BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
MIDPEN HOUSING CORPORATION,)
Appellant(s))
)
vs.)
)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF URBAN FORESTRY,)
Respondent

Appeal No. **21-040**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on April 22, 2021, 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 April 12, 2021, of an Order - Removal by Private Entity (APPROVAL to remove five trees (two trees on 42nd Ave. and three trees on 43rd Ave.) because of their poor condition; DENIAL of the removal of fourteen trees (nine trees on 42nd Ave. and five trees on 43rd Ave.) because they are healthy, established and sustainable; a new development is proposed for high density housing at his location) at 1351 42nd Avenue (including frontage on 43rd Ave.).

APPLICATION NO. Order No. 204615

FOR HEARING ON June 23, 2021

Address of Appellant(s):	Address of Other Parties:
MidPen Housing Corporation, Appellant(s) c/o Lauren Fuhry, Agent for Appellant(s) 350 College Avenue, Suite 250 Santa Rosa, CA 95401 c/o Michelle Kim, Agent for Appellant(s) ,	N/A

Date Filed: April 22, 2021

CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

PRELIMINARY STATEMENT FOR APPEAL NO. 21-040

I / We, **MidPen Housing Corporation**, hereby appeal the following departmental action: **ISSUANCE** of **Order No. 204615** by the **San Francisco Public Works, Bureau of Urban Forestry** which was issued or became effective on: **April 12, 2021**, for the property located at: **1351 42nd Avenue** (The approval of five (5) trees to be removed and the denial of fourteen (14) trees to be removed at the subject property).

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 **June 3, 2021**, **(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 should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and chris.buck@sfdpw.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **June 17, 2021**, **(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 should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org lauren.fuhry@midpen-housing.org and mkim@midpen-housing.org

The Board's physical office is closed to the public and hard copies of the brief do NOT need to be submitted.

Only photographs and drawings may be submitted by the parties at the hearing.

Hearing Date: **Wednesday, June 23, 2021, 5:00 p.m.,** 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 change 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/boaYou may also request a copy of the packet of 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 (Circle One):

Signature: Via Email

Print Name: Lauren Fuhry, agent for appellant**.**

MidPen HOUSING
Building Communities. Changing Lives.

RE: Public Works Order No. 204615 **April 22, 2021**

This letter is in reference to the San Francisco Bureau of Urban Forestry (BUF) denial of MidPen Housing Corporation's appeal of BUF's decision to deny removal of fourteen (14) existing street trees surrounding Shirley Chisholm Village, a proposed development of 135 units of SFUSD educator housing in San Francisco's Outer Sunset neighborhood.

We are appealing BUF's decision because we believe our current landscaping plan, which calls for replacing the existing street trees with larger 36" box trees that are well-suited to the ocean-influenced conditions present at the site, will result in much larger, healthier trees that can sequester carbon and create a more complete street canopy. Our landscaping plan calls for high quality, imported soil to replace the existing sandy soil that is characteristic of this part of San Francisco, and which has stunted the growth and establishment of the existing trees. Our plan also calls for piping irrigation to the new trees beneath the new sidewalk being laid, which will support their immediate establishment and vigorous growth in the near-term.

We deeply appreciate BUF's efforts over the last four years to establish eight (8) of the current *Lagunaria* trees at the site and appreciate their desire to preserve four (4) olive trees and two (2) swamp myrtles, however, on the advice of our arborist, we are concerned that the existing trees are not vigorous enough (due to the ocean air and sandy soil conditions mentioned above) to survive the impact of immediately adjacent construction. Shirley Chisholm Village will be a 5-story building that includes subterranean parking, excavation, shoring, a tower-crane, and large machinery on a relatively small site. If the trees do survive, their growth is likely to be further stunted. Regardless of construction impacts, the maximum height of the olive and swamp myrtle trees is 30', while the replacement trees we are specifying can reach up to 50'. We respectfully request approval to replace the current trees per our landscaping plans.

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

Public Works Order No: 204615

The Director of Public Works held a Public Hearing on Monday, March 22nd, 2021 commencing at 5:30 PM via teleconference to consider several items related to tree removals. In accordance with Gov. Gavin Newsom's statewide order for all residents to shelter in place and the numerous local and state proclamations, the hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 204447 (permit application no. 785244) the removal of nineteen (19) street trees with replacement adjacent to 1351 42nd Ave. The trees are located on both the 42nd Ave and 43rd Ave frontages. Staff approved the removal of five (5) trees and the public protested. Staff denied the removal of fourteen (14) trees and the applicant appealed.

Findings

Urban Forestry staff Mr. Chris Buck presented a powerpoint, BUF explained SFUSD owned the lot and it was repurposed for community several years ago. At the time, BUF added trees for beautification of the sparsely planted frontage. A new development is proposed for high density houses and the tree removal permit application includes a landscape plan that proposed the removal of 19 street trees, with replacement of just 11 street trees. The project triggers a tree planting requirement of a total of 25 street trees based on the two frontages (existing or new) and any trees not able to be planted, are assessed in-lieu fees that funds the planting of street trees elsewhere in the City.

Staff level approvals, protested by the public:
On 42nd Ave two (2) trees were approved for removal and on 43rd Ave three (3) trees were approved for removal because they are in poor condition and they are established and there is no way to bring them back to good health.

Staff level denials, appealed by the applicant:
On 42nd Ave nine (9) trees were denied for removal and on 43rd Ave five (5) trees were denied removal because they are healthy, established and sustainable. On 42nd, the nine (9) trees denied are upright in form and can be worked around during construction including an olive tree. The trees were meticulously watered for three years to get established, are healthy and established and no longer require supplemental watering; hence these are denied.

• Order of public comment: Appellant (applicant) appealing the denials by BUF, to spoke first, then those appealing removal of trees approved by BUF, and then back to BUF as necessary.

• Applicant: Michelle Kim, Senior PM for MidPen Housing presented the project. The design team held multiple public meetings regarding trees. Community feedback was neighborhood expression of desire for outdoor play area and better trees.
• Applicant: Walter Levison, consulting arborist for project. Through his assessment, he tagged and assessed many trees. The condition of trees ranged from poor to exceptional. The main limitation to good growth is lack

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of piped water to site. The project will install new trees and irrigate them via piped water. The site in Zone 17 is subject to high wind, salt, fog that inhibit good growth performance.
• Applicant: Chris Watkins, Associate at Fletcher Studio Landscape Architects. He explained the landscape design throughout the site, discussed lack of urban canopy. Stunted growth, poor soil, etc. All these existing deficiencies will be remedied by new proposed trees. Correct spacing and box size and watering and treatment will provide a better canopy. 36" box size are proposed for replacement.

• Public Support for Applicant: John Funke is a neighbor across the street. He voiced support for removal and addition of trees. He feels the new trees will provide a bigger canopy.
• Project Sponsor Support for Applicant: Erin Carson is from Mayor's Office of Housing and expressed support for the program and proposed landscape improvements.

• Protest: Josh Klipp understands the need for housing and feels that planning is developer driven and therefore sees trees as a low priority. Effort by BUF to develop trees, and as a taxpayer, protection of those trees is expected. There appears to be plenty of room to work around the existing trees that BUF staff have denied, a large amount of open frontage to work with.
• Protest: John Nulty lived in the Sunset district and has familiarity with the weather. He feels it is difficult and big feat for trees to reach maturity or become established.

• BUF Follow-up: Chris Buck addressed the question, "Can the trees be practically saved?" Arborist agreed some trees are fine and required water added. Can the trees be replanted? It cannot be practically done based on their root establishment. Therefore, trying to relocate them would be very challenging and reset the three-year effort to get them established.

• Applicant Follow-up: Walter Levison - New planter configuration cannot be practically installed without harming trees.
• Applicant Follow-up: Chris Watkins – Full maturity would require removal of some trees. i.e. Current design is not conforming with BUF's design guidelines for proper spacing.

• Protest Follow-up: Josh Klipp disagrees with the notion that the trees should be removed. John Nulty restated that the trees were in place before the design and not worked around. BUF took three years to get them esstablihed.

• BUF Follow-up: Chris Buck stated that there are no direct conflicts with constructability. i.e. the trees can be worked around and successfully protected and remain in place. Street light conduit, etc. can be worked around trees. He feels it will not impact the project, and the design team can incorporate the existing trees into the design, particularly where proposed trees are just younger versions of the tree already established for three years.

• Project Sponsor Support for Project: Paul Travis, Mayor's Office of Housing – Project is proposing to plant trees that are substantially larger than the existing trees. In the long run, future health and longevity of the proposed trees will surpass the current condition of the existing trees that are proposed for removal.

The landscape plans do show the installation of a significant amount of landscaping within the public right of way, and in-property, and a publicly accessible park space will be created as part of the overall project approval.

This is a mixed appeal case where some trees are protested for approval and others for denial. For the five (5) trees where the public has protested removal, BUF arborist's have explained that the poor health of those trees

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warrants their removal and replacement. Given no compelling reason to deny the removal of those five trees, I recommend allowing their removal.

For the fourteen (14) trees where BUF denied the removal, the project applicant and some neighbors and stakeholders provided a good explanation and sound reasoning for desiring the removal and replacement. However, there was nothing presented in the testimony that clearly explained a constructability conflict with the existing trees other than a minor inconvenience of working the trees into the new landscape plan and making minor adjustments to conduit runs around the roots. While the project landscape design team asserted the new larger size box trees will result in a better long-term and properly spaced canopy, it is unclear that it will be more beneficial, sustainable, or survivable down the road than continuing to nurture the growth of the existing trees that BUF has already watered for three years. Note that BUF's arborists are subject matter experts on the long-term establishment of City street trees and have experience with new trees that don't survive the harsh natural and human-caused conditions. Therefore, unless there is a constructability concern that was not apparent in the hearing testimony, I recommend sustaining BUF's denials for removal of the fourteen (14) well-established healthy trees.

Recommendation
After consideration of correspondence received, plans reviewed, and testimony provided, the recommendation is to uphold the staff recommendation to approve five (5) trees for removal and uphold the staff recommendation to deny the removal of fourteen (14) trees.

Appeal:
This Order may be appealed to Board of Appeals within 15 days of April 12th, 2021.

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:
Degrafinried, Alaric
Acting Director

BRIEF SUBMITTED BY THE APPELLANT(S)

MidPen HOUSING
Building Communities. Changing Lives.

