

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

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

Appeal No. **22-023**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on March 29, 2022, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the **ISSUANCE** on March 22, 2022, to Van Ness Property LLC, of Public Works Order No. 206262 (Approval to remove five trees without replacement; the trees exhibit extensive damage and overall are in poor condition) at 234 Myrtle Street.

Order No. 206262

FOR HEARING ON May 11, 2022

Address of Appellant(s):

Address of Other Parties:

John Nulty, Appellant(s) PO Box 421949 San Francisco, CA 94142-1949	Van Ness Property LLC, Determination Holder(s) c/o Balint Simsik, Agent for Determination Holder(s) 44 Montgomery Street, Suite 1300 San Francisco, CA 94101
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Date Filed: March 29, 2022

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

PRELIMINARY STATEMENT FOR APPEAL NO. 22-023

I / We, **John Nulty**, hereby appeal the following departmental action: **ISSUANCE of Public Works Order No. 206262** which was issued or became effective on: **March 22, 2022**, to: **Van Ness Property LLC**, for the property located at: **234 Myrtle Street**.

BRIEFING SCHEDULE:

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

Appellant's Brief is due on or before: 4:30 p.m. on **April 21, 2022, (no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, chris.buck@sfdpw.org and tmak@related.com.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **May 5, 2022, (no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, chris.buck@sfdpw.org and tenderlointreecampaign2004@yahoo.com.

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

Hearing Date: **Wednesday, May 11, 2022, 5:00 p.m., in Room 416 of SF City Hall, 1 Dr. Carlton B. Goodlett Place**. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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

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

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

The reasons for this appeal are as follows:

See attachment to the preliminary Statement of Appeal.

Appellant or Agent:

Signature: Via Email

Print Name: John Nulty, appellant

John Nulty
C/o Tenderloin Tree Campaign
P. O. Box 421949
San Francisco, CA 94142-1949

March 28, 2022

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

Dear Board members,

I wish to appeal DPW Order No. 206262 for removal of five street trees without replacement for permit # 788560.

Reason for the appeal the DPW website stated that the 5 trees would be replaced.

Then during the hearing found out that the permit was issued from the developer of 1001

Van Ness. And the replacement plan was not clear if it would be trees or landscaping since both permits were pulled for the property across for this development at 234-248

Myrtle Street. Lastly the hearing officer asked the question what parties would be responsible for these permits and none of the parties had any plan for these permits.

Seeking the all parties to have a plan follows the Section 806 planting and removal of street trees as amended on January 13, 2022.

Sincerely,

John Nulty



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: 206262

The Director of Public Works held a Public Hearing on Monday, February 28, 2022, at 5:30 P.M. via teleconference to consider several items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 206114, tree removal permit application no. 788560 regarding the removal of five (5) street trees without replacement adjacent to 234 Myrtle Street. Public Works staff approved the removal and the public protested.

Findings:

The Department’s presentation was made by Marcus Dottson, Bureau of Urban Forestry. In summary, the Department approved the removal of five (5) street trees without replacement. The trees are in poor condition with extensive damage from passing vehicles to both the canopies and the trunks. Mr. Dottson noted that in-lieu fees would be assessed because replacement trees could not be planted due to the narrow sidewalk.

Ms. Tansy Mak, representing the 1001 Van Ness development, spoke on behalf of the applicant. Ms. Mak noted that the original plan was to replace the trees; however, the sidewalk does not allow adequate clearance.

Ms. Mak noted that the 1001 Van Ness development provided landscaping on the opposite side of the street to beautify Myrtle Street.

Mr. Michael Murray, a resident of Myrtle Street said the developer worked well with the residents.

Ms. Kasey Ochs noted that there was old damage to the trees, and it is not all construction related.

Ms. Andrea GP noted that the tree branches brush against the bay windows on the homes.

The Department received six letters of support from the Myrtle Street HOA, including one from Mr. Murray.

The applicant also submitted an arborist’s report from Mr. Walter Levison.

Mr. Josh Klipp asked the Department to consider an appraising the value of the five trees that are to be removed and to use that method should result in a larger fee.

Mr. John Nulty noted that other trees on the street were not damaged and attributed the damage to the construction. He noted that the landscaping was a less intense form of greening than the trees.

Mr. Lance Carnes objected to the removal and stated the trees looked good and could be pruned.

Conclusion:

The trees exhibited extensive damage and overall poor condition. The site does not allow for replacement trees.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to approve the removal of five (5) trees along Myrtle Street without replacement. The standard in-lieu fees or appraised value fee for each of the trees to be removed, whichever is greater, shall be assessed and paid by the applicant.

Appeal:

This order may be appealed to the Board of Appeals within 15 days of March 22, 2022.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14th Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

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

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

X

DocuSigned by:



Short, Carla -073CF73A4EA6486...

Interim Director of Public Works

BRIEF SUBMITTED BY THE APPELLANT(S)

Appeal No 22-023

Appellant: John Nulty

Respondent: Department of Public Works, Bureau of Urban Forestry

Date Filed: March 29, 2022

Hearing Date: May 11, 2022

Introduction

Appellant John Nulty, Respectfully appeals to Public Works' decision to approve the removal of five (5) street trees as a part of development across the street at 1001 Van Ness project.

Background

In 1967 KRON TV moved to a new studio at 1001 Van Ness. In February 2014, KRON TV announced it leased space on the 3rd floor at 900 Front Street, and then KRON TV put 1001 Van Ness Avenue up for sale. On May 5, 2014, Oryx Partners bought the property for 26 million 400 thousand dollars and proposed a \$93.6 million, 14-story tower with 239 condos over 5,000 square feet of retail space. The project was heard at the San Francisco Planning Commission on Thursday, October 20, 2016, requesting Conditional Use Authorization. Demolition, building permits, and plans previously approved were scrapped.

Oryx Partners submitted plans with Related and Atria Senior Living to demolish the existing building new construct a 13-story, 127-foot tall residential care facility with 247

units, 8,000' square feet of retail space, and 47 parking spaces. San Francisco Planning Commission heard the revised plans on April 4, 2019. On May 17, 2019, Oryx sold the property to Related and Atria Senior living for \$41 million. The project site contains 648 feet of street frontage along Van Ness Ave, O'Farrell, and Myrtle Streets, requiring 32 street trees at the Project site. There are 16 existing trees at the site, up to eight (8) of which would remain. The project will install twenty-eight (28) new street trees for at least thirty-six (36) trees provided at the site. At the Public Works hearing on October 14, 2020, Order # 203723 and appeal from the property owner to fine issued for the illegal removal of fourteen (14) street trees at 1001 Van Ness Ave. The fine levied for the unlawful removal of street trees is \$48,376.

234-248 Myrtle Street between Van Ness and Franklin is Myrtle Street Flats San Francisco Landmark 71.

<https://noehill.com/sf/landmarks/nat1976000520.asp>

The Myrtle Street Flats (234-248 Myrtle Street) are two adjacent buildings located on the southern portion of Lots 20/27 in Assessors Block 714 (97.5 x 120 feet). The two structures are two stories from buildings with four dwellings units per building (two upstairs, two down. The flats have 97.5-foot frontage on Myrtle Street (48.75 feet per structure) and a depth of about 35 feet for 3400 square feet.

Block 714 boundaries are Geary Street on the north, O'Farrell Street on the south, Franklin Street on the west, and Van Ness Avenue on the east. Myrtle Street is an alley bisecting Block 714 from east to west. The Myrtle Street Condos have a 97.5 –foot

frontage along the north side of Myrtle Street and lie slightly north of the geographical center of the block.

The second floor consists of our equally spaced bay windows (three windows of equal size per bay). Below two center bays on each façade are very unusual entrance stairs to the apartments. Rather than being perpendicular to the sidewalk, they are oriented at approximately a 45-degree angle to it.

San Francisco has few residential care facilities, and with boomers, this Institutional Health Care use is essential. Part of the Better Streets Plan: Planning code Section 138.1 developer at 1001 Van Ness planned to replace the trees across the street at 242-248 Myrtle Street. DPW and its ruling stated the sidewalk was not wide enough to replace the five (5) street trees. For tree planning, Public Works Order #187246 says, "the sidewalk over 7 feet wide can plant street trees."

What is sought in This Appeal?

As of January 13, 2022, in San Francisco, it is unlawful to approve the removal of a street tree without replacement. Please see the Updated Public Works Code Article 16 signed into law by Mayor Breed, Section 806 (a) (6). Also see:

<https://sfgov.legistar.com/View.ashx?M=F&ID=10429454&GUID=3A73BFC1-2F3C-4084-B3D8-F72E5EBE0E6D>

The Board of Appeals discussed the above amendments to Public Works Code Article 16:

September 2, 2020, BOA Meeting

https://sanfrancisco.granicus.com/player/clip/36539?view_id=6&redirect=true

January 6, 2021, BOA Meeting

https://sanfrancisco.granicus.com/player/clip/37436?view_id=6&redirect=true

March 10, 2021, BOA Meeting

https://sanfrancisco.granicus.com/player/clip/37999?view_id=6&redirect=true

Want the development of 1001 Van Ness and Myrtle Street HOA to present a complete plan to replace five (5) street trees, water, and maintenance for three years located 234-249 Myrtle Street. Present their proposal to the Board of Appeals.

