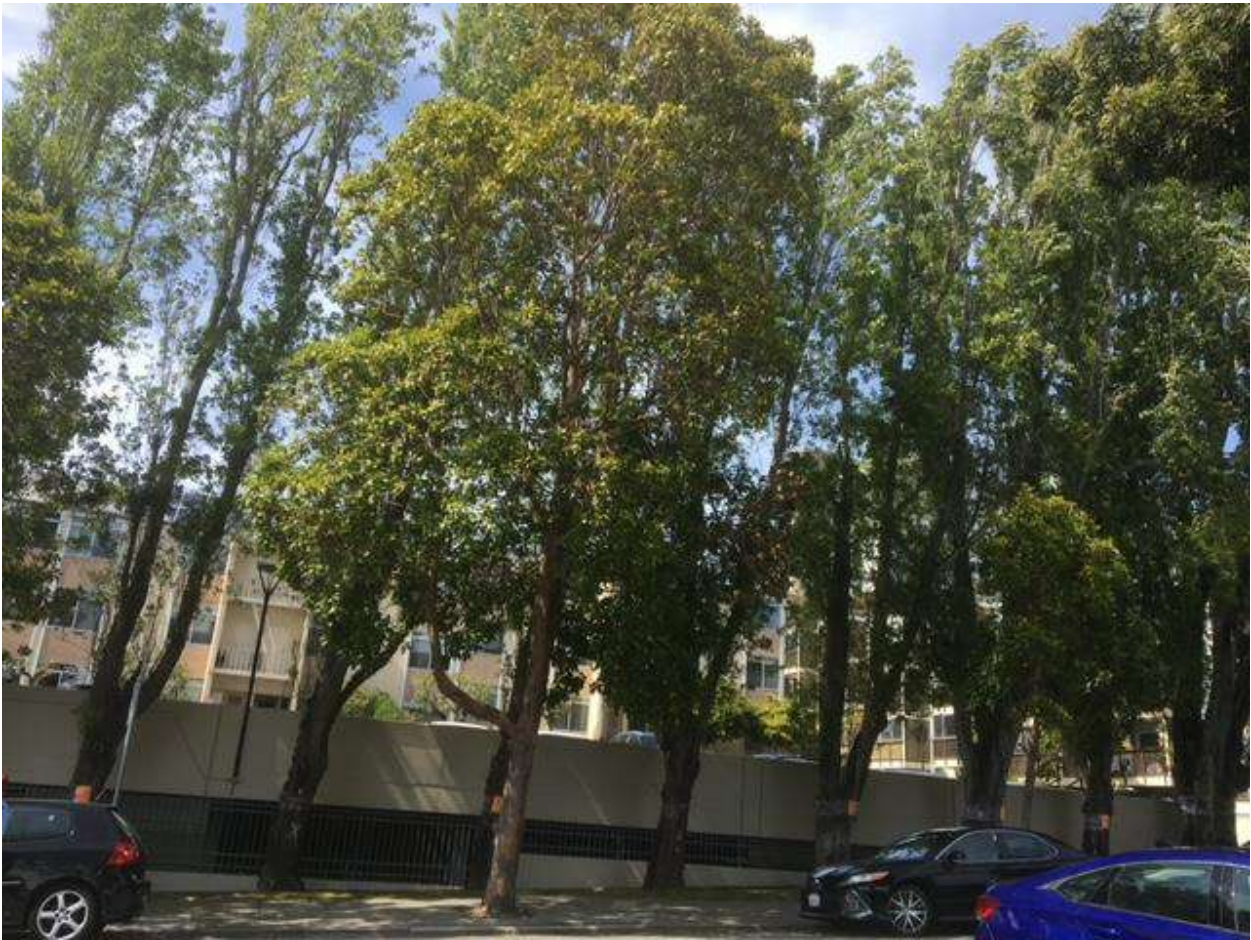
SFPW-BUF



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



Public Notice Order No. 27141

The State of North Carolina, by and through the Department of Public Safety, is hereby giving notice to all interested parties that a public hearing will be held on the 27th day of March, 2014, at 9:00 A.M. in the City of Raleigh, North Carolina, at the location specified below.