Electronically submitted June 3, 2021
City & County of San Francisco Board of Appeals
San Francisco City Hall, Room 416.
One Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Members of the Board:

Thank you for time to review our appeal of the San Francisco Bureau of Urban Forestry's (BUF) ruling on our Tree Removal Permit, originally filed on August 20, 2020 and initially appealed at a hearing on March 22, 2021. This permit application is in regard to Shirley Chisholm Village, a proposed affordable housing development located at 1360 43rd Avenue (formerly 1351 42nd Avenue) in the Outer Sunset neighborhood of San Francisco. This development is a joint effort between the San Francisco Mayor's Office of Housing and Community Development (MOHCD) and the San Francisco Unified School District (SFUSD) to create 135 units of affordable housing for SFUSD educators. MidPen Housing was selected as the developer for this project in 2018 through a competitive RFP issued by MOHCD and SFUSD. MidPen is a non-profit affordable housing developer, owner, and operator based in the Bay Area with over 50 years of experience developing and managing affordable housing multifamily properties.

Original Tree Removal Permit (TRP) Application Submittal

As noted above, MidPen submitted a Tree Removal Permit application on August 20, 2020 with a request to remove twenty-one (21) street trees from the sidewalk surrounding the project site. Per the arborist report attached as Exhibit A, the existing street trees are largely in poor health and diminutive stature due to the environmental conditions present at the site. Shirley Chisholm Village is located six blocks from Ocean Beach and is subject to sandy soils, salty air and frequent fog. It is a challenging location to grow trees without imported high quality soil, regular irrigation or site-appropriate tree species. Based on the project arborist's characterization of the existing trees' current health and long-term growth prognosis, the project landscape architect developed a landscape plan that called for removing all of the existing trees at the site and replacing them with trees selected to perform well in the ocean-

influenced site conditions. The landscape architect plans also specify planting 36" box trees, importing high quality fill to surround the new plantings, and installing piped irrigation at the initial planting to best support the establishment and vigorous growth of the new trees.

A critical motivating factor for the new landscaping plan was feedback that the project team received during the community outreach meetings conducted in 2018 and 2019. As demonstrated in images 1 and 2 below, the existing street trees at the site are small in height and several have canopies in noticeably poor condition. Neighbors and community members submitted comments noting the poor health and limited canopy coverage from the current trees and requested the project street design include the planting of larger trees that would do better at the site and provide more canopy coverage to the street and sidewalk. Neighbors noted that the new 5-story development would be a significant visual change to the neighborhood and expressed a desire for larger tree canopies to help screen the view of the new building from their homes. In response to this feedback, the landscape architect proposed a site design that seeks to drastically improve the growing conditions for the new proposed trees in order to create an enduring and healthy tree canopy which provides extensive shade and effective visual screening. Attached as Exhibit B are two letters from neighbors in support of the initially proposed landscaping plan which called for removal of all 21 existing trees.

BUF Response to Tree Removal Permit Application

On December 28, 2020, BUF notified us that our Tree Removal Permit Application had been acted on and that five (5) trees had been approved removal while fourteen (14) had been denied for removal. Additionally, two (2) trees had subsequently died during the application review period. In January 2021, MidPen filed an appeal with BUF on the ruling, and that appeal hearing was held in March 2021. At that hearing, BUF provided the reasons for their denial of removal of fourteen (14) trees at the site. In April 2021, BUF issued a ruling on the appeal which upheld their denial of removal for the fourteen trees and included the reasons for the denial. Prior to the appeal hearing and appeal ruling, the project team had not received any information from BUF on the reasons for denying removal of the

existing trees, nor the specific trees that were approved or denied removal. See Table 1 for a timeline of the project's permit application and appeal process.

Table 1. Timeline of Tree Removal Permit Application and Appeals	
08/20/2020	Tree Removal Permit Application submitted to BUF
12/28/2020	BUF notified MidPen of initial decision on application. Approved removal of 5 trees, denied removal of 14 trees. 2 trees had died.
01/13/2021	MidPen submitted appeal request to BUF
03/22/2021	BUF appeal hearing held
04/08/2021	BUF ruling on appeal issued. No additional trees approved for removal.
04/22/2021	MidPen submitted appeal request to San Francisco Board of Appeals
06/23/2021	Board of Appeals hearing scheduled.

Current Appeal Request

During the April 2021 appeal hearing, BUF provided background for the tree removal decision, and noted which trees were approved and which were denied for approval at that meeting. BUF had planted several street trees on 42nd Avenue and had been hand-watering them for approximately four years in order to establish the trees. Several of these trees are in healthy condition although still quite small. In response to BUF's feedback at the hearing and in the subsequently published ruling, the project team has revised the landscape plans to preserve more of the trees at the site, primarily on 42nd Avenue. A narrative of the proposed changes follows, and Table 2 describes the new proposed street tree planting and preservation plan on a tree-by-tree basis. Exhibit C is a site plan and drawing of all proposed changes.

42nd Avenue

Currently, there are eleven (11) streets on 42nd Avenue bordering the project site. BUF has approved removal of two (2) of these trees. The project team is requesting that an additional two (2) trees be approved for removal. Tree #68 sits in front of the building's 42nd Avenue entry, and the building entry

cannot be easily reconfigured by the design team without leading to significant changes to the overall building design and layout. For accessibility and ease of entry into the building from 42nd Avenue, we would like to remove this tree and plant a new tree to the north of the building entry (proposed tree # 42-P8).

We also request removal of tree #64 because it conflicts with a proposed streetlight location. The streetlight cannot be easily relocated without coming into conflict with another existing tree, and this tree is noted as being in poor condition in the arborist report due to a dead apical meristem at the top of the tree.

The revised landscape design on 42nd Avenue calls for preserving seven (7) existing trees and planting two (2) additional new trees. In total, we are requesting removal of four (4) existing trees, 2 of which have already been approved for removal by BUF. See Table 3 for a summary of the proposed removals and preservations on 42nd Avenue.

43rd Avenue

There are currently eight (8) live, existing trees on 43rd Avenue bordering the project site. Shirley Chisholm Village's main entry is on 43rd Avenue, as reflected in the property address change from 1351 42nd Avenue to 1360 43rd Avenue. In addition to the main entry, there is a publicly accessible outdoor space which will have children's play equipment and additional landscaping installed, including seven (7) trees that will not be in the public right-of-way and so are not considered street trees. The existing trees on 43rd Avenue include olive trees in fair condition, swamp myrtles in poor condition, and Catalina ironwoods in very poor condition. The existing trees are unlikely to achieve their maximum heights due to the aforementioned ocean-influenced conditions present at the site, and even the maximum heights and canopy sizes of the current trees are smaller than the new proposed trees. As images 1 and 2 show below, these trees are small in stature and have patchy canopies. For these reasons, we are requesting removal of four (4) trees in addition to the five (5) trees that BUF has previously approval for removal, for a total of nine (9) tree removals on 43rd Avenue. We have revised the plans by moving a new proposed tree location

and a nearby proposed streetlight location to preserve one additional olive tree, #53. See Table 3 for a summary of the new proposed tree plantings and preservations on 43rd Avenue.

Conclusion

Our request to remove, replace and preserve the street trees surrounding Shirley Chisholm Village is driven by our desire to be responsive to the concerns and desires of the nearby neighbors and community members. We have received letters of support from neighborhood residents who also attended the initial BUF Appeal Hearing in March and voiced their support of our landscape plan. MidPen has developed over 8,500 homes across more than 100 properties across the Bay Area and we take our community outreach process very seriously. During that process for Shirley Chisholm Village, we committed to residents that we would hear and address their concerns. Investing in a larger, healthier street tree canopy is a critical promise we made to residents. We strongly believe that our revised proposed street tree landscaping plan both responds to the local community's desires and is aligned with BUF's requirements and urban tree canopy goals. Thank you for your time and consideration of our request.

Sincerely,

Ali Gaylord, Director of Housing Development

MidPen Housing

Image 1. *Existing Trees #54-58, 43rd Avenue.*

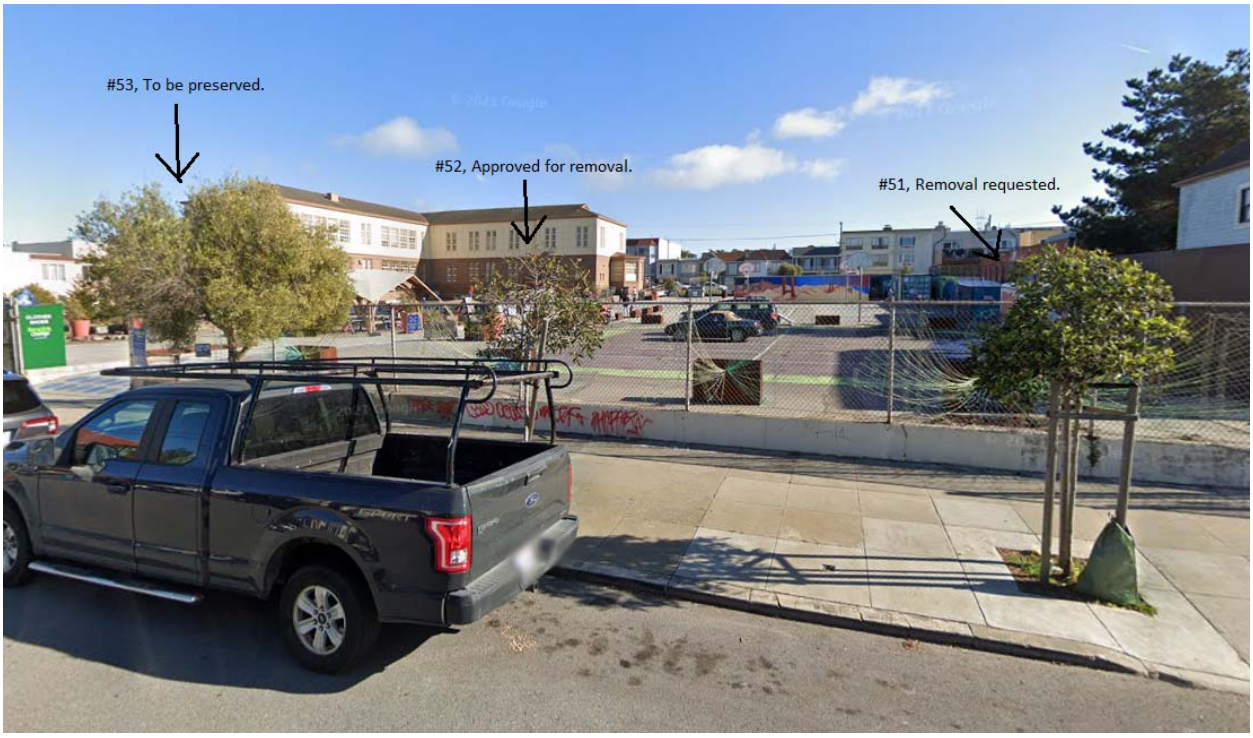

Image 2. *Existing Trees #51-53, 43rd Avenue.*

Table 2. Status of Tree Removal and Replacement Requests				
Tree Number	**Street**	**Existing/ Proposed**	**Status**	**Request**
60	43rd	Existing	Denied for removal by BUF but subsequently died. To be removed.	None
59	43rd	Existing	Approved for removal by BUF	None
58	43rd	Existing	Denied for removal by BUF	Existing olive tree in fair health but patchy canopy. Maximum height of tree is out of scale with new building. To preserve would require reducing the number of new tree plantings. **See image 1 below. Removal requested**
57	43rd	Existing	Denied for removal by BUF but subsequently died. To be removed.	None
56	43rd	Existing	Approved for removal by BUF	None
55	43rd	Existing	Denied for removal by BUF	Existing swamp myrtle with very poor appearance in noticeably bad health. Maximum height is out of scale with new building. **See image 1 below. Removal requested.**
54	43rd	Existing	Denied for removal by BUF	Existing olive tree in fair health but patchy canopy. Maximum height of tree is out of scale with new building. To preserve would require reducing the number of new tree plantings. **See image 1 below. Removal requested**
53	43rd	Existing	Denied for removal by BUF	Existing olive tree in fair health. Can be preserved without reducing new tree plantings. No action requested.
52	43rd	Existing	Approved for removal by BUF	None
51	43rd	Existing	Denied for removal by BUF	Very small existing swamp myrtle that is unlikely to thrive at site based on poor health of other nearby swamp myrtles approved for removal. Maximum height is out of scale with new building. **See image 2 below. Removal requested.**