Argument

At 13.7% San Francisco has the smallest percentage of the urban canopy of any major city in the United States. In 2014, San Francisco rolled out an Urban Forest Plan to add 50,000 new street trees. Since 2014 however, the City has managed a net loss of nearly 1,000 trees. Now city canopy shrunk to 13.4%, as stated by the Urban Forestry Council.

Save the Ficus Trees in San Francisco with over 9,500 signatures.

<https://www.change.org/p/bureau-of-urban-forestry-chris-buck-save-the-trees-around-the-main-library>

At 4.2%, Cathedral Hill falls near the bottom of all San Francisco neighborhoods in terms of its urban canopy. See Attachment #1

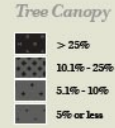
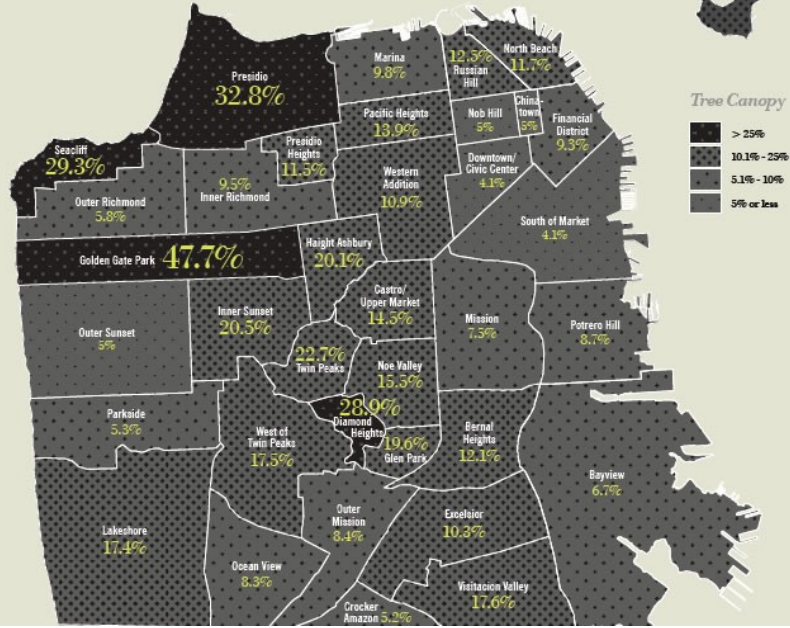
It also has some of the highest pollution rates in the City, being on Highway 101 See Attachment #2

Conclusion

I respectfully ask this applicant, Myrtle Street HOA, the Department of Public Works, and the Board of Appeals to press our City to do better. Some of the benefits of street trees: are oxygen, air purifier, natural coolant, and stress reducer, and they can block noise up to 40%.

TREE CANOPY COVERAGE BY NEIGHBORHOOD

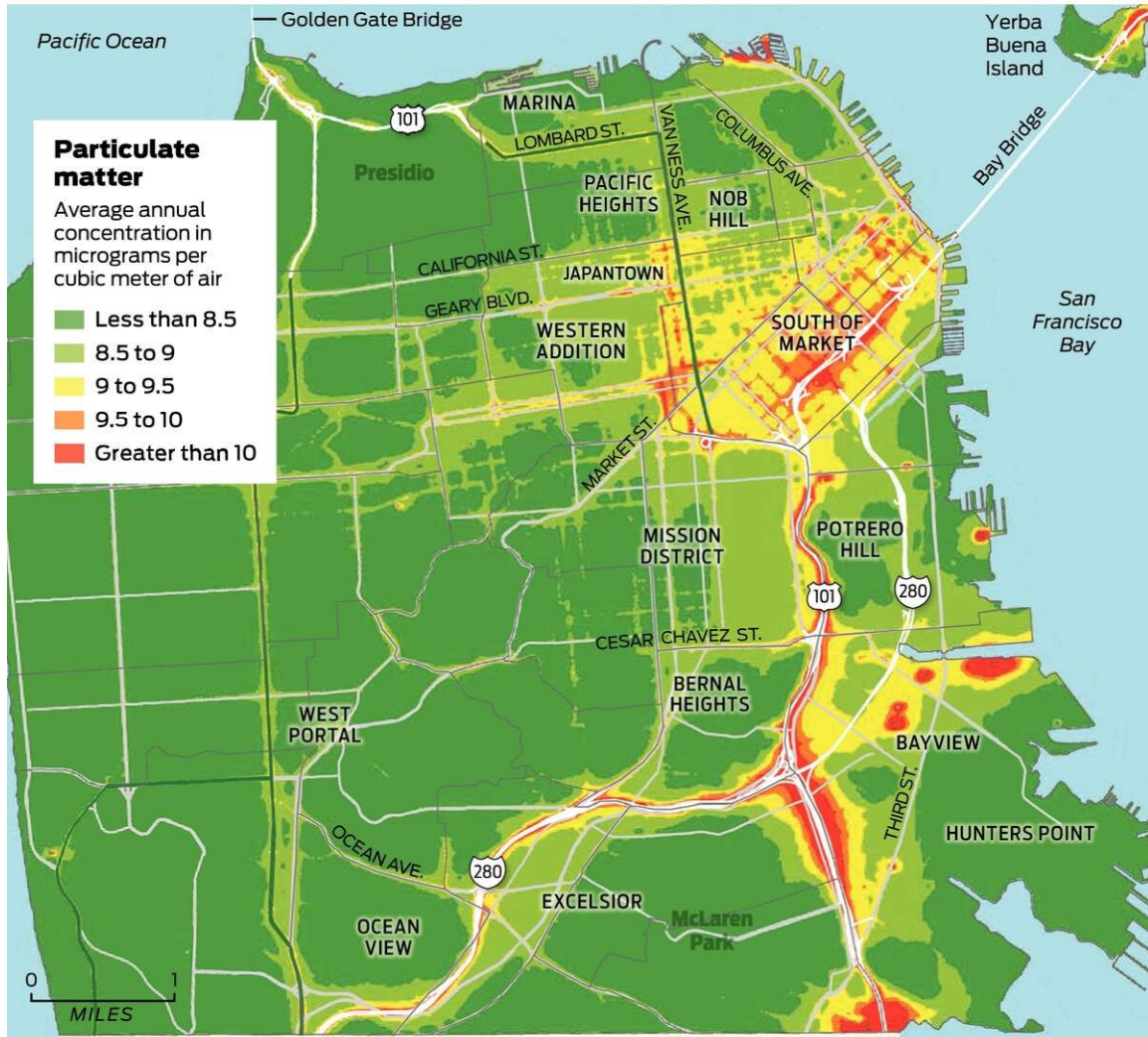
San Francisco's canopy coverage is among the lowest of any large city in the United States. The city's canopy cover varies widely between neighborhoods with some traditionally underrepresented communities having less greenery. The table and map below display the distribution of trees across San Francisco.¹



Attachment #1 Depicts Cathedral Hill at Van Ness with a 4.2% canopy

Where air pollution is worst in San Francisco

The city's air pollution danger zone starts at the Embarcadero, envelops the South of Market neighborhoods and follows Highway 101 and Interstate 280 through Potrero Hill, Bayview and the Excelsior.



Source: San Francisco Department of Public Health, Bay Area Air Quality Management District

Todd Trumbull / The Chronicle

Attachment #2 Air Pollution on Van Ness Avenue / Highway 101

Assessor Block Map 0714, dated 1995, puts the Width of Myrtle Street to be 35 feet wide.

Myrtle Street is a two ways alley street.

The ficus street trees are already in the block radius of 234 Myrtle behind the property at

1109 Geary Street Lot 18: three (3)

Lot 17 1188 Franklin Street to west on Myrtle: three (3)

And 1187 Franklin Street; First Unitarian Universalist Center to the west: five (5)

All these properties have a length of the frontage ficus trees.

<https://sfplanninggis.org/BlockBooks/AssessorBlock0714.pdf>

BRIEF SUBMITTED BY THE PERMIT HOLDER(S)



May 2, 2022

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

Dear Board Members,

I am writing in response to the appeal filed by John Nulty on the DPW Order #206262, tree removal permit application #788560 regarding the removal of five (5) street trees without replacement adjacent to 234-248 Myrtle Street. The Department recommended the approval of the tree removal without replacement since the site condition (narrow sidewalk) does not allow for replacement trees. We request that the DPW Decision Order #206262 to approve the tree removal permit application #206262 is upheld with no new conditions.

To respond to the appellant's Preliminary Statement of Appeal dated March 28, 2022 (identified in *italics* in quotation):

1. *"...during the hearing found out that the permit was issued from the developer of 1001 Van Ness"*
 - a. It is correct that we, the developer of 1001 Van Ness were the applicant/authorized agent for the tree removal permit. However, we have been working with our neighbors, the 234-248 Myrtle Homeowner Association, since the planning approval stages of the 1001 Van Ness project

to jointly design, permit, and build the best solution possible for our shared streetscape. The 234-248 Myrtle HOA represents the townhomes behind the trees in questions. The HOA group has been involved in every step and has provided letters of approval as shown in the attached tree removal permit application. (Exhibit B) The HOA group has provided further letters of support in response to this appeal in the attached. (Exhibit E)

2. *“...the replacement plan was not clear if it would be trees or landscaping since both permits were pulled for the property...”*

a. This is an inaccurate statement. It was made clear in the hearing that the Bureau of Urban Forestry recommended the tree removal without replacement. It was also clarified at the hearing that tree replacement was disallowed due to the existing narrow sidewalk condition. Finally, the DPW issued resulting decision order (Exhibit A) clearly states both those facts.