The subject of this hearing is the proposed amendment to the State of North Carolina's General Statutes, Chapter 160A, Article 1, Section 1-101, to read as follows:

1-101. The Department of Public Safety shall have the authority to issue and enforce rules and regulations necessary to carry out its duties and the powers conferred upon it by law.

The hearing will be held at the location specified below. The public is invited to attend and to be heard. The hearing will be held in the City of Raleigh, North Carolina, at the location specified below.

Public Hearing Location:
 Room 2100, 2100 S. Salisbury Street, Raleigh, NC 27606

For further information, please contact the Department of Public Safety, Office of the Secretary, at (919) 857-1234.



CRICKING LN

08 10 3025



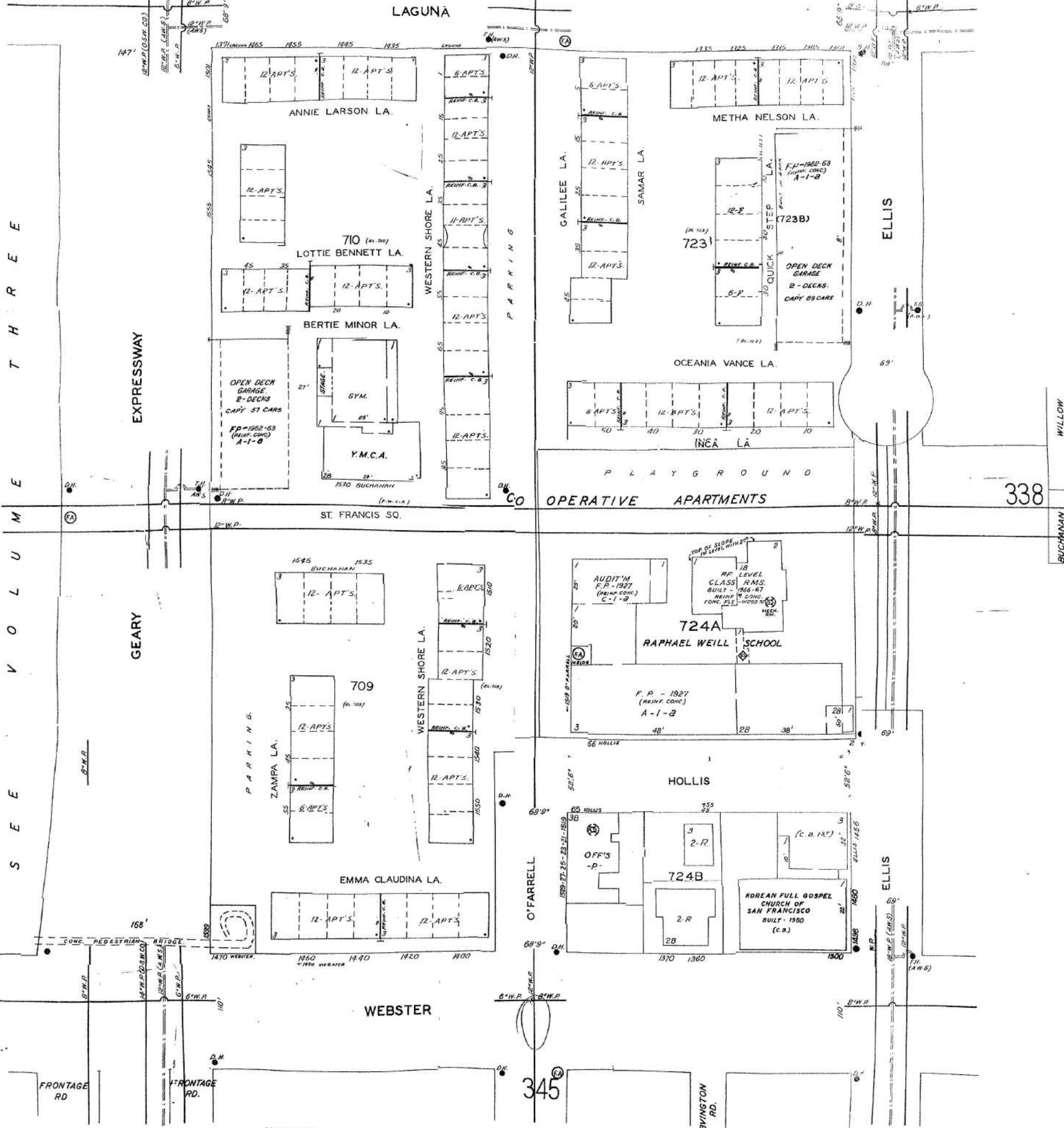
65 13 5005

337

"N"
NOV. 1962

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

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

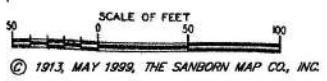


S E E V O L U M E T H R E E

331

338

345



332

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

0746

JEFFERSON SQUARE

338

LAGUNA

NURSERY SCHOOL
BUILT 1966
CONC. RESTS & FLG.
WOOD POSTS 12"

PARK'G
734A

734B

REST HOME
WOOD POSTS

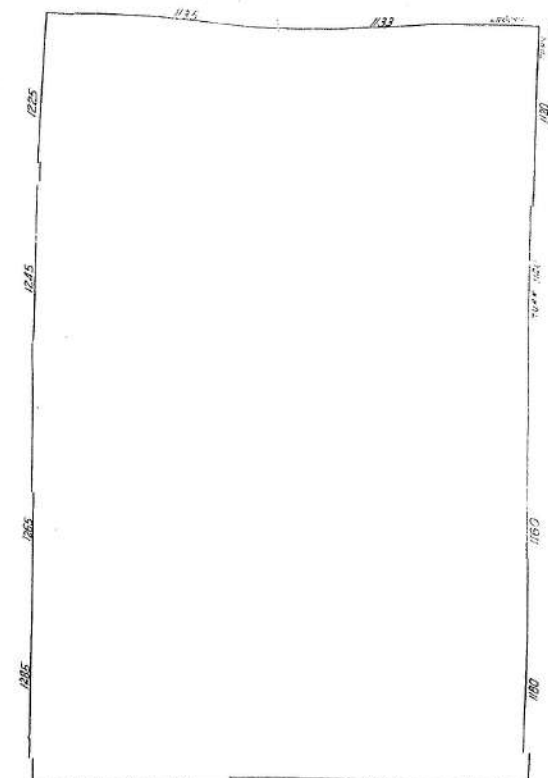
WILLOW