43-P1	43rd	Proposed	Denied for planting by BUF	Proposed Lagunaria Patersonii that is demonstrated to perform well at this site. Maximum height and canopy spread in scale with new building. **Request to keep in plans as shown.**
43-P2	43rd	Proposed	Denied for planting by BUF	Proposed Lagunaria Patersonii that is demonstrated to perform well at this site. Maximum height and canopy spread in scale with new building. **Request to keep in plans as shown.**
43-P4	43rd	Proposed	Denied for planting by BUF	Proposed Lagunaria Patersonii that is demonstrated to perform well at this site. Maximum height and canopy spread in scale with new building. **Request to keep in plans as shown.**
43-P5	43rd	Proposed	Denied for planting by BUF	Proposed Lagunaria Patersonii that is demonstrated to perform well at this site. Maximum height and canopy spread in scale with new building. **Request to keep in plans, however we will shift north to accommodate existing tree #53.**
43-P6	43rd	Proposed	Denied for planting by BUF	Proposed Lagunaria Patersonii that is demonstrated to perform well at this site. Maximum height and canopy spread in scale with new building. **Request to keep in plans as shown.**
71	42nd	Existing	Approved for removal by BUF	None
70	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.
69	42nd	Existing	Approved for removal by BUF	None
68	42nd	Existing	Denied for removal by BUF	Existing tree conflicts with building entry. Redesigning building entry would be a significant undertaking and could have domino effect on other aspects of building design. **Removal requested.**
67	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.

66	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.
65	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.
64	42nd	Existing	Denied for removal by BUF	Existing tree conflicts with proposed streetlight placement. Streetlight cannot be moved without conflicting with other existing trees. **Removal requested.**
63	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.
62	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.
61	42nd	Existing	Denied for removal by BUF	None. Project team to preserve.
42-P7	42nd	Proposed	No action taken by BUF	Proposed tree does not conflict with existing trees. To be planted as shown in plans.
42-P8	42nd	Proposed	Denied for planting by BUF	Project team would like to replace tree #68 (which conflicts with building entry) with proposed tree #42-P8. **Request to keep in plans as shown.**

Table 3. Summary of Preservation, Removal, and Planting Request

Street	Remove Existing Trees	Preserve Existing Trees	Plant New Trees
43rd Avenue	9 (3 previously approved, 2 died)	1	6
42nd Avenue	4 (2 previously approved)	7	2

Appeal No.: 21-040
Appeal Title: MidPen Housing Corporation vs. SFPW-BUF
Subject Property: 1351 42nd Avenue
Determination Type: Order - Removal by Private Entity
Order No.: 204615

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Walter Levison
CONSULTING ARBORIST

ASCA Registered Consulting Arborist #401 / ISA Tree Risk Assessment Qualified / ISA Certified Arborist #WE-3172A
Cell: (415) 203-0990 / Email: walterslevisonjr@yahoo.com

Assessment of and recommendations for twenty-one (21) street trees adjacent to Francis Scott Key Annex

1351 42nd Avenue
San Francisco, California

Prepared for:

MidPen Housing Corp.
1970 Broadway, Suite 100
Oakland, CA 94612
Attn: Ms. Lisa Howlett, Associate Project Manager

Field Visit:

Walter Levison, Consulting Arborist (WLCA)
October 17, 2019

Report by:

WLCA
October 18, 2019
Revised 8/19/2020

Registered Member, American Society of Consulting Arborists and Member of the International Society of Arboriculture
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Registered Member, American Society of Consulting Arborists and Member of the International Society of Arboriculture
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1.0 Assignment & Background

Walter Levison, Consulting Arborist (WLCA) was originally retained by MidPen Housing Corp. in 2019 to tag with numeric aluminum tags and assess 21 street trees adjacent to the above-noted site that is proposed to be redeveloped as affordable educator housing, and collect standard arboriculture data for inclusion in a written arborist report for eventual submittal to the City and County of San Francisco planning division (aka CCSFPD). WLCA was later retained in 2020 to provide a followup revised iteration of the arborist report that would satisfy all of the CCSFPD arborist report submittal requirements.

WLCA tagged 21 trees (#51 through #71) in 2019, noted to be within close proximity to proposed new work. These trees are shown on a tree location map markup by WLCA, embedded as section 14.0 of this report.

Tree data from the 2019 site assessment by WLCA are assembled in an Excel table also attached to the end of this report. This table includes standard arboriculture data, along with notes on various pest, disease, and structural issues affecting the trees. The disposition of the 21 study trees was updated to reflect the revised July, 2020 set of proposed plan sheets (50% CD set) which show all 21 study trees proposed to be removed, due to their locations being within the project work boundaries.

Diameters were determined using a forestry D-tape which converts actual circumference to an “average diameter” in inches and tenths of inches, which is the standard method of diameter determination. In some cases, the author visually estimated trunk diameter due to inaccessibility of the lower trunk.

Tree heights and canopy spreads were estimated visually.

Recommendations for tree protection and maintenance are not included in this report, given that the disposition of the 21 trees is “to be removed”. However, tree species and cultivars included in this study are discussed in detail in the summary section of the report in order to give the reader an overview of what pest and disease issues are affecting the trees, as well as the unusual “ocean influence” climate at this location.

WLCA did add a discussion and recommendations section 3.0 to the 8/19/2020 version of this report, in order to include information on tree replacement sizes, species, tree sourcing, etc.

Tree images archived by WLCA are located are provided as additional reference of existing pre-project site conditions. All 21 of the study trees are presented in this tree images section of the report.

The proposed demolition plan and proposed planting plan sheets have both been embedded in this report as sections 11.0 and 12.0. These sheets are provided as reference of project demolition and construction boundaries, showing how they now extend through the entire tree survey area which includes the network of sidewalks bounding the project site. This proposed planting plan sheet provides the reader with an overview of the applicant’s proposed new landscape construction layout.

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SPECIAL CCSF Submittal Documents

Per CCSF Bureau of Urban Forestry (BUF) review requirements, WLCA has now included various additional documents embedded in this arborist report, per CCSF arborist report submittal requirements:

1. Section 9.0 of this report is the tree disclosure statement (TDS): a 2 page document that is required to be filled out by the project arborist WLCA on page 1 of 2, and is required to be filled out as a signed affidavit by the applicant on page 2 of 2.

2. Section 10.0 of this report is the tree protection statement (TPS): a 2 page document that is required to be filled out by the project arborist WLCA.

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2.0 Summary

1. Tree Species Breakdown:

Tree Name	Tag Numbers	Total	Condition Ratings	General Notes on the Species	Initial Overall Performance Rating for this Site (Poor, Fair, Good)
Swamp myrtle *Tristaniopsis laurina*	51, 52, 55, 59, 60	5	Very Poor to Good	In other parts of the Bay Area with less ocean influence (wind, salty fog, etc.), this tree performs very well. At this location, the trees are experiencing pest and disease issues related to mealy bugs and other insect pests which defecate "honeydew" that is then colonized by black sooty mold. It appears that this tree species cannot tolerate severe ocean influence conditions found at 42nd and 43rd Avenue.	Poor
European olive *Olea europaea* (assume fruitless cultivar of the species)	53, 54, 58, 63	4	Fair to Good	As with swamp myrtle, this tree tends to perform very well as a street tree in other parts of the Bay Area with less "ocean influence". At this site, the tree species seems to be performing well in two cases, and more poorly in two other cases. One of the trees on 42nd Avenue exhibits a possible graft incompatibility (bulge), and another on the same street was incorrectly pruned, resulting in bark tears that permanently downgraded the tree's structural condition.	Fair
Cow itch tree *Lagunaria patersonii*	61, 62, 64, 65, 66, 67, 68, 70	8	Fair to Exceptional	Excellent choice for this site. The tree appears to be performing very well in this marine environment. Note however that this tree is rated "9" out of 10 on a scale from best to worst, on the Ogren Allergy Scale, due to its hairs within the seed pods which are considered a severe contact (skin) irritation allergy hazard when opened.[1] It is not known whether this allergy hazard was considered by the tree installer (Friends of the Urban Forest) when choosing this tree species for an area that sees regular use by young people at the existing (temporary) public park space at Francis Scott Key Annex.	Good

[1] Ogren, Thomas. 2000. *Allergy-Free Gardening.* Ten Speed Press, Berkeley, CA.

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Tree Name	Tag Numbers	Total	Condition Ratings	General Notes on the Species	Initial Overall Performance Rating for this Site (Poor, Fair, Good)
Catalina ironwood *Lyonothamnus floribundus*	56, 69, 71	3	Poor to Fair	This tree typically performs very well at severe ocean influence-type sites such as this one. However, in many instances, the tree does retain dead foliage as a normal part of its presentation in the dry California summer season, which is somewhat ratty and unsightly for a landscape tree. WLCA noted that the two specimens on 42nd Avenue (trees (69 and 71) exhibited what appeared to be dead or dying twigs with complete defoliation on the east sides of the canopies only. WLCA could not reach those twigs in the canopy to confirm whether the dead-appearing canopy area was simply a viable bare branch zone where foliage naturally dropped off during the summer, or whether the twigs and branches in the east sides of the canopies were actually dead/dying. Both scenarios are easily possible. This can be verified later by WLCA during a follow-up assessment, using a pole pruner to cut off sample twigs from the east sides of the canopies of these two trees.	Fair (initial, not verified)
Italian buckthorn *Rhamnus alaternus*	57	1	Dead	In WLCA's opinion, this is an inappropriate tree species for a new street tree planting. I suspect that the Italian buckthorn specimen was probably a mistake made at the nursery, and incorrectly sold to FUF. The species is considered a pest that colonizes backyards throughout the Bay Area via "bird feces dissemination" which allows the seeds germinate along property line fence bases directly beneath where the birds sit and defecate, resulting in the shrub being present as a "volunteer" throughout the Bay Area.	(Poor)

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2. Some Tree Species to Consider Planting at the Francis Scott Key Redevelopment Site:

   a. New Zealand Christmas Tree (*Metrosideros excelsus*). This tree is a known excellent performer in the ocean influence zone, such as along Sunset Boulevard, San Francisco, very near to the project site. The image of this tree below left is courtesy of *Friends of the Urban Forest*.

   b. *Quercus rugosa*. This rare non-native evergreen oak has been found growing well at Bolinas, CA: an extreme coastal-influence location adjacent to Highway 1, Marin County, CA. Rugosa appears to be naturalized to that coastal environment. *Quercus rugosa* is currently only available in standard sizes through Devil Mountain Nursery, San Ramon, CA, and will be available for sale to the public as of 2020 or 2021. Image below right is *Quercus rugosa* growing at the Oaktopia contract grow nursery location used for the Apple Park campus planting project in Cupertino, CA (courtesy of Dave Muffly, Arborist).

3. Follow-Up Assessment:

   If needed, WLCA can reassess trees #69 and #71 using a pole pruner to cut down samples of foliage from the east sides of the canopies, in order to verify if the east sides of canopies are in fact dead, or whether they are simply areas of viable bare twigs remaining after early canopy defoliation.

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3.0 Discussion & Recommendations for Tree Palette/Procurement

Removals vs. Extent of Proposed Site Work

All 21 trees in the WLCA tree study are proposed to be removed, due to direct conflicts with proposed site work, given that the proposed project will extend over the existing sidewalks that bound the existing school site perimeter. The proposed site redevelopment work will involve demolition of all sidewalks and associated planters and street trees, and subsequent reconfiguration of the walkways with new utilities crossing into the project, new piped irrigation systems, new tree planters, new sidewalk materials, and other work.

The tree overall condition ratings, as noted above in the section 2.0 Summary table, range from "dead" to "exceptional", with an average tree condition rating of "fair".

The street tree species in this study are easily replaceable, and are not considered "rare" or "hard to find".

The site conditions are difficult for most trees, due to the site being near the Pacific Ocean, which is considered a "coastally influenced Sunset Zone 17". Most tree species cannot withstand these microclimate conditions, which limits the planting palette to a significant degree, in terms of what will actually grow and perform well over time without pest and/or disease issues affecting the twigs, foliage, root systems, etc. The keys to tree culture in this type of difficult planting situation are:

1. Use of **elongated planters or connected strip planters for multiple trees**, which contain large volumes of drainage soil, and maintaining a direct connection between the planter soil and the sandy dune soil native to this site, so that the root systems of the new trees will be able to extend deep and extend wide, which then bolsters the tree's ability to withstand droughty conditions and other inclement situations.

2. Use of **multiple ½" diameter high flow type flood bubblers set directly over the soil surface of each rootball** to provide at least 1 to 2 gallons per minute total flow rate into the watering berm area, and approximate irrigation water volume per the following (rough estimates, pending investigation of drainage conditions, tree canopy dimensions, rootball volumes, etc.)

    a. 15 gallon trees: 10 or 20 gallons X 3 days/week = 30 to 60 gallons/week.
    b. 24" box trees: 20 to 30 gallons X 3 days/week = 60 to 90 gallons/week.
    c. 36" box trees: 30+ gallons/week X 3 days/week = 90+ gallons/week.

4. Use of a tall **watering berm** constructed of site mineral soil, directly over the rootball edge of each tree.

Right: Image of a recent 2020 cork oak planting at St. Francis Wood HOA (WLCA project), where flow rate is 1.0 gallons per minute into tall watering berms constructed directly over each rootball edge. The bubblers we used were ½" diameter 0.50 gallon per minute output each.

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Replacement Trees

As noted above in this report, there are certain trees that may be superior in their ability to truly thrive in the environment of Sunset Zone 17 coastal influenced 42nd Avenue, San Francisco. This includes trees such as New Zealand Christmas tree and Netleaf Oak.

WLCA suggests considered some “alternative species” for use at the FSK project.

Canopy Replacement / Tree Palette Sizes & Species

The initial proposed planting plan for FSK dated July, 2020 showed new installation of at least:

- Seventeen (17) 36” box size trees .
- Seventeen (17) 60” box size trees.

WLCA has been in communication with the project landscape architect Fletcher Studio to discuss trees proposed for this project, with the goal that only tree species best suited to coastally-influenced Sunset Western Garden Book Zone 17 will be utilized.

The project team proposes to remove 21 existing street trees with a value roughly estimated to be +/-$15,000 to $20,000, based on WLCA’s 22 years of experience with tree appraisal using the Guide for Plant Appraisal 10th edition, trunk formula technique.

The replacement tree plantings, as noted above, include the following, as specified on the July, 2020 “tree planting legend”, which is undergoing revision at this time (personal communication, WLCA and Fletcher Studio Staff, 8/19/2020).

- 17 new 36” box size trees with an installed cost equivalency of 17 X $1,500 = $25,500.
- 17 new 60” box size trees with an installed cost equivalency of 17 X $7,000 = $120,000.[2]

Total cost equivalency value of proposed new plantings at this site: +/- $145,500.

[2] BASED ON THE CITY OF SARATOGA, CA PLANNING DIVISION, 2020 UPDATED TABLE OF TREE REPLACEMENT VALUES FOR MITIGATION PLANTINGS, USED FOR ANALYSIS OF IN-LIEU FEES REQUIRED FOR TREE REMOVAL ON SITES UNDERGOING DEVELOPMENT REVIEW. PER THIS TABLE, A 36” BOX TREE INSTALLED COST EQUIVALENCY IS $1,500, AND A 60” BOX IS $7,000.

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Contract Grow to Assure Species Availability

To obtain rare trees such as Netleaf Oak (*Quercus rugosa*) in sizes large enough for this FSK 42nd Avenue project, such as 15 gallon, 24" box, or 26" box sizes, the project team will need to set up an extended multi-year contract grow, probably between Fletcher Studio, landscape architect of record, and the nursery chosen to provide trees for this project, so that the trees can be secured early, and we can assure their availability at the moment of installation on site, given that trees such as Netleaf Oak are extremely rare and will be in greater and greater demand over time as various arborists and landscape architects learn of this tree's unique characteristics (such as a uniquely high resistance to coastal climate conditions, which most tree species cannot tolerate).

David Teuschler , Chief Horticulturalist at Devil Mountain Nursery, is the new head man at the nursery, and would be the most appropriate person to contact regarding a contract grow for hard to find or impossible to find species such as the Netleaf Oak (*Quercus rugosa*).
The Devil Mountain contact information is noted at right.

SAN RAMON
East Bay/San Francisco
& Peninsula
9885 Alcosta Boulevard
San Ramon, California 94583
Mon–Fri: 7:30am-3:00pm
Sat: 8:00am-12:00pm
Sun: Closed
(925) 829-6006 phone
(925) 829-6009 fax
sanramon@devilmountainnursery.com

Right: Devil Mountain Nursery Contact Information

4.0 City and County of San Francisco, CA – What Trees are Protected?

Per the CCSF Bureau of Urban Forestry (BUF), all street trees are protected under the current tree ordinance. This means that none of the 21 study trees #51 through #71 in this arborist report can be removed without a formal BUF-authorized removal permit.

In addition to street trees being protected by ordinance, all private site trees are considered protected-size "Significant trees" if they are within 10' of the public right-of-way and also meet one of the following size requirements: 20' or greater in height, 15' or greater canopy width, 12" or greater diameter of trunk measured at 4.5' above grade. There are no trees on private property at this site that meet any of these criteria.

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5.0 Author's Qualifications

- Continued education through The American Society of Consulting Arborists, The International Society of Arboriculture (Western Chapter), and various governmental and non-governmental entities.

- Contract Town Arborist, Town of Los Gatos, California
  Community Development Department / Planning Division
  2015-present

- Tree Risk Assessment Qualified (ISA TRAQ Course Graduate, Palo Alto, California)

- Millbrae Community Preservation Commission (Tree Board)
  2001-2006

- ASCA Registered Consulting Arborist #401

- ASCA Arboriculture Consulting Academy graduate, class of 2000

- Associate Consulting Arborist
  Barrie D. Coate and Associates
  4/99-8/99

- Contract City Arborist, City of Belmont, California
  Planning and Community Development Department
  5/99-6/20 (21 years)

- ISA Certified Arborist #WE-3172A

- Peace Corps Soil and Water Conservation Extension Agent
  Chiangmai Province, Thailand 1991-1993

- B.A. Environmental Studies/Soil and Water Resources
  UC Santa Cruz, Santa Cruz, California 1990

  UCSC Chancellor's Award, 1990

  (My full curriculum vitae is available upon request)

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6.0 Assumptions and Limiting Conditions

Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised and evaluated as through free and clean, under responsible ownership and competent management.

It is assumed that any property is not in violation of any applicable codes, ordinance, statutes, or other government regulations.

Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.

The consultant/appraiser 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 and contract of engagement.

Unless required by law otherwise, the possession of this report or a copy thereof does not imply right of publication or use for any other purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.

Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales, or other media, without the prior expressed conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initiated designation conferred upon the consultant/appraiser as stated in his qualifications.

This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.

Sketches, drawings, and photographs in this report, being intended for visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by engineers, architects, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by Walter Levison to the sufficiency or accuracy of said information.

Unless expressed otherwise:
a. information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection; and
b. the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

Loss or alteration of any part of this report invalidates the entire report.

Arborist 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. Tree are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborist 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. Arborists 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.

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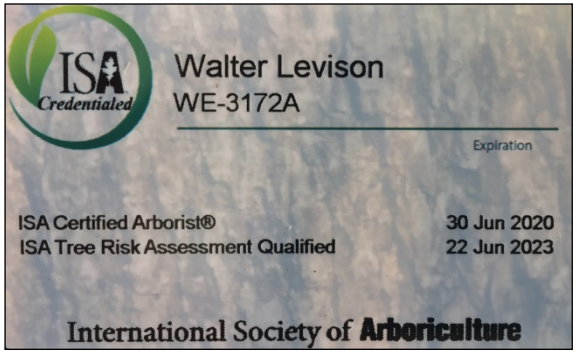
7.0 Certification

I hereby certify that all the statements of fact in this report are true, complete, and correct to the best of my knowledge and belief, and are made in good faith.

Signature of Consultant



8.0 Digital Images

WLCA archived digital tree images in October, 2019 as reference of pre-project conditions.

Tree 51

Tree 51

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Tree 52

Tree 53

Tree 53

Tree 54

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Tree 54 closeup of damage

Tree 54 bulbous growth anomaly at base, possibly due to graft incompatibility.

Tree 55

Tree 56

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Tree 57

Tree 57. Close-up of CCSF / BUF tree removal permit sticker. It is not clear as to why this removal tree was not physically removed from the site.

Tree 58

Tree 59

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Tree 60

Mealy bugs on foliage of tree 60

Tree 61

Tree 62

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Tree 63

Tree 64

Tree 65

Tree 66

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Tree 67

Tree 68

Tree 69

Close-up of defoliated east side of canopy (tree 69). This canopy section may or may not be dead.

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Tree 70

Tree 71

Close-up of defoliated east side of canopy (tree 71)
This east side may or may not be dead.

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9.0 Tree Disclosure Statement (TDS) with Page 1 of 2 Filled out by WLCA

8/19/2020
Project Location: 1351 42nd Avenue, San Francisco, CA
Project Arborist: Walter Levison, Consulting Arborist

Affidavit for **Tree Disclosure**
PAGE 2

1. Tree Information

PROTECTED TREES
The applicant must answer questions. If you have any questions about this form, or the information required, please contact the Planning Department for assistance at (415) 558-6377

A. SIGNIFICANT TREES		QTY
Are there any trees within 10-feet of a lot line abutting a public right-of-way that are above 20-feet in height, or with a canopy greater than 15-feet in diameter, or with a trunk diameter greater than 12-inches in diameter at breast height? (CHECK WHICH BOXES APPLY AND DOCUMENT QUANTITY OF EACH TREE TYPE.)	☐ Trees on the subject property	
	☐ Trees on adjacent property	
	☒ There are no such trees at these locations.	

If you are unsure of the width of the public right-of-way, contact the Department of Public Works Bureau of Street Use and Mapping. The public right-of-way may be wider than the sidewalk. If there are no trees of the above size, go to item B. If any other above boxes are checked, the tree qualifies as a significant tree per DPW Code and is entitled to certain protections. The location and species of all such trees must be drawn on the site plans (if no plans are required for this application the trees must be drawn on the reverse side of this form).

B. LANDMARK TREES		QTY
Are there any Landmark Trees on the project lot or on lots adjacent to the property? (CHECK WHICH BOXES APPLY AND DOCUMENT QUANTITY OF EACH TREE TYPE.)	☐ Trees on the subject property	
	☐ Trees on the adjacent City right-of-way (street trees)	
	☐ Trees on adjacent property	
	☒ There are no such trees at these locations.	

Landmark trees are trees that meet criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character and have been found worthy of landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. Temporary landmark status is also afforded to nominated trees currently undergoing the public hearing process. The Department of Public Works maintains the official "Landmark Tree Book" with all designated landmark trees in San Francisco. The location and species of all such trees must be drawn on the site plans (if no plans are required for this application the trees must be drawn on the reverse side of this form).

C. STREET TREES		QTY
Are there any street trees on the public right-of-way adjacent to the property that are neither landmark trees nor significant trees? (CHECK WHICH BOXES APPLY AND DOCUMENT QUANTITY OF EACH TREE TYPE.)	☒ Street trees bordering the subject property	21
	☐ There are no such trees at these locations.	

Regardless of size, all street trees and other trees located in the public right-of-way are protected under Article 16 of the Public Works Code.

Street trees are shown on the WLCA tree map attached to the 8/19/2020 arborist report, and are tagged at eye level using racetrack-shaped aluminum tags in a full sequence numbered "51" through "71".

SAN FRANCISCO PLANNING DEPARTMENT V.11.08.2010

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(Page 2 of 2 of the CCSF Tree Disclosure Statement, to be Filled out by the Applicant as an Official Affidavit)

2. Applicant's Affidavit

I hereby attest under penalty of perjury that the information I have entered on this document is true and correct to the best of my knowledge, and that I have read and understood this form, and that I am the property owner or designee of the property owner, familiar with the property, and able to provide accurate and complete information herein.

The undersigned agrees to the conditions of this form. I understand that knowingly or negligently providing false or misleading information in response to this disclosure requirement may lead to denial or rescission of your permit and may constitute a violation of the San Francisco Public Works Code Section 8.11, which can lead to criminal and/or civil legal action and the imposition of administrative fines.

Signature _____ Date _____

Print Name _____ Indicate whether owner, or authorized agent: Owner ☐ Authorized Agent ☐

Mailing Address _____ Phone Number _____

Fax or Email _____

3. Planning Department Determination

(THE INFORMATION BELOW IS TO BE COMPLETED BY PLANING DEPARTMENT STAFF ONLY)

Site Information	Tree Summary	
Project Address:	Current number of street trees:	
Block / Lot (s):	Current number of other protected trees:	
Alteration Type:	Total trees (Pre-Project):	
Planning Quadrant:	Total Number of trees (Post-Project):	

The proposed project has been declared:	☐ to not have trees subject to any protections. (DCP STAFF: file this form in historical file.) ☐ to have protected trees subject to protections from construction. (DCP STAFF: ensure that plan set includes tree protection form. After review, file this form in historical file.) ☐ to have protected trees planned for removal. (DCP STAFF: file this form in historical file and notify DPW via urbanforestry@sfdpw.org.)

Planner Information:

Signature: _____ Print Name: _____ Date: _____

SAN FRANCISCO PLANNING DEPARTMENT V.11.08.2010

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10.0 Tree Protection Statement (TPS), 2 Pages (WLCA)

5. Impact of Project on Existing Protected Trees

If your responses above indicate that any Protected Tree(s) exist on, over or adjacent to the subject property, please check the applicable boxes, below:

BOX 1 ☐ **The project will not remove or have any other impact on Protected Trees, as follows:** No construction-related activity whatsoever will occur within the dripline of any Significant Tree or Street Tree. This includes, but is not limited to, the following: (1) No grading or excavation will take place within the dripline of any Significant Tree or Street Tree. (2) No construction staging and/or storage of materials and/or equipment will occur within the dripline of any Significant Tree or Street Tree. (3) Any pruning of Significant Trees or Street Trees will be limited and consistent with applicable regulations. (4) No dumping of trash and/or liquids (such as project waste-water) will take place within the basin or dripline of any Significant Tree or Street Tree.

If you have checked this box, a Tree Protection Plan is not required.

As of August, 2020, WLCA has reviewed the set of plans, which currently show that all twenty-one (21) street trees in the WLCA tree study are proposed by the property owner to be removed in the areas at and adjacent to 1351 42nd Avenue, San Francisco, CA.

BOX 2 ☒ **The project involves the removal of one or more Protected Trees.** A permit from DPW is required in order to remove any Protected Tree. The Planning Department will not approve a building permit for a project which involves the removal of a Protected Tree unless DPW has first reviewed the proposal and found it to be consistent with applicable rules and regulations.

If you have checked this box, a Tree Protection Plan is not required, however you must provide evidence to the Planning Department that DPW has reviewed the removal request and found it to be "approvable."

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As of August, 2020, WLCA has reviewed the plans which show all twenty-one (21) street trees in the WLCA tree study are proposed by the property owner to be removed in the areas at and adjacent to 1351 42nd Avenue, San Francisco, CA.

BOX 3 ☐ **The project may have an impact on one or more Protected Trees which are not proposed for removal, as follows:** Either (1) any construction-related activity, no matter how minor, is planned or is reasonably foreseeable to occur within the dripline of a Significant Tree or a Street Tree or (2) regardless of the location of construction activity, the property contains a Landmark Tree.

If you have checked this box, a Tree Protection Plan must be submitted to the Department of Public Works Bureau of Urban Forestry prior to the commencement of any construction activity.

Such plan must meet the following minimum standards:

- ✓ The Tree Protection Plan must be developed by an International Society of Arboriculture (ISA) Certified Arborist.
- ✓ The project sponsor must submit a written declaration that the protections specified in the Tree Protection Plan will be completely in place prior to the start of any construction, demolition, or grading.
- ✓ Full-size site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan. Additionally, the Tree Protection Plan itself along with the written declaration must be reproduced on full-size plans.

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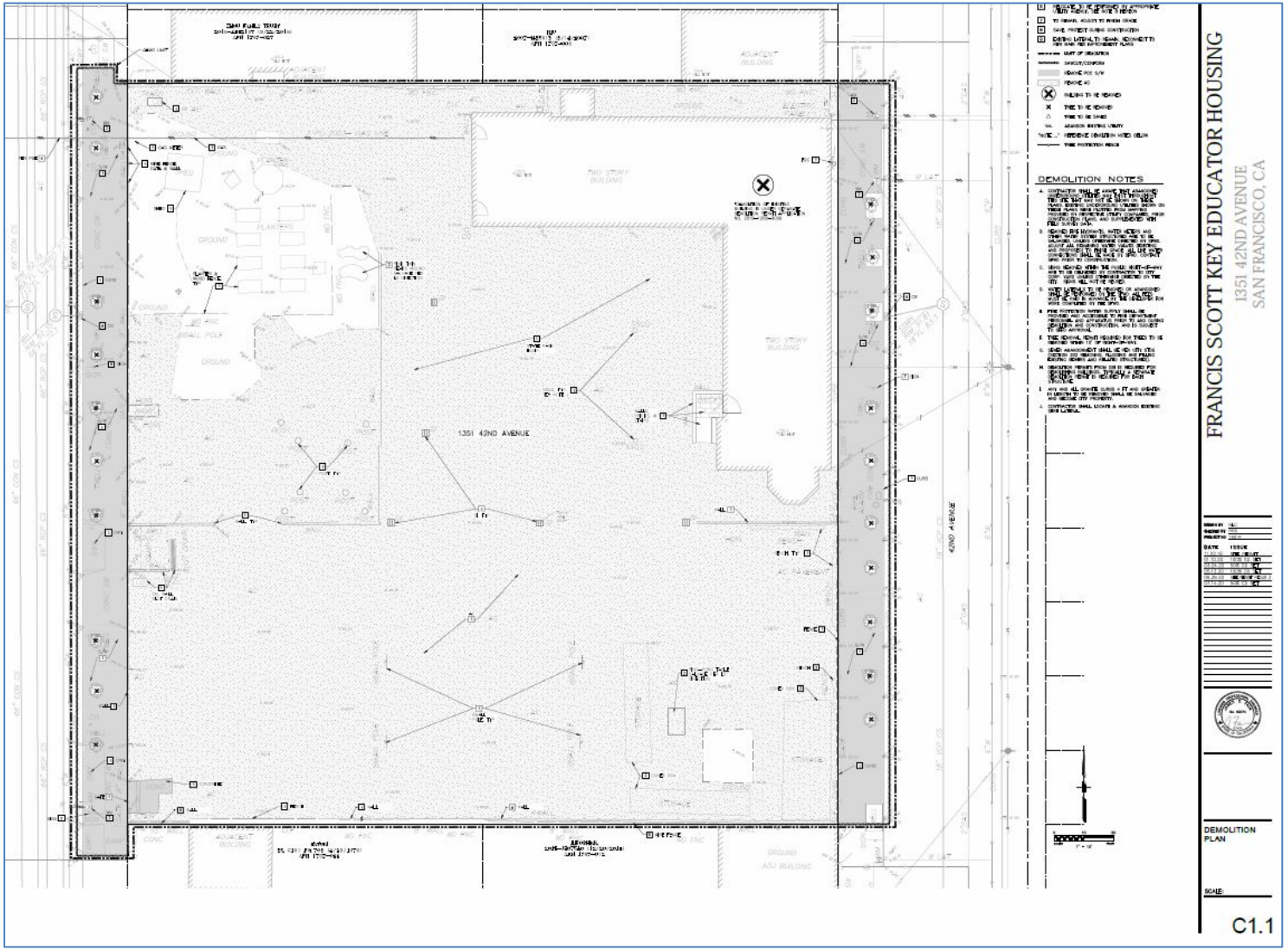
11.0 Applicant's Demolition Plan Version 2020, Showing All Trees to be Removed



Note that the proposed work area includes the entire network of public sidewalks and street tree planting pits, which will be completely redeveloped with new tree planters, irrigation, utilities, walkway materials, etc.

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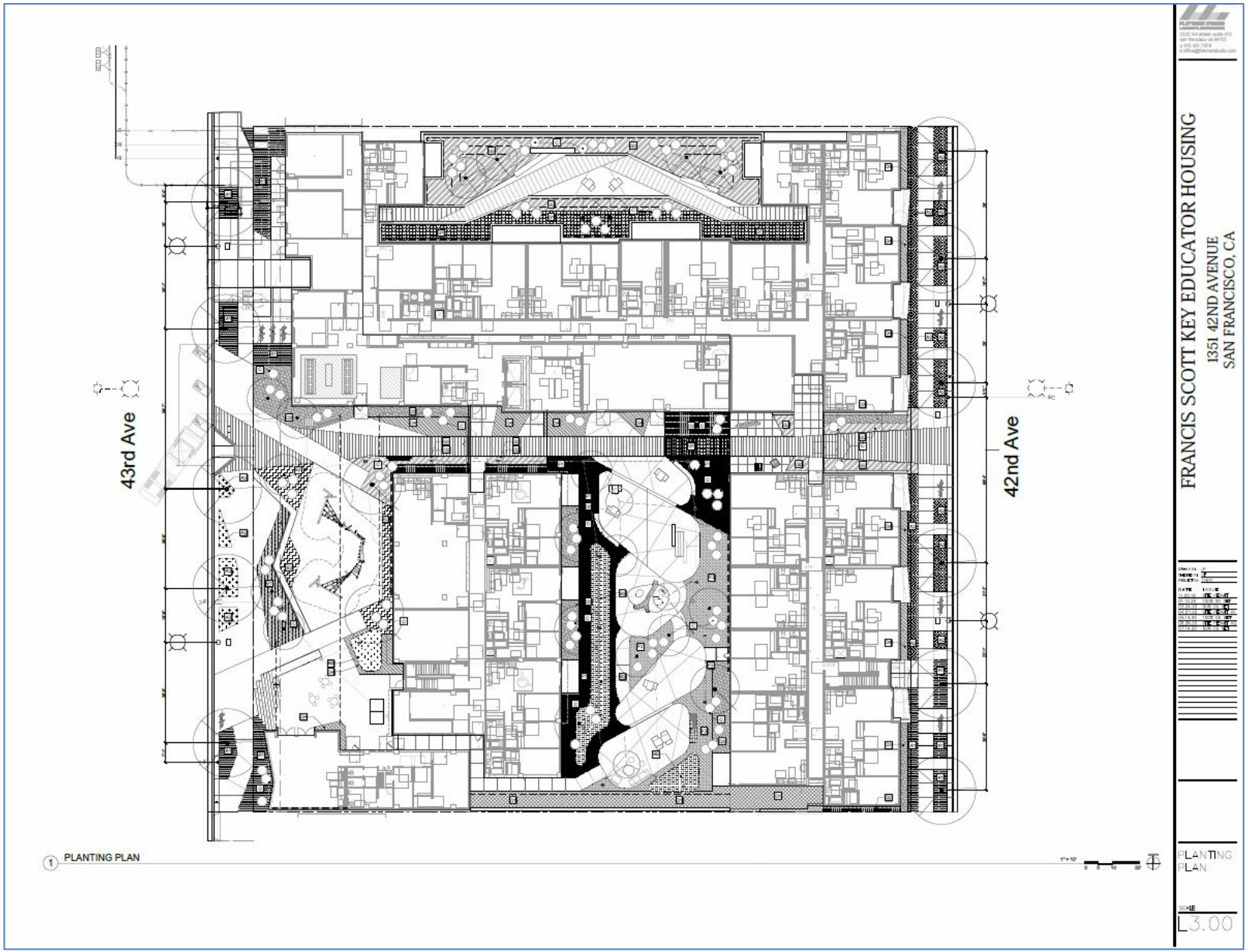
12.0 Applicant's Proposed Planting Plan Version July, 2020



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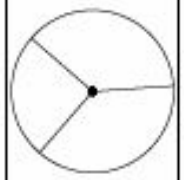
13.0 Applicant's Proposed Tree Planting Legend 2020 (Subject to Revisions)

TREE PLANTING LEGEND								
SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	WUCOLS	COMMENTS	DETAIL
	11	STREET TREES OLEA EUROPA 'SWAN HILL'	FRUITLESS OLIVE TREE	36" BOX	PER PLAN	VERY LOW	SINGLE TRUNK	
	6	SHADE TREES GINKGO BILOBA 'AUTUMN GOLD'	AUTUMN GOLD GINKGO	60" BOX	PER PLAN	MEDIUM	SINGLE TRUNK	1|L5.05
	11	ORNAMENTAL TREES BETULA UTILIS VAR JACQUEMONTI	HIMALAYAN WHITE BIRCH	60" BOX	PER PLAN	HIGH	MULTI TRUNK	
	6	ORNAMENTAL TREES ON PODIUM AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE	36" BOX	PER PLAN	VERY LOW	MULTI TRUNK	2|L5.05

WLCA expects that the above July, 2020 version of the planting legend will be completely revised to adjust the tree species palette for the FSK project, after discussions between Fletcher Studio and the CCSF Bureau of Urban Forestry (BUF).

Use of "alternative" trees such as netleaf oak (*Quercus rugosa*) is highly recommended for this coastal-influenced Sunset Climate Zone 17 site.

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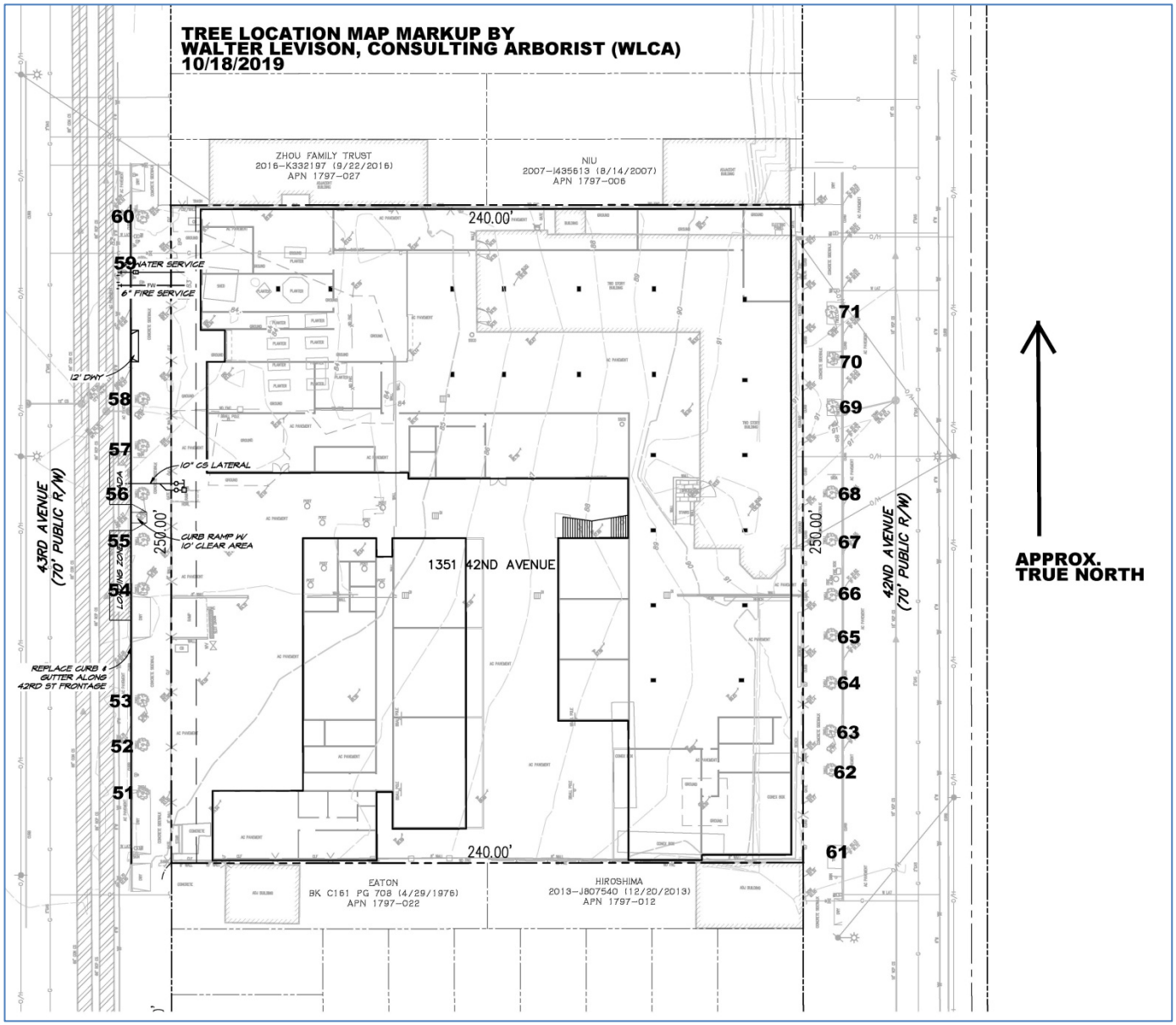
14.0 Tree Location Map Markup (WLCA, 2019)



15.0 Attached: Excel Tree Data Table with Updated Tree Disposition (WLCA)

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Tree Data by Walter Levison, Consulting Arborist
REVISED 8/19/2020
1351 42nd Avenue
San Francisco, CA
"Francis Scott Key Annex" Redevelopment Project

Tree Tag #	TO BE REMOVED PER PROPOSED SITE PLAN	CCSF BUF PROTECTION STATUS	AUTHOR SUGGESTS REMOVAL DUE TO STRUCTURAL OR HEALTH ISSUES	SUITABILITY FOR PRESERVATION BASED SOLELY ON USEFUL REMAINING LIFESPAN	Trunk 1 (in.)	Trunk 2 (in.)	Adjusted Trunk Diameter Inches @ 54" A.G. (1+2+3+4+5)	Common Name	Scientific Name (*Genus, species*)	Height and Canopy Spread (ft.)	Health & Structural Ratings (0-100% each)	Overall Condition Rating (0-100%)	Live Twig Density (Very Poor, Poor, Mod, Good, Exc.)	Lopsided Canopy (Direction Noted)	Trunk Lean (Direction Noted)	Girdling/Circling Roots	Bark Inclusion Type Fork	Topped in Past	Decay Issues	Pest and/or Disease Issues	Soil Moisture Deficit	Notes
51	X	street tree		Good	1.5		1.5	Swamp myrtle wide foliage variety	*Tristaniopsis laurina*	10/4	80/80	80% Good	Mod to Good									Relatively recent planting by Friends of the Urban Forest (FUF), with their stake and tie materials in place. Cutout in sidewalk is roughly 30 to 35" square.
52	X	street tree		Fair	1.8		1.8	Swamp myrtle wide foliage variety	*Tristaniopsis laurina*	12/6	75/60	65% Good	Mod		East				Apical stem at top is dead		X	Appears to have issues with wind caused lean, and desiccated apical stem due to salt air/fog and/or other ocean exposure issues. Tree still has one FUF stake and tie in place.
53	X	street tree		Fair	4.8		4.8	European olive (Assumed to be fruitless variety)	*Olea europaea*	15/15	80/60	67% Good	Mod to Good						6 inch long branch splitout scar at 6 feet, likely due to vandalism			Good trunk taper development. Unfortunately, someone performed rogue pruning on this tree to remove lower elevation branches, using incorrect pruning methods, resulting in multiple bark tears which turned into scars with decay at mid-portion of tree.
54	X	street tree	Consider removal.	Poor to Fair	4.8		4.8 (Same as tree #53)	European olive (Assumed to be fruitless variety)	*Olea europaea*	15/15	70/55	58% Fair	Mod to Good		North				6 inch long scar at 3 feet elevation on south side of trunk due to sunburn.			Possible graft incompatibility noted at trunk base (see image of bulge in report).
55	X	street tree	Consider removal.	Poor to Fair	1.5		1.5	Swamp myrtle wide foliage variety	*Tristaniopsis laurina*	12/4	40/50	45% Fair	Poor								X	Foliar browning appears to be due to soil moisture deficit and/or wind burn. Also note mainstem is bent northwest. Note abrasion damage on trunk due to the wooden cross pieces installed by FUF (there are no rubber ties in place anymore).
56	X	street tree		Fair	5.3		5.3	Catalina ironwood	*Lyonothamnus floribundus subsp. asplenifolius*	15/15	60/60	60% Fair	Fair						Apical area.		?	Uppermost canopy is desiccated. It is not clear if this is due to soil moisture deficit, wind burn, or both. Pruning to remove lower limbs has resulted in branch structure becoming "doglegged" with 90 degree bends which is bad. SelecTree database (CalPoly University) notes this tree as an "evergreen", but realistically, I have seen this species go deciduous in summertime, with unsightly foliar browning for a large portion of the year as a natural part of its yearly cycle.

Tree Tag #	TO BE REMOVED PER PROPOSED SITE PLAN	CCSF BUF PROTECTION STATUS	AUTHOR SUGGESTS REMOVAL DUE TO STRUCTURAL OR HEALTH ISSUES	SUITABILITY FOR PRESERVATION BASED SOLELY ON USEFUL REMAINING LIFESPAN	Trunk 1 (in.)	Trunk 2 (in.)	Adjusted Trunk Diameter Inches @ 54" A.G. (1+2+3+4+5)	Common Name	Scientific Name (*Genus, species*)	Height and Canopy Spread (ft.)	Health & Structural Ratings (0-100% each)	Overall Condition Rating (0-100%)	Live Twig Density (Very Poor, Poor, Mod, Good, Exc.)	Lopsided Canopy (Direction Noted)	Trunk Lean (Direction Noted)	Girdling/Circling Roots	Bark Inclusion Type Fork	Topped in Past	Decay Issues	Pest and/or Disease Issues	Soil Moisture Deficit	Notes
57	X	street tree	Remove	Very Poor	2.1		2.1	Italian buckthorn	*Rhamnus alaternus*	7/2	2/2	2% (DEAD)	Very Poor						Throughout	X		This tree has a CCSF Bureau of Urban Forestry hazard tree removal permit stuck to the trunk. It is not clear as to why it is still in the landscape. The rootball rocks in the ground, and entire tree is "dead". Also, this weedy invasive pest tree species is not used anymore as an urban planting. The installation of an Italian buckthorn was probably an error on the part of FUF.
58	X	street tree		Fair	3.2	2.3	5.5	European olive (Assumed to be fruitless variety)	*Olea europaea*	15/15	55/55	55% Fair	Poor to Mod						Patchy twig dieback throughout canopy due to unknown cause(s).	?		Wide branch fork at 2 feet elevation. It is not clear as to what is causing the dieback of twigs throughout the canopy. Looking at all of the street trees along this block, it is possible that the ocean influence (salty fog, wind, etc.) causes most tree species to decline severely. The best tree for this environment is probably New Zealand Christmas Tree.
59	X	street tree	Consider removal.	Poor to Fair	1.3		1.3	Swamp myrtle wide foliage variety	*Tristaniopsis laurina*	9/4	60/60	60% Fair	Mod but covered in sooty mold							X	?	Canopy foliage is covered by a heavy layer of sooty mold fungus (black) which grows on the honeydew (waste secretions) of insects, which in this case were identified by WLCA as mealybugs (see macro images of the foliage in report) feeding on the undersides of the foliage. This tree species typically has no pest or disease issues whatesoever when planted farther from the bay or from the ocean. At this location, however, the tree species appears to be very susceptible to pest and disease damage, as a result of ocean fog/salt air/wind, etc. Future tree species used at this site must be selected for known excellent tolerance of ocean influence, to avoid future problems with pest or disease as much as is possible.
60	X	street tree	Remove	Very Poor	1.3		1.3	Swamp myrtle wide foliage variety	*Tristaniopsis laurina*	11/3	15/15	15% Very Poor	Very Poor						X	X	?	FUF stakes and ties are currently in place. Tree is almost dead, with presence of heavy sooty mold fungus on foliage, due to mealy bug infestation. Entire uppermost 50% of canopy is defoliated, with sooty mold present and twigs that are desiccated and dead. Twigs break when bent, indicating tissue necrosis (death). All of these symptoms of dieback are due to extreme ocean influences negatively affecting the tree, or lack of regular irrigation water since tree installation, or both. Trees do need much greater volumes of water for first few years of their lives after installation in the landscape than is typically understood by the layperson. See WLCA's tree installation and watering graphic diagram attached to the arborist report for reference of real world Best Management Practices.
61	X	street tree		Good	2.0		Est. 2.0	cow itch tree	*Lagunaria patersonii*	12/6	90/90	90% Exc.	Very Good									FUF stakes and ties are in place.
62	X	street tree		Good	1.6		1.6	cow itch tree	*Lagunaria patersonii*	11/5	80/80	80% Good	Good									FUF stakes and ties are in place.

Tree Tag #	TO BE REMOVED PER PROPOSED SITE PLAN	CCSF BUF PROTECTION STATUS	AUTHOR SUGGESTS REMOVAL DUE TO STRUCTURAL OR HEALTH ISSUES	SUITABILITY FOR PRESERVATION BASED SOLELY ON USEFUL REMAINING LIFESPAN	Trunk 1 (in.)	Trunk 2 (in.)	Adjusted Trunk Diameter Inches @ 54" A.G. (1+2+3+4+5)	Common Name	Scientific Name (*Genus, species*)	Height and Canopy Spread (ft.)	Health & Structural Ratings (0-100% each)	Overall Condition Rating (0-100%)	Live Twig Density (Very Poor, Poor, Mod, Good, Exc.)	Lopsided Canopy (Direction Noted)	Trunk Lean (Direction Noted)	Girdling/Circling Roots	Bark Inclusion Type Fork	Topped in Past	Decay Issues	Pest and/or Disease Issues	Soil Moisture Deficit	Notes
63	X	street tree		Fair	4.9		4.9	European olive (Assumed to be fruitless variety)	*Olea europaea*	15/13	60/60	60% Fair	Mod	East	East					X		Foliage exhibits tar like spots on undersides, and yellow blotching. *Pests and Diseases of Landscape Trees and Shrubs* (local UCANR publication) indicates that the black material may be a symptom of black scale, cottony cushion scale, and/or citrus white fly insect presence on foliage. As noted elsewhere in this Excel tree database, the trees at this site are exposed to "extreme" ocean influences which often cause a reduction in healthy tree growth performance.
64	X	street tree		Poor to Fair	1.3		1.3	cow itch tree	*Lagunaria patersonii*	10/4	50/50	50% Fair	Poor to Mod						X		?	FUF stakes and ties in place. The apical meristem at top of tree is dead, probably due to soil moisture deficit during the tree's initial 4-year establishment period, which it is going through right now.
65	X	street tree		Good	1.5		1.5	cow itch tree	*Lagunaria patersonii*	10/5	80/80	80% Good	Good									FUF stakes and ties in place.
66	X	street tree		Good	Est. 0.75		Est. 0.75	cow itch tree	*Lagunaria patersonii*	7/6	85/85	85% Exc.	Good						X		?	FUF stakes and ties in place. Good TDE throughout, except for the apical meristem, which is desiccated. The dieback of this uppermost vertical stem is likely due to the effects of ocean winds and/or lack of adequate soil moisture in the rootball.
67	X	street tree		Good	1.9		1.9	cow itch tree	*Lagunaria patersonii*	12/5	85/85	85% Exc.	Mod to Good									FUF stakes and ties are still in place.
68	X	street tree		Good	1.3		1.3	cow itch tree	*Lagunaria patersonii*	12/5	80/85	85% Exc.	Mod to Good									FUF stakes and ties are still in place.
69	X	street tree		Poor	6.4		6.4	Catalina ironwood	*Lyonothamnus floribundus subsp. asplenifolius*	20/15	55/35	47% Fair	Poor to Mod	North	North				X			East side of the canopy is dead or dying, and appears totally defoliated and deciccated. It is not clear as to why only one portion of the canopy would be experiencing this decline, since this tree is actually extremely tolerant of shade and of severe ocean conditions such as salty fog and wind. There may be some malicious influence occurring here, such as phytotoxic materials poured into the root zone, or other unknown issue(s) that are negatively affecting the east side of the canopy. This type of dieback is more commonly seen in situations where ar large percentage of roots were severed to rebuild a sidewalk, or on active construction sites where exhaust from heavy machinery type vehicles is released into the air at height in close proximity to a tree canopy, causing similar-looking single-location canopy decline and death. Another possibility is that the east side of canopy is simply defoliated and that the twigs and branches in that area of the tree are still viable. This is actually possible, since the tree tends to present a "dead appearing" brown foliage canopy in summer at some locations, which is sometimes mistaken for the tree being actually "dead". The only way to verify the viability of the dead-appearing twigs is to physically bend them to check for dessication of the wood tissue, or cut through them using a pole pruner to check the interior xylem wood status for decay and desiccation. This can be done by WLCA as a followup item as-needed.
70	X	street tree		Good	2.4		2.4	cow itch tree	*Lagunaria patersonii*	11/5	85/85	85% Good	Good	North								FUF stakes and ties in place. Canopy leans slightly north in its attempt to access sunlight in the north (i.e away from the shade of tree #69 to the south).

Tree Tag #	TO BE REMOVED PER PROPOSED SITE PLAN	CCSF BUF PROTECTION STATUS	AUTHOR SUGGESTS REMOVAL DUE TO STRUCTURAL OR HEALTH ISSUES	SUITABILITY FOR PRESERVATION BASED SOLELY ON USEFUL REMAINING LIFESPAN	Trunk 1 (in.)	Trunk 2 (in.)	Adjusted Trunk Diameter Inches @ 54" A.G. (1+2+3+4+5)	Common Name	Scientific Name (*Genus, species*)	Height and Canopy Spread (ft.)	Health & Structural Ratings (0-100% each)	Overall Condition Rating (0-100%)	Live Twig Density (Very Poor, Poor, Mod, Good, Exc.)	Lopsided Canopy (Direction Noted)	Trunk Lean (Direction Noted)	Girdling/Circling Roots	Bark Inclusion Type Fork	Topped in Past	Decay Issues	Pest and/or Disease Issues	Soil Moisture Deficit	Notes
71	X	street tree		Poor	5.0		5.0	Catalina ironwood	*Lyonothamnus floribundus subsp. asplenifolius*	20/15	40/40	40% Poor	Poor to Mod	North	North				X			East side of the canopy appears to be dead or dying (same as tree #69), and is defoliated. Again, it is not clear as to why only one portion of the canopy would be experiencing this decline, since this tree is actually extremely tolerant of severe ocean conditions such as salty fog and wind. See notes box for tree #69 above for additional information. It is possible that the east side of canopy is simply defoliated and that the branches and twigs are viable. This can be checked by WLCA by bending the twigs or by cutting twigs out using a pole pruner to assess xylem wood desiccation status in a followup assessment.

EXHIBIT B

Friends of Playland
1360 43rd Avenue
San Francisco, CA

November 17, 2020

San Francisco Public Works – Bureau of Urban Forestry
49 South Van Ness, Suite 1000
San Francisco, CA 94103

To Whom it May Concern:

Friends of Playland is a community-based organization that currently manages the Playland recreation center temporarily operating at the Francis Scott Key redevelopment site. The FSK redevelopment plans include constructing a 135-unit multifamily residential building that will house San Francisco Unified School District Educators, and the construction plans include removal of existing street trees and replacing them with larger, more site-appropriate tree species.

I live directly across the street from the FSK site and am strongly in favor of replacing the current street trees surrounding the FSK site with the proposed larger trees. The current trees are not thriving in their current placement and several are in visibly poor condition. The arborist commissioned by the project developer, Walter Levison, has identified that several planted tree species are not well suited to the local soil and weather conditions. The project landscape architect, Fletcher Studios, has proposed tree species that will thrive in the soil and ocean-influenced conditions present at the site. Additionally, Fletcher has specified larger planting boxes for the new tree plantings and bringing in richer soil to surround the new plantings. Both measures are intended to encourage larger tree growth. Friends of Playland, myself included, and other nearby neighbors would prefer to see the small trees replaced with ones that will one day grow to create a significant street canopy.

Sincerely,

John Funke
1339 43rd Avenue
San Francisco, CA 94122

Friends of Playland
1360 43rd Avenue
San Francisco, CA

November 17, 2020

San Francisco Public Works – Bureau of Urban Forestry
49 South Van Ness, Suite 1000
San Francisco, CA 94103

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Sincerely,

Frances England
1339 43rd Avenue
San Francisco, CA 94122

EXHIBIT C

Existing tree, died.

Existing tree, BUF approved removal.

Proposed Tree #43-P1

Removal requested to accommodate new, larger tree plantings. Arborist report notes canopy die back, possibly due to ocean influence.

Proposed Tree #43-P2

Existing tree, died.

Proposed Tree #43-P3

Existing tree, BUF approved removal.

Removal requested to accommodate new, larger tree plantings. Arborist noted poor condition of tree.

Proposed Tree 43-P4

Removal requested to accommodate new, larger tree plantings. Arborist noted poor condition due to likely graft incompatibility.

Shift proposed tree slightly south to accomodate existing street light. See green arrow.

Proposed Tree 43-P5

Existing Olive Tree on 43rd in best condition. Project design team to shift streetlight placement south to accommodate. See blue arrow).

Existing tree, BUF approved removal.

Proposed Tree 43-P6

Removal requested to accommodate new, larger tree plantings. Existing tree was recently planted by Friends of the Urban Forest and has very small canopy - approx 4' around.

Request: Keep proposed trees in plans (P1, P2, P3, P4, P5, P6), remove existing trees that conflict (#51, #54, #55, #58 plus those BUF already approved for removal)

Request: Keep proposed tree in plans.

Proposed Tree 42-P7

Proposed tree to be eliminated from plans to preserve existing trees.

Request: Keep proposed tree in plans.

Proposed Tree 42-P8

Proposed trees to be eliminated from plans to preserve existing trees.

Existing tree, BUF approved removal.

COW ITCH, GOOD, $230

Keep existing tree

Existing tree, BUF approved removal.

COW ITCH, GOOD, $70

Remove existing tree to avoid conflict with building entry.

COW ITCH, GOOD, $120

COW ITCH, GOOD, $20

Remove existing tree to avoid conflict with proposed streetlight. Also noted in poor health in arborist report.

COW ITCH, GOOD, $70

COW ITCH, GOOD, $30

Keep existing trees

OLIVE TREE, FAIR, $470

COW ITCH, GOOD, $70

COW ITCH, GOOD, $110

Shift proposed streetlight south to accommodate tree #53, see blue arrow.

1351 42ND AVENUE

42ND AVENUE

43RD AVENUE

ZHOU FAMILY TRUST
2016-K332197 (9/22/2016)
APN 1797-027

NIU
2007-I435613 (8/14/2007)
APN 1797-006

EATON
BK C161 PG 708 (4/29/1976)
APN 1797-022

YEN
2019-K76486900003
APN 1797-012

LEGEND

- EXISTING TREE
- CANOPY TREE
- △ TREE TO BE SAVED
- ✕ TREE TO BE REMOVED

NORTH

0 10 20
scale feet
1" = 10'

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TEL (707) 542-6451 FAX (707) 542-5212

IMPACT OF EXISTING TREES EXHIBIT
(FORMERLY NAMED FRANCIS SCOTT KEY)

SHIRLEY CHISHOLM VILLAGE EDUCATOR HOUSING

SAN FRANCISCO, CALIFORNIA

APRIL 29, 2021

PROJECT No. 2019014.00

SHEET 1 OF 1

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MidPen HOUSING
Building Communities. Changing Lives.

EXHIBIT D

Electronically Submitted

Thomas Roitman
Hearing Director
San Francisco Public Works – Bureau of Urban Forestry (BUF)
49 South Van Ness, Suite 1000
San Francisco, CA 94103

March 26, 2021

RE: Order No. 204447 Adjacent to 1351 42nd Ave (trees on 42nd and 43rd Ave Frontages)

Dear Mr. Roitman,

Thank you for you and your staff's time to review and consider MidPen Housing Corporation's request to remove 14 trees adjacent to 1351 42nd Ave, in addition to the 5 trees already approved for removal, during the hearing on Monday, March 22nd.

While we understand BUF's goal is to ensure existing trees are preserved to the extent possible, there are several factors in the case of this planned affordable housing development ("Shirley Chisholm Village") which led the project team to request removal and replacement of the existing trees, as opposed to preservation. We request that BUF approve MidPen's request to remove the remaining 14 existing trees given the below considerations.

- **Disruption to Existing Trees During Construction –** Construction of the planned development will be disruptive to the existing trees despite tree protection. It will be difficult to maintain the health of these trees during construction despite the use of protection buffers, temporary irrigation or hand watering, fencing, and more. Even with diligent management and care of these trees, the trees may be damaged due to root loss during demolition of the existing sidewalk and installation of the new sidewalk, which requires re-grading and re-compaction of the surrounding soil. If the trees are damaged despite protection efforts, we will ultimately need to replace the existing trees at significantly greater effort and cost than the current replacement plan calls for.

- **Conflicts with Planned Development** –We would like to clarify that although there are no conflicts between the physical building footprint and the existing trees, modifications will need to be made to the current sidewalk design and planned utility placements in order to avoid conflicts with the existing trees. This would require significant additional coordination across members of the design team, substantial redesign of the sidewalk, utilities, and landscape design, and resubmitting Addenda plans which are currently under review by the San Francisco Department of Building Inspection.

- **Cost** – We appreciate the financial resources and City staff time devoted over the past several years to hand water and establish the existing trees. Although these trees are now established in the current site conditions, the project arborist and landscape design team are concerned that the existing trees will not perform well with construction occurring around them and may not be vigorous enough to survive nearby construction activities, particularly the demolition of existing sidewalk and laying of

new sidewalk. The environmental disruption could result in the trees dying and requiring removal and replacement after the new sidewalk and landscape plantings have been installed. This means the project would incur additional costs during construction for tree protection and monitoring, and would also incur additional costs related to removing and replacing the existing trees within the new sidewalk and landscape infrastructure.

Given that this affordable housing development has significant public financing committed from the San Francisco Mayor's Office of Housing and Community Development, we are always looking to ensure that we spend public dollars as efficiently as possible in our effort to bring quality affordable housing development for educators and their families to the Outer Sunset neighborhood. We are confident that the most cost-effective option is to remove the existing trees prior to