3. *“...the hearing officer asked the question what parties would be responsible for these permits and none of the parties had any plan for these permits.”*

a. This is an inaccurate statement. It was made clear at the hearing that we (Van Ness Prop Co.) had filed permit applications for both the tree removal (#788560, Exhibit B) and new sidewalk landscaping (#789019, Exhibit C). The sidewalk landscaping permit final approval was pending the approval of the tree removal.

To respond to the Appellant's Brief #22-023, dated March 29, 2022 (identified in *italics* in quotation):

1. *Background discussion, second paragraph does not mention the new street trees proposed in the executed Final Motion M-20411 from SF Planning (Exhibit D).*
 - a. As approved by the SF Planning department, the plan was to beautify Myrtle street, not only by providing new landscaping, sidewalk treatment, and street trees on the 1001 Van Ness property side, but also to replace the street trees on our opposite townhome neighbors sidewalk to create a cohesive streetscape. That said, we had noted at the time that this plan was pending neighbor and DPW coordination. The intent was to provide the same number of more street trees on Myrtle. But through coordination with BUF and DPW, we were denied tree replacement due to narrow sidewalk width. Thus, we pivoted to a sidewalk landscaping plan to make the best landscape solution possible to replace the damaged street trees.

2. *“As of January 13, 2022, in San Francisco, it is unlawful to approve the removal of a street tree without replacement. Please see the Updated Public Works Code Article 16 signed into law by Mayor Breed, Section 806 (a) (6).”*
 - a. This is an inaccurate statement. Section 806 (b) (3) states “If the Department grants a Tree removal permit, it shall require that a Street Tree or Trees of equivalent replacement value to the one removed be planted in the place of the removed Tree or impose an in-lieu fee unless it makes written findings detailing the basis for waiving or modifying this requirement.” As stated in the Resulting Decision Order 206262 (Exhibit C) the DPW recommends that fees will be assessed for the approved tree removal.

Based on the above points, we request the Board of Appeals to uphold the DPW Decision Order #206262 to approve the tree removal permit application #206262, with no new conditions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tansy Mak', written in a cursive style.

Tansy Mak

Van Ness Prop Co.

Attachments:

Exhibit A: 234 Myrtle St Resulting Decision Order 206262

Exhibit B: Tree Removal Permit Application #788560

Exhibit C: Sidewalk Landscaping Permit Application #789019

Exhibit D: Excerpts from 1001VN Final Motion M-20411

Exhibit E: Neighbor Support Letters

**EXHIBIT A: DPW ORDER #206262
APPEAL RESPONSE**



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: 206262

The Director of Public Works held a Public Hearing on Monday, February 28, 2022, at 5:30 P.M. via teleconference to consider several items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

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Ms. Andrea GP noted that the tree branches brush against the bay windows on the homes.

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The applicant also submitted an arborist’s report from Mr. Walter Levison.

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Mr. Lance Carnes objected to the removal and stated the trees looked good and could be pruned.

Conclusion:

The trees exhibited extensive damage and overall poor condition. The site does not allow for replacement trees.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to approve the removal of five (5) trees along Myrtle Street without replacement. The standard in-lieu fees or appraised value fee for each of the trees to be removed, whichever is greater, shall be assessed and paid by the applicant.

Appeal:

This order may be appealed to the Board of Appeals within 15 days of March 22, 2022.

Board of Appeals


49 South Van Ness Ave. suite 1475 (14th Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

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X  _____
Short, C... 073CF73A4EA6486...
Interim Director of Public Works

**EXHIBIT B-210607-RCR-Tree Removal
Application - 1001VN-Myrtle**

Tree Removal Permit Process and Application



London N. Breed
Mayor

Alaric Degrafinried
Acting Director

Urban Forestry
49 South Van Ness Ave
Suite 1000
San Francisco CA 94103
Tel 628-652-8733

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

Street trees are important assets of neighborhoods and commercial districts. The citizens of San Francisco value street trees and have mandated their protection. Therefore, a permit is required before any street tree or significant tree – alive, dead or hazardous – can be removed. Tree removal without a permit is a violation of Article 16 of the Public Works code and penalties may apply.

For each tree removed, a replacement tree planting is required.

If a removal permit is approved, the removal of the tree is expected to be completed by the applicant and all costs associated with the removal are the responsibility of the applicant, including all costs associated with the purchase and planting of the replacement tree.

Permit Application Materials

- Submit the completed application form via email to urbanforestry@sfdpw.org
- Mail a non-refundable fee, made payable to CCSF-DPW-BUF to Bureau of Urban Forestry, 49 S Van Ness Avenue, San Francisco, CA 94103:
 - **1-3 trees** (non-construction related): \$413.00
 - **1-3 trees** (construction or development related): \$832.00
 - **4-9 trees:** \$1,108
 - **10+ trees:** \$1,664
- If applicable, include proof of damage caused by trees such as paid invoices for repair. Note that although a tree has caused sidewalk, sewer or other property damage, removal may not be required, and a permit may be granted.
- If the removal is related to new construction, include site plans accurately showing tree locations as well as your building permit number.

Removal Process

1. A San Francisco Public Works inspector will evaluate the trees for removal.
2. If the Department recommends the tree be removed, it will be posted for a period up to 30 days. If objections to the removal are received, the removal will be scheduled for public hearing.
3. If the Department denies the removal, the applicant can request the case be scheduled for a public hearing.
4. After the hearing, a hearing officer will make a recommendation to the Director of San Francisco Public Works, who in turn will issue a final decision. The Director's decision may be appealed to the Board of Appeals.

Further Recommendations

- Have an International Society of Arboriculture Certified Arborist evaluate the tree and provide a written report. Certified Arborists can be found in the Yellow Pages under the heading "Tree Services" or the ISA website at <http://isa-arbor.com>.
- Use a licensed and insured certified arborist for any tree work.

KEEP THESE INSTRUCTIONS FOR REFERENCE

SUMMARY OF DPW ORDER 178,631 PLANTING GUIDELINES

It is recommended that the Permittee carry adequate liability insurance for his/her own protection and in order to carry the foregoing provisions into effect.

GENERAL REQUIREMENTS

Trees to be planted must be from a minimum 15-gallon sized nursery container.

Depending on the sidewalk width, the maximum new basin size is 4ft. by 4ft; the minimum is 2 ½ ft. by 3ft.

In no case shall the new street tree result in an obstructed sidewalk width of less than 48 inches.

Raised structures around the tree basin can present a tripping hazard and are not allowed.

A basin cover, perimeter of red brick, or other approved material is encouraged in the tree basin in the following cases:

- a. The sidewalk is less than 7ft. wide
- b. Bus Zones when a planting is allowed
- c. Areas with heavy pedestrian traffic
- d. Sidewalk with a grade of 10% or greater
- e. Tree basins adjacent to parking meters

MINIMUM RESTRICTIONS

Trees **may not** planted within :

25ft. in front of a traffic signal

25 ft. of the property line on the approach to an intersection and 5ft of the property line on the exit from an intersection as the traffic flows IF a corner property

9, 15, and 21 feet of a street light for small, medium, and large mature size trees respectively

6ft of a utility pole

3ft of a parking sign unless the Department of Parking and Traffic agree to relocate the sign

3ft of a gas line, water line, electrical conduit and sidewalk furniture

5ft of a sewer line

5ft of a fire hydrant

10ft from a fire escape

A bus zone when the sidewalk is less than or equal to 15ft

A restricted parking Blue Zone

12-15ft of existing trees if both are small mature sized trees

The property owner shall check for the presence of underground utilities in the area of proposed planting and shall be solely responsible in avoiding interference with or damage to electric or telephone conduits, sewers and other utilities. Check for the location of your underground gas and utility services by calling Underground Service Alert (USA) at 800-227-2600.

KEEP THESE INSTRUCTIONS FOR REFERENCE

APPLICATION FOR TREE REMOVAL PERMIT

Email completed applications to: urbanforestry@sfdpw.org

Check payable to: CCSF – DPW – BUF | Mail check to:

Bureau of Urban Forestry, 49 S Van Ness Ave STE 1000, San Francisco, CA 94103



DATE _____ APPLICATION # _____ APPROVED BY _____

TO REMOVE _____ SPECIES _____

TO PLANT _____ SPECIES _____

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

London N. Breed
Mayor

Alaric Degrafinried
Acting Director

Urban Forestry
49 South Van Ness Ave
Suite 1000
San Francisco CA 94103
Tel 628-652-8733

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

Street Tree(s) _____ Species _____

Street Tree(s) _____ Species _____

Sig.Tree(s) _____ Species _____

REASON FOR REMOVAL

SITE INFORMATION

Site Address: _____ Zip: _____

Cross Street: _____ Block: _____ Lot: _____

Owner Name: _____

Phone: _____ E-Mail: marie.mckigney@gmail.com

APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: _____

Applicant Name: _____

Address: _____

City: _____ State: _____ Zip: 4

Phone: _____ E-Mail: _____

I agree to hold harmless the City and County of San Francisco, its agents, officers, and employees from any damage or injury caused by reason of planting, placement, maintenance, or removal of the planter or plants. The owner or owners of the respective property shall be solely liable for any damages. The City has the right to make changes in parking restrictions, such as designating new bus stops or blue zoned parking areas. If parking restrictions change adjacent to your sidewalk landscaping, your sidewalk landscaping permit may be rescinded and you will be required to remove the landscaping and reinstall concrete sidewalk paving. Any proposed changes in parking restrictions will require public notice and require a public hearing prior to implementation.

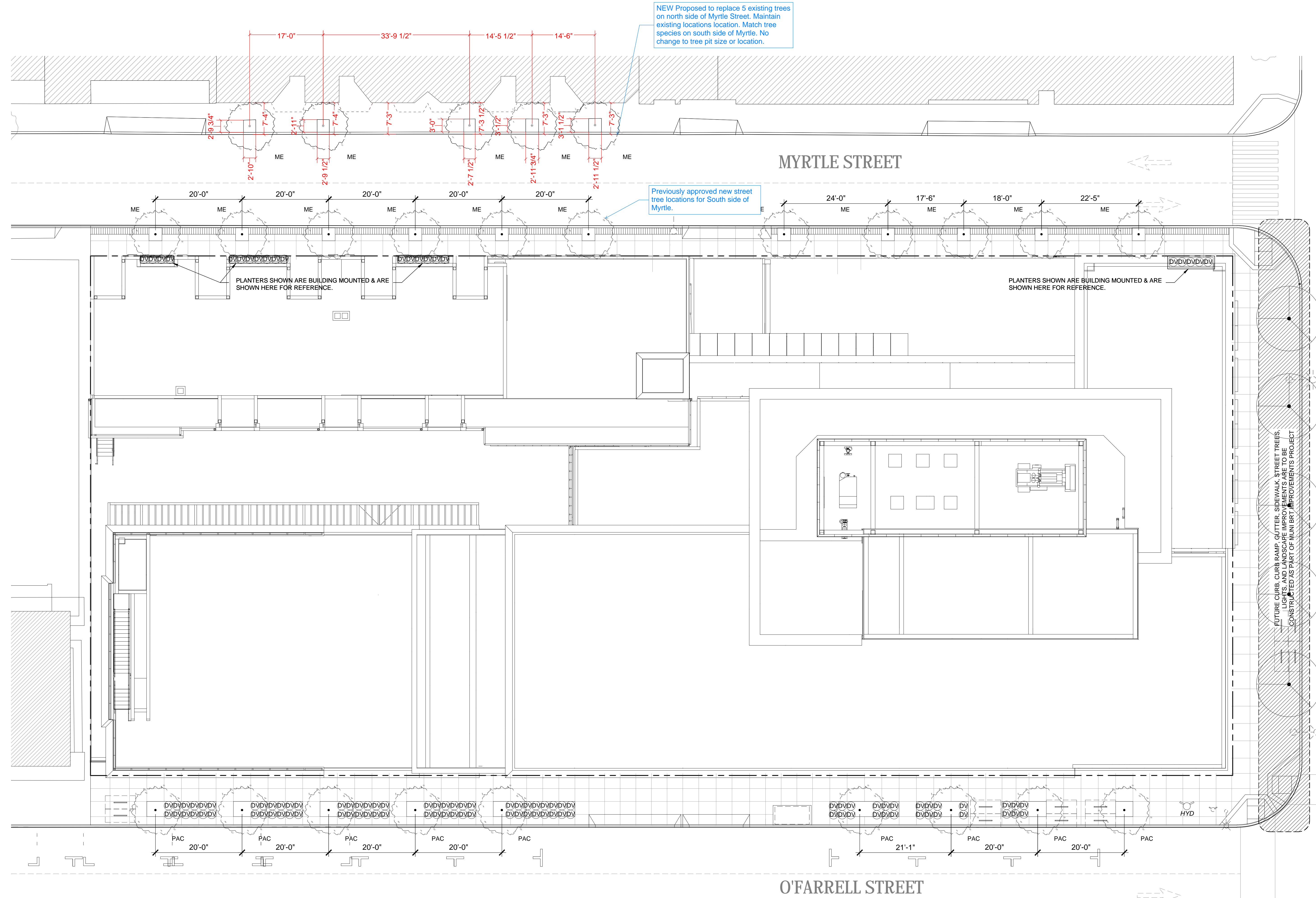


Signature of Applicant/Authorized Agent

Date

_____ Property Owner _____ Authorized Agent

EXHIBIT B-210607-RCR-Tree Removal Application - 1001VN-Myrtle



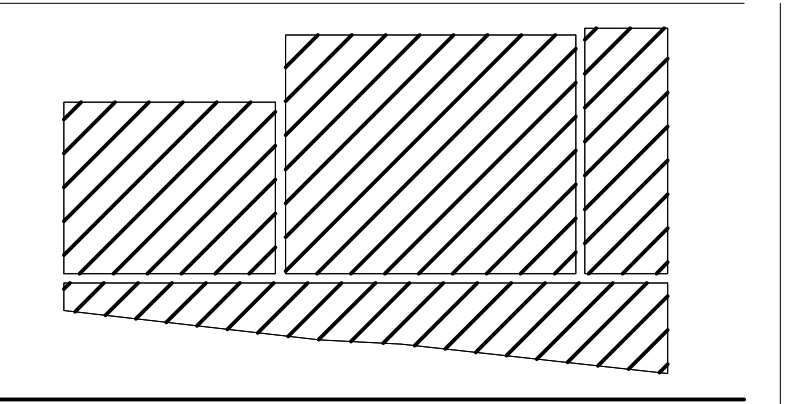
SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	QTY.
PLATANUS X ACERIFOLIA 'COLUMBIA'	COLUMBIA LONDON PLANE-TREE	36" BOX	PER PLAN	9
LOPHOSTEMON CONFERTUS	BRISBANE BOX	36" BOX	PER PLAN	11
BETULA UTILIS VAR. JACQUEMONTII	WHITEBARKED HIMALAYAN BIRCH	48" BOX, MULTI-TRUNK	PER PLAN	6
CORDYLINE AUSTRALIS VARIEGATED	VARIEGATED CABBAGE PALM	15 GAL	PER PLAN	6
MELALEUCA NESOPHILA	PINK MELALEUCA	24" BOX	PER PLAN	2

SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING	QTY.
CHONDROPETALUM TECTORUM	CAPE RUSH	5 GAL	AS SHOWN	44
CLYTOSTOMA CALLISTEIOIDES	LAVENDER TRUMPET VINE	15 GAL	AS SHOWN	15
DIETES VARIEGATA	STRIPED FORTNIGHT LILY	5 GAL	AS SHOWN	112
ERIGERON KARVINSKIANUS	SANTA BARBARA DIASY	5 GAL	AS SHOWN	20
HEUCHERA VILLOSA 'CITRONELLE'	CORAL BELLS	5 GAL	AS SHOWN	65
JUNCUS PATENS	COMMON RUSH	5 GAL	AS SHOWN	98
LEPTOSPERMUM SCOPARILUM 'NANUM RURU'	DWARF NEW ZEALAND TEA TREE	5 GAL	AS SHOWN	19
LEUCADENDRON BELLAS BUTTONS	BELLA'S BUTTONS	5 GAL	AS SHOWN	29
LEUCADENDRON SALIGNUM 'BLUSH'	WILLOW CONE BUSH	5 GAL	AS SHOWN	8
LEUCADENDRON SALIGNUM 'PERRY'S RED'	PERRY'S RED CONE BUSH	5 GAL	AS SHOWN	14
LEUCADENDRON SALIGNUM 'RED DEVIL'	RED DEVIL CONE BUSH	5 GAL	AS SHOWN	14
LEUCOSPERMUM BRANDI'	BRANDI SKY-ROCKET PINCUSHIN	5 GAL	AS SHOWN	14
LOMANDRA LONGIFOLIA BREEZE	DWARF MAT RUSH	5 GAL	AS SHOWN	287
LOMANDRA LONGIFOLIA NYALLA	NYALLA MAT RUSH	5 GAL	AS SHOWN	25
PRUNUS LUSITANICA - INSTANT HEDGE, AVAILABLE FROM INSTANTHEDGE.COM, 5035870102	PORTUGUESE LAUREL	BOX SPACED AS SHOWN		38
PODOCARPUS HENKELII	LONG LEAFED YELLOW-WOOD	15 GAL	AS SHOWN	24
PROTEA CYNAROIDES 'MINI KING'	DWARF KING PROTEA	5 GAL	AS SHOWN	14
ROSEMARINUS OFFICINALIS 'PROSTRATUS'	CREeping ROSEMARY	5 GAL	AS SHOWN	38
SALVIA MICROPHYLLA 'HOT LIPS'	HOT LIPS SAGE	5 GAL	AS SHOWN	11
SALVIA GREGGII PINK	PINK SAGE	5 GAL	AS SHOWN	38
COMMUNITY GARDEN PLANTING	POTABLE WATER IRRIGATION VIA HOSEBIB			

- GENERAL PLANTING NOTES:**
- SEE L-6.01 - PLANTING DETAILS FOR PLANTING AND SOIL DETAILS.
 - ALL TREE PLANTINGS ARE TO HAVE ROOT BARRIERS.
 - STREET TREES TO HAVE ROOT BARRIER PROTECTION FOR FULL LENGTH OF PLANTERS ON BOTH SIDEWALK & CURB SIDE OF TREE PLANTING. TYP.
 - TREE PLANTINGS ON-STRUCTURE ARE TO HAVE A MIN OF 8" ROOTBARRIER PROTECTION ON EITHER SIDE OF A TREE AT PLANTER WALLS & ENTIRE BOTTOM OF PLANTER IS TO BE LINED WITH ROOT BARRIER PROTECTION.
 - ALL PLANTING AREAS ON-STRUCTURE ARE TO BE FILLED WITH LIGHTWEIGHT SOIL, AVAILABLE FROM AMERICAN SOIL & STONE.
 - ALL PLANTING AREAS, ON-GRADE OR ON-STRUCTURE, ARE TO HAVE AMENDED IMPORT OR AMENDED SOILS AS BACKFILL. FOR ONSITE AMENDMENT, SOILS ARE TO BE TESTED, REMOVED & AMENDED PER SOIL TEST FINDINGS AND PLACED BACK INTO INDICATED PLANTING AREAS, TYP.
 - ALL PLANTING AREAS ARE TO HAVE WEED BARRIER FABRIC AND/OR SHEET MULCH.
 - ALL PLANTING AREAS ARE TO HAVE A MINIMUM OF 2" OF 3/8" CRUSHED BASALT DECORATIVE GRAVEL MULCH.
 - FOR ON-GRADE PLANTING AREAS, THE ENTIRE PLANTER IS TO HAVE SOIL REMOVED TO A DEPTH OF 24" AND BACKFILLED WITH IMPORT TOP SOIL.

1 PLANTING PLAN

1" = 10'



1001 VAN NESS AVENUE

1001 VAN NESS AVENUE
SAN FRANCISCO, CA 94109

CLIENT
 ATRIA SENIOR LIVING
 300 E MARKET STREET #100
 LOUISVILLE, KY 40202
 502.779.4700

CLIENT
 RELATED CALIFORNIA
 44 MONTGOMERY STREET
 SUITE 1050
 SAN FRANCISCO, CA 94104
 415.677.9000

ARCHITECT
 HANDEL ARCHITECTS, LLP
 735 MARKET ST.
 2ND FLOOR
 SAN FRANCISCO, CA 94103
 415.495.5388

CLIENT
 ORYX PARTNERS, LLC
 1001 VAN NESS AVENUE
 SAN FRANCISCO, CA 94109
 415.902.5882

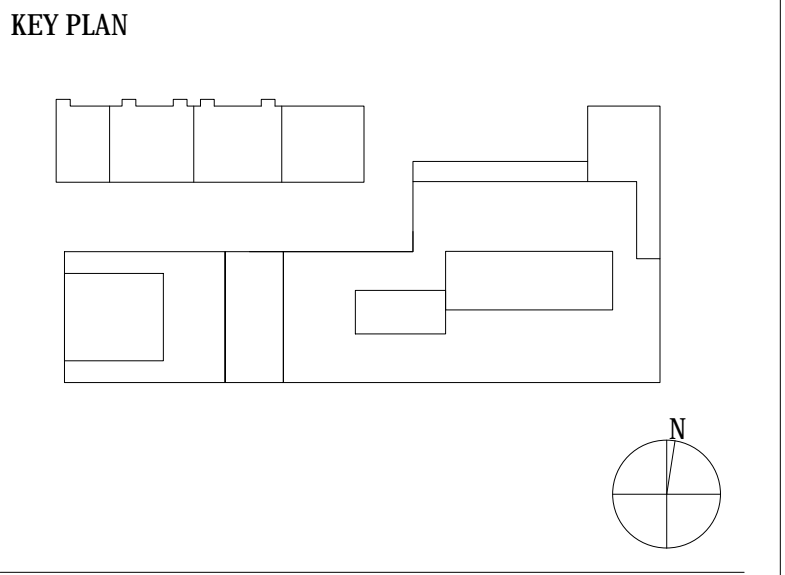
STRUCTURAL ENGINEER
 THORNTON TOMASETTI
 707 WILSHIRE BLVD.
 SUITE 4450
 LOS ANGELES, CA 90017
 213.530.7000

MEP DESIGN ENGINEER
 CB ENGINEERS
 449 10TH STREET
 SAN FRANCISCO, CA 94103
 415.437.7330

CIVIL ENGINEER
 BRK
 150 CALIFORNIA STREET
 SUITE 650
 SAN FRANCISCO, CA 94111
 415.930.7900

LANDSCAPE ARCHITECT
 FLETCHER STUDIO
 225 3RD STREET
 SUITE 413
 SAN FRANCISCO, CA 94107
 415.431.7878

REV.	DESCRIPTION	DATE
17	CCD-003.1	03-3-21
16	CCD-003	02-3-21
9	CCD-001	07-13-20
E	ADDENDUM 2 REV E	06-15-20
8	CONSTRUCTION DOCUMENTS 90% R3	04-30-20
7	CONSTRUCTION DOCUMENTS 90% R2	02-07-20
D	ADDENDUM 2	01-27-20
5	CONSTRUCTION DOCUMENTS 90%	12-06-19
4	CONSTRUCTION DOCUMENTS 60%	09-27-19
C	SITE PERMIT REV C	09-09-19
3	DESIGN DEVELOPMENT	06-28-19
2	DESIGN DEVELOPMENT 50%	05-03-19
A	SITE PERMIT	10-28-18



SCALE
 DRAWN BY:
 DATE:
 HA PROJECT # 1092

PLANTING PLAN
STREETSCAPE - 1001 VAN NESS

L-5.00

3/2/2021 5:39:01 PM

Marie McKigney
Myrtle Street HOA
234-248 Myrtle Street
San Francisco, CA 94109
May 19, 2021

Ms. Short
Urban Forestry Superintendent
Bureau of Urban Forestry
49 South Van Ness Avenue, Suite 1000
San Francisco, CA 94103

Dear Ms. Short:

I'm writing on behalf of the Myrtle Street Homeowner's Association to support the 1001 Van Ness project sponsor's proposal to remove and replace the five street trees in front of our properties from 234 to 248 Myrtle Street. Our homeowners have been enthusiastic supporters of the project and its vision for Myrtle Street since its original approval by the SF Planning Commission in 2016. We provided a letter of support for the 2019 Commission approval based on the plans to revitalize Myrtle Street, including new street trees.

Prior to the inception of this project, Myrtle Street was an easy target for graffiti taggers and homeless encampments. We expect the completion of the project to improve the situation, but are concerned that the existing trees are in poor condition, with damaged trunks, lopsided canopies, and bug infected leaves. The proposal to replace these damaged trees with new, healthy, and location appropriate species would not only benefit our immediate sidewalk, but also contribute to a better, more cohesive Myrtle streetscape.

We strongly encourage the Bureau of Urban Forestry to approve the plan to remove and replace the existing street trees.

Sincerely,

A handwritten signature in blue ink that reads "M. McKigney". The signature is written in a cursive, flowing style.

Marie McKigney
President, Myrtle Street HOA

Katherine Fraser
244 Myrtle Street
San Francisco, CA 94109

May 30, 2021

Ms. Short

Urban Forestry Superintendent
Bureau of Urban Forestry
49 South Van Ness Avenue, Suite 1000
San Francisco, CA 94103

Dear Ms. Short:

I'm writing as the owner of 244 Myrtle Street, located in an eight unit building directly across the street from the construction of the new multi-unit assisted living project at 1001 Van Ness Avenue. I am writing in support of the 1001 Van Ness project sponsor's proposal to remove and replace the five street trees in front of our properties from 234 to 248 Myrtle Street. Each and every homeowner has been an enthusiastic supporter of the project and its vision for Myrtle Street since its original approval by the SF Planning Commission in 2016. As individual owners, and as a Home Owners Association, we have worked diligently, writing letters and appearing at many city meetings, to finally gain the Planning Commission's 2019 approval based on the plans to revitalize Myrtle Street, including new street trees.

Prior to the inception of this project, Myrtle Street was an easy target for graffiti taggers, homeless encampments, drug use and violence. The police were called frequently and made many, many stops on Myrtle Street over the years. We believe the completion of the project at 1001 Van Ness Avenue will drastically improve life on Myrtle Street. However, we are very concerned that the existing trees are in very poor condition, having been damaged during construction by the many trucks delivering supplies, cranes elevating beams, and cement pouring activities that have taken place on our very narrow street also known as Myrtle Alley. All of this has resulted in damaged trunks, lopsided canopies, dead limbs and bug infected leaves leaving the trees unsightly and with limited longevity. The proposal to replace these damaged trees with new, healthy, and location appropriate species would not only benefit our immediate sidewalk, but also contribute to a better, more cohesive Myrtle streetscape.

I strongly encourage the Bureau of Urban Forestry to approve the plan to remove and replace the existing street trees. Thank you!

Sincerely,



Katherine Fraser
Owner, 244 Myrtle Street

John Deasy &
Morgana Davids
Myrtle Street HOA
240 Myrtle Street
San Francisco, CA 94109
May 19, 2021

Ms. Short
Urban Forestry Superintendent
Bureau of Urban Forestry
49 South Van Ness Avenue, Suite 1000
San Francisco, CA 94103

Dear Ms. Short:

We're writing on behalf of the Myrtle Street Homeowner's Association to support the 1001 Van Ness project sponsor's proposal to remove and replace the five street trees in front of our properties from 234 to 248 Myrtle Street. Our homeowners have been enthusiastic supporters of the project and its vision for Myrtle Street since its original approval by the SF Planning Commission in 2016. We provided a letter of support for the 2019 Commission approval based on the plans to revitalize Myrtle Street, including new street trees.

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We strongly encourage the Bureau of Urban Forestry to approve the plan to remove and replace the existing street trees.

Sincerely,

Two handwritten signatures in black ink. The first signature is 'John Grahme Deasy' and the second is 'Morgana Davids'.

John Grahme Deasy & Morgana Davids
Member, Myrtle Street HOA

May 28, 2021

Jim Dycus
Myrtle Street HOA
236 Myrtle Street
San Francisco, CA 94109

Ms. Short
Urban Forestry Superintendent
Bureau of Urban Forestry
49 South Van Ness Avenue, Suite 1000
San Francisco, CA 94103

Dear Ms. Short:

I'm writing on behalf of the Myrtle Street Homeowner's Association to support the 1001 Van Ness project sponsor's proposal to remove and replace the five street trees in front of our properties from 234 to 248 Myrtle Street. Our homeowners have been enthusiastic supporters of the project and its vision for Myrtle Street since its original approval by the SF Planning Commission in 2016. We provided a letter of support for the 2019 Commission approval based on the plans to revitalize Myrtle Street, including new street trees.

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We strongly encourage the Bureau of Urban Forestry to approve the plan to remove and replace the existing street trees.

Sincerely,

A handwritten signature in black ink that reads "Jim Dycus". The signature is written in a cursive, slightly slanted style.

Jim Dycus
Member, Myrtle Street HOA

May 28, 2021

Danielle McArthur
Michael Murray
Myrtle Street HOA
238 Myrtle Street
San Francisco, CA 94109

Ms. Short
Urban Forestry Superintendent
Bureau of Urban Forestry
49 South Van Ness Avenue, Suite 1000
San Francisco, CA 94103

Dear Ms. Short:

I'm writing on behalf of the Myrtle Street Homeowner's Association to support the 1001 Van Ness project sponsor's proposal to remove and replace the five street trees in front of our properties from 234 to 248 Myrtle Street. Our homeowners have been enthusiastic supporters of the project and its vision for Myrtle Street since its original approval by the SF Planning Commission in 2016. We provided a letter of support for the 2019 Commission approval based on the plans to revitalize Myrtle Street, including new street trees.

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We strongly encourage the Bureau of Urban Forestry to approve the plan to remove and replace the existing street trees.

Sincerely,



Michael Murray
Member, Myrtle Street HOA

**EXHIBIT C-Myrtle Street-FY 21-22
Sidewalk Landscape Application-Signed**

APPLICATION FOR PERMEABLE SIDEWALK-LANDSCAPING PERMIT



London N. Breed
Mayor

Alaric Degrafinried
Acting Director

Urban Forestry
49 South Van Ness Ave.
Suite 1000
San Francisco, CA 94103
Tel 628-652-4887

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

DATE 11/23/21 APPLICATION # _____ APPROVED BY _____

Application is hereby made under provision of Article 16 of the Public Works Code for permission to install landscaping in or on the sidewalk adjacent to the premises located at

SITE INFORMATION

Site Address: 234-248 Myrtle Street Zip: 94109
Cross Street: Btwn Franklin & Van Ness Block: 0714 Lot: 20 to 27
Owner Name: Marie McKigney, Myrtle Street HOA President
Phone: 628-241-8767 E-Mail: marie.mckigney@gmail.com

APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: Van Ness Prop Co.
Applicant Name: Tansy Mak
Address: 44 Montgomery, Suite 1300
City: San Francisco State: CA Zip: 94104
Phone: 628-241-8767 E-Mail: tmak@related.com

PROJECT INFORMATION

Provide a to-scale site plan drawing indicating the proposed changes to the sidewalk area under consideration. Indicate sidewalk dimensions, property boundary, curb and location of existing street trees, utilities, light poles, street signs and any other encroachments to remain. Indicate areas of new plantings, location of new trees, and permeable surfaces.

I am submitting this application in response to a Notice to Repair (NTR) from SF Public Works.

NTR # _____ City Inspector's Name _____

PLANT LIST	Quantity	Species (Attach additional list as needed)
	<u>16</u>	<u>Lomandra longifolia 'Platinum Beauty'</u>
	<u>8</u>	<u>Lomandra longifolia 'Lime Tuff'</u>
	<u>5</u>	<u>Cordyline australis 'Variegata'</u>

I agree to hold harmless the City and County of San Francisco, its agents, officers, and employees from any damage or injury caused by reason of planting, placement, maintenance, or removal of the planter or plants. The owner or owners of the respective property shall be solely liable for any damages. The City has the right to make changes in parking restrictions, such as designating new bus stops or blue zoned parking areas. If parking restrictions change adjacent to your sidewalk landscaping, your sidewalk landscaping permit may be rescinded and you will be required to remove the landscaping and reinstall concrete sidewalk paving. Any proposed changes in parking restrictions will require public notice and require a public hearing prior to implementation.

Tansy Mak

Digitally signed by Tansy Mak
Date: 2021.11.23 16:23:30 -08'00'

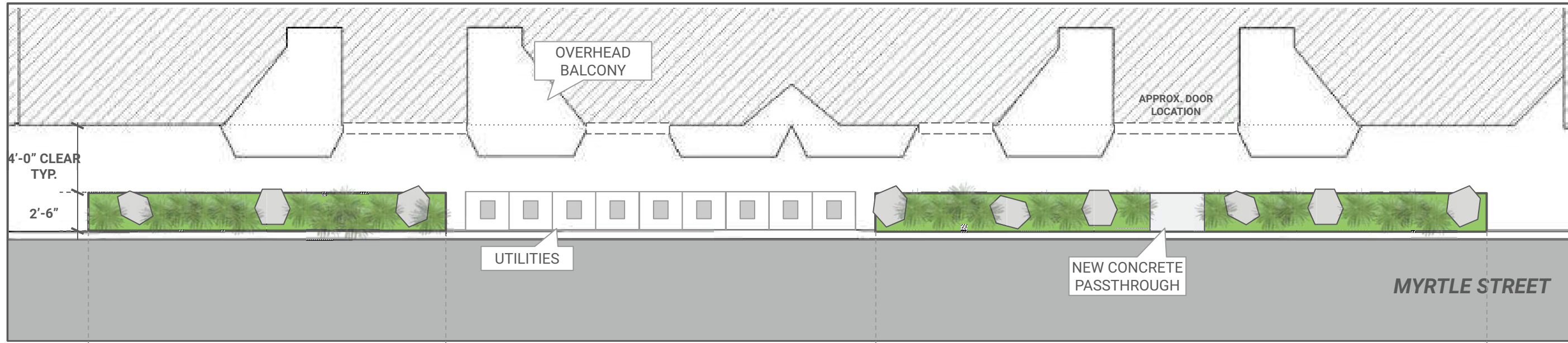
11/23/21

Signature of Applicant/Authorized Agent

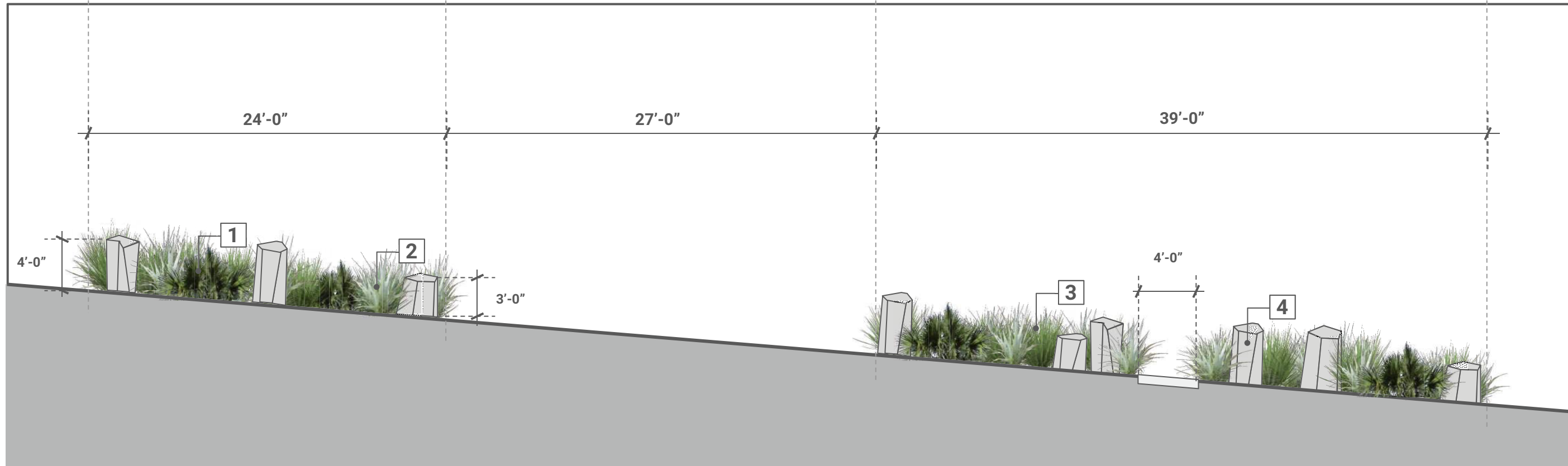
Date

_____ Property Owner X Authorized Agent

MYRTLE NEIGHBOR STREETScape



PLAN



SECTION

NOTES:

1. Images are for visual reference and are representative of design intent, but not the final design.
2. Basalt columns will be selected with tops that mitigate seating opportunities. Basalt columns will be permanently set in place via puddle set concrete.
3. Planting is shown for reference, additional flowering species are an option, pending community feedback.
4. Drawing scale is approximate, final dimensions subject to utility and City coordination and approvals.



1
CORDYLINE AUSTRALIS 'VARIEGATA'



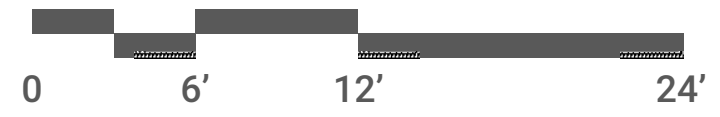
2
LOMANDRA 'LIME TUFF'



3
LOMANDRA 'PLATINUM BEAUTY'



4
BASALT COLUMNS
3'-0" to 4'-0" High
1'-6" to 2'-6" Wide



**EXHIBIT D - Excerpts from 1001VN Final
Motion M-20411**

Motion No. 20411
April 4, 2019

RECORD NO. 2018-013413CUA
1001 Van Ness Avenue

- E. **Rear Yard.** Planning Code Section 134(a)(1) requires that in RC-4 Districts a 25 percent rear yard be provided. An approximately 66-foot deep rear yard from the rear lot line would need to be provided for the Project. However, in the Van Ness Special Use District, Section 243(c)(6) allows either a Zoning Administrator or PUD modification. The Project is seeking a PUD modification from the rear yard requirement pursuant to Section 304; findings for which are set forth below.

The Project does not meet the rear yard depth per Planning Code Section 134(a)(1); however, the Project is seeking a PUD modification to the rear yard requirement under Section 243(c)(6). The Project is required to provide a rear yard of approximately 7,920 square feet. The Project proposes to provide common open spaces totaling approximately 15,500 square feet.

- F. **Open Space.** Planning Code Section 135 requires 48 square feet of common usable open space or 36 square feet of private usable open space per dwelling unit.

While the Project is not required to provide common usable open space since a residential care facility is considered an institutional healthcare use, the Project will, nonetheless, provide common usable open spaces through a combination of inner court yard, terraces, and roof decks, totaling approximately 15,500 square feet. The Project will also provide private usable open space in the form of balconies, totaling approximately 1,700 square feet. The combined usable open space for the Project would be approximately 17,200 square feet.

- G. **Better Streets Plan.** Planning Code Section 138.1 establishes requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation.

The Project's streetscape and pedestrian improvements include upgrades to Van Ness Avenue, O'Farrell and Myrtle Streets, including new street trees, re-paving of Myrtle Street, bike parking, lighting fixtures, and various hedges and plantings. Sidewalk improvements on Van Ness Avenue will meet the new Van Ness Bus Rapid Transit standards by MTA.

- H. **Street Trees.** Planning Code Section 138.1 requires the installation of street trees in the case of the construction of a new building. One 24-inch box tree is required for every 20 feet of property frontage along each street or alley, with any remaining fraction of ten feet or more of frontage requiring an additional tree. The species and locations of trees installed in the public right-of-way shall be subject to approval by the Department of Public Works (DPW). The requirements of Section 138.1 may be waived or modified by the Zoning Administrator, pursuant to Section 428, where DPW cannot grant approval due to practical difficulties.

Motion No. 20411
April 4, 2019

RECORD NO. 2018-013413CUA
1001 Van Ness Avenue

- Activating the Van Ness Avenue ground floor frontage and O'Farrell Street corner with approximately 5,000 square feet of highly visible ground floor retail.
- Activating the Myrtle Street ground floor frontage with a "Myrtle Flats" building across from the existing historic Myrtle Street flats and townhomes, establishing an appropriate scale on this narrower street, and with a ground level landscaped courtyard entry to the main building.
- Significantly enhancing Myrtle Street with landscape and hardscape improvements including upgraded street trees, planting strips, seat-wall elements with lighting, and attractive new pavers.
- Activating O'Farrell Street with new retail frontage at the Van Ness Avenue corner, a pedestrian entrance to a salon on the second level, and a pedestrian and vehicular entrance to the porte cochere half way up the building frontage. This access point will act as a secondary pedestrian entry point to the main lobby.

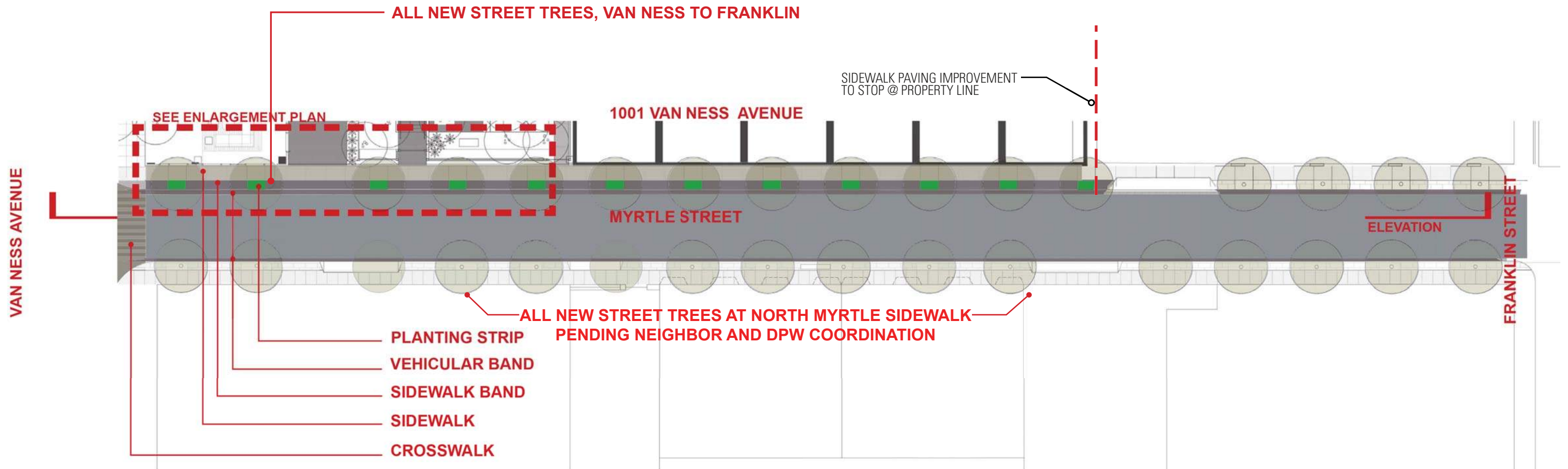
(3) While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

The design intent of the Project is to reduce the apparent massing along Myrtle and O'Farrell Streets. The proposed single tower approach would create less massing and bulk along O'Farrell and Myrtle Streets compared to a bulk compliant two-tower scheme. The single tower approach also allows the building to be set back significantly along Myrtle Street which would enable the flats and entry courtyard to provide light and air onto Myrtle Street. This scheme has been widely embraced by the nearby residents and the community. Since introducing this single-tower scheme, the Project design team has worked closely with Department staff to introduce significant additional setbacks on Van Ness Avenue and to sculpt the size of the tower to arrive at the current scheme. In addition, the facade of the building is further modulated with plane and material changes to further break up the massing of the building.

13. **Conditional Use Findings.** Planning Code Section 303(c) establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use authorization. On balance, the Project complies with said criteria in that:

- A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

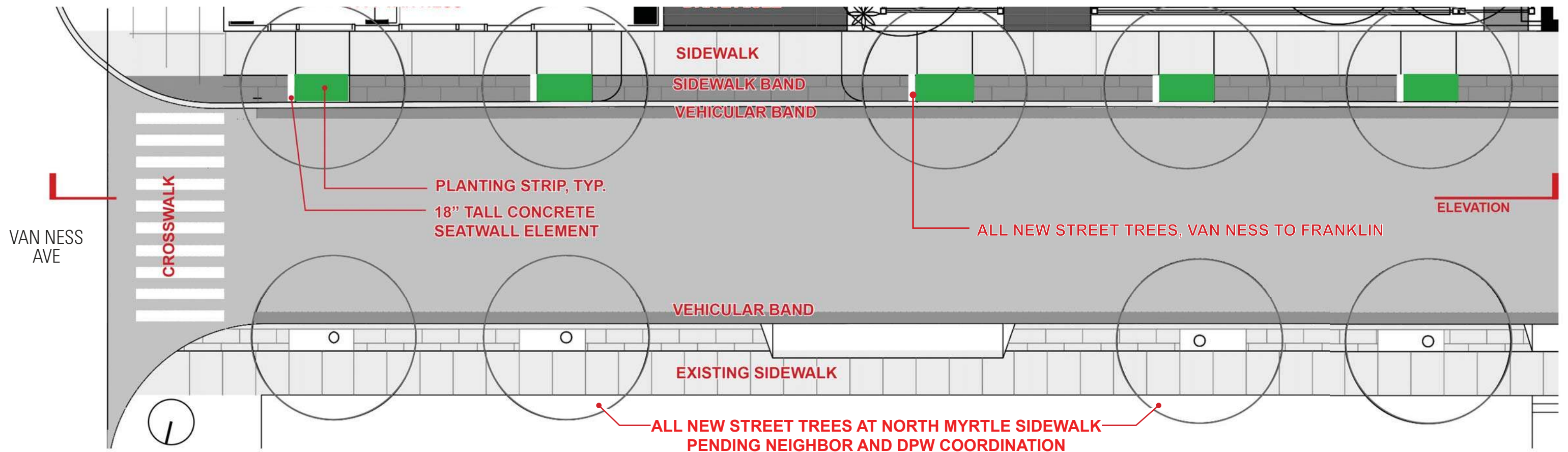
The Project is necessary and desirable for the neighborhood because it will replace a vacant office building and former television studio/office building that has an imposing bulk, massing and façade with a licensed assisted living development providing approximately 247 assisted living housing units for seniors in addition to a variety of supportive services including, for example, assistance with activities of daily living, three daily meals, social activities, transportation services, cleaning services, medication management, and - on select floors - assistance for people with Alzheimer's and dementia. According to



LEGEND				
	SIDEWALK	City Standard - Concrete		ENTRY VEHICULAR
	SIDEWALK BAND	18" X 36" Running Bond		CROSSWALK (6" X 6") Precast Concrete Paver
	VEHICULAR BAND	12" X 24" Strip		PLANTING STRIP Ornamental Planting
*REFER TO MYRTLE STREET LANDSCAPE MATERIALS PRECEDENT IMAGES				

NOT TO SCALE

LANDSCAPE - MYRTLE STREET



NOT TO SCALE

EXHIBIT E - Neighbor Support Letters

EXHIBIT E - Neighbor Support Letters

April 6, 2022

Morgana Davids and John Deasy
Myrtle Street HOA
240 Myrtle Street
San Francisco, CA 94109

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

Dear Board Members,

I am writing in support of the DPW Order #206262, tree removal permit application #788560 regarding the removal of five (5) street trees without replacement adjacent to 234 Myrtle Street. The Department recommended the approval of the tree removal without replacement since the site condition (narrow sidewalk) does not allow for replacement trees.

We (the Myrtle Street HOA) have been working together with the permit applicant (Van Ness Prop Co.) to apply for this tree removal permit and the sidewalk landscaping permit #789019. We are excited for these new streetscape improvements.

We request the Board of Appeals to uphold the DPW Decision Order #206262 to approve the tree removal permit application #206262, with no new conditions.

Sincerely,



The block contains two handwritten signatures in black ink. The first signature is a stylized cursive signature, likely of Morgana Davids. The second signature is a more legible cursive signature, likely of John Deasy, with a long horizontal flourish extending to the right.

April 12, 2022

James W. Dycus
Myrtle Street HOA
236 Myrtle Street
San Francisco, CA 94109
415-425-0582

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

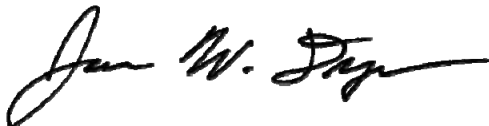
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We request that the Board of Appeals uphold the DPW Decision Order #206262 to approve the tree removal permit application #206262, with no new conditions.

Sincerely,

A handwritten signature in black ink that reads "James W. Dycus". The signature is fluid and cursive, with a long horizontal stroke at the end.

James W. Dycus

April 12, 2022

Danielle McArthur & Michael Murray
Myrtle Street HOA
238 Myrtle Street
San Francisco, CA 94109

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

Dear Board Members,

I am writing in support of the DPW Order #206262, tree removal permit application #788560 regarding the removal of five (5) street trees without replacement adjacent to 234 Myrtle Street. The Department recommended the approval of the tree removal without replacement since the site condition (narrow sidewalk) does not allow for replacement trees.

We (the Myrtle Street HOA) have been working together with the permit applicant (Van Ness Prop Co.) to apply for this tree removal permit and the sidewalk landscaping permit #789019. We are excited for these new streetscape improvements.

We request the Board of Appeals to uphold the DPW Decision Order #206262 to approve the tree removal permit application #206262, with no new conditions.

Sincerely,

Danielle McArthur & Michael Murray

April 11, 2022

From: Katherine Fraser, DMH
244 Myrtle Street
San Francisco CA 94109

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

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Sincerely,

A handwritten signature in cursive script that reads "Katherine Fraser".

Katherine Fraser, DMH

Owner

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

May 5, 2022

Appeal No. 22-023 / 234 Myrtle St.

Department's Brief (supporting permit holder's tree removal permit)

Tree Removal Permit Application No. 788560

RE: Removal of five (5) ficus trees without replacement adjacent to 234 Myrtle St.

Dear President Swig and Commissioners:

Public Works is submitting this brief to support the denial of appeal no. 22-023 filed by Mr. John Nulty. Public Works approved the permit holder's tree removal permit application no. 788560 to remove five (5) ficus trees without replacement with street trees due to the narrowness of the sidewalk adjacent to 234 Myrtle St. The project sponsor proposes to install as much landscaping as is possible, within this narrow public right-of-way.

The permit holder/respondent, Van Ness Property Co. for 1001 Van Ness Ave, has worked for several years with multiple, individual property owners whom comprise the 234-248 Myrtle Homeowners Association, to address and mitigate concerns that were anticipated during the construction of the building. Public Works is pleased to see that there are letters of support from the HOA members supporting the current plan to install landscaping, letters obtained both prior to construction and again at the conclusion of construction.

The most recent letters of the support acknowledge the challenges of the site that prevents Public Works from allowing street trees to be replanted adjacent to their property. Several members of the HOA attended and testified during our Public Works hearing that was held on February 28, 2022. This demonstrates that these key stakeholders are in communication with the project sponsor, that the project sponsor is supported by these multiple property owners, and that there is no dissenting opinions among the HOA members questioning the plans or the narrative history.

Everyone is in agreement that the five (5) ficus trees are in extremely poor condition and should be removed. They were getting damaged by autos from the moment they were planted in this narrow sidewalk. The trees do not appear to have been permitted for planting, and the approximately 97' long frontage to the PROW has approximately 24' of utility conflicts. The remaining 73' feet of linear frontage to the PROW is further broken up by the presence of eight (8) bay windows along this space.

Our tree planting guidelines (Director's Order 187246) state that "No street tree planting will be allowed in sidewalks with a width less than 7'-6". Exceptions may be granted on a case-by-case basis, as approved by Public Works." The sidewalk width along this frontage is 6'6" with an additional 6" curb to make it 7' total. We remain 6" short of our minimum basin size to permit the planting of replacement trees. The presence of the 2nd floor bay windows, which are also somewhat lower in height than typical 2nd story windows, further reduces any reasonable planting space for trees that Public Works could anticipate maintaining in the future. Although our own guidelines state that "exceptions may be granted on a case-by-case basis, as approved by Public Works," the site has been reviewed by staff, further reviewed as part of our hearing decision, and replacement trees are not recommended in this narrow sidewalk.

The appellant Mr. Nulty brings up valid feedback that the project sponsor and/or their contractors for the project at 1001 Van Ness Ave., removed fourteen (14) street trees without a permit. The applicant was in the middle of the public notification and hearing process at the time that their contractor removed the trees illegally a couple of years ago. Based on the illegal removal our Department issued the required fine of \$48,376.00. This fine has been paid by the project sponsor.

Earlier this year, the Board of Supervisors, with the support and urging of the commissioners of the Board of Appeals and many tree advocates city-wide including Mr. Nulty, amended our Urban Forestry Ordinance such that the minimum fine for an illegally removed trees is now \$10,000.00 per tree. Were the identical trees removed without a permit today, the minimum fine amount that Public Works would issue is \$140,000.00 for the illegal removal of fourteen (14) street trees. We respectfully acknowledge Mr. Nulty's years of advocacy and support that has enhanced the City's Urban Forestry Ordinance.

At the bottom of page three of his brief, Mr. Nulty references section 806(a)(6) of Article 16 of the Public Works Code. Public Works supports the response provided by the permit holder, that this citation is made in error. This section of the code refers to the planting and removal of trees by the Department, not by applicants or permit holders.

We appreciate the amount of time and effort that the permit holder for 1001 Van Ness and the property owners of the 234-248 Myrtle Street HOA have devoted to working together while this very large project reaches completion.

Our Department respectfully asks that the commissioners deny the appeal and uphold permit no. 788560 (Public Works Order No. 206262).

Respectfully,

Chris Buck

Chris Buck

Urban Forester

(no enclosures--to be provided at hearing)

PUBLIC COMMENT

April 6, 2022

Morgana Davids and John Deasy
Myrtle Street HOA
240 Myrtle Street
San Francisco, CA 94109

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

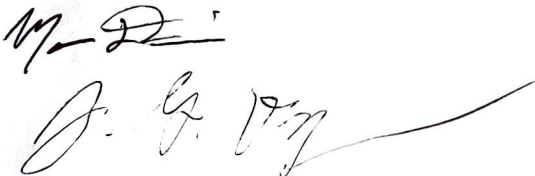
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We request the Board of Appeals to uphold the DPW Decision Order #206262 to approve the tree removal permit application #206262, with no new conditions.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature is a stylized cursive signature, likely of Morgana Davids. The second signature is a more legible cursive signature, likely of John Deasy, and is followed by a long horizontal line extending to the right.

From: [North Market](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: 234 Myrtle Street
Date: Thursday, May 5, 2022 2:54:50 PM

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

Board of Appeals

RE: Public Comment

We request that the Department of Public Works rescind its approval of the removal of five (5) street trees in front of the Myrtle Street Flats. That Board of Appeals has the Respondent's and other parties present a complete plan to replace the five (5) street trees on Myrtle Street and to provide water and maintenance for those trees for a period of three years. This is the only outcome that complies with the plain mandatory language of Section 806, as amended, and is in accord with the objective of the Urban Forest Plan to replace all removed street trees in San Francisco.