ELLIS



BUCHANAN

337



NOT OPEN
PLAYGROUND

TURK

339

68' 9" WIDE

68' 9"

PARK'G.

EDDY

3-4-7-B 1275 1-2-5-6
2B 4-R. 3 2B 4-R.

2 6-R

BUCHANAN PARK APTS.

TURK

748A

748B

8-R.

14-R.

COMMUNITY CENTER

24-R.

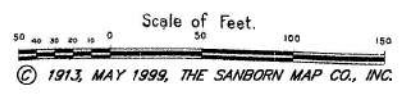
24-R.

HOLLIS

ELLIS

WEBSTER

346



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

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<image006.jpg>

<image007.jpg>

<image008.jpg>

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

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

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

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

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

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

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
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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

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Megan Boler
Professor
OISE/University of Toronto
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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

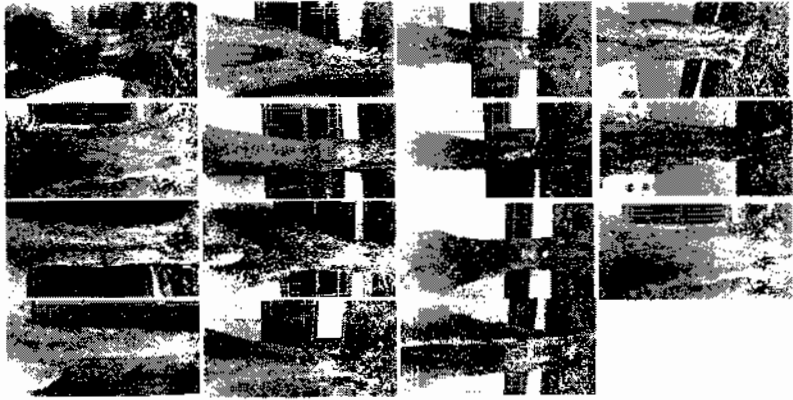
Galilee Ln

Galilee Ln



1355
Site 2
Laguna

← Site in Permit - incorrect



7-27-23

15 Poplars

No removal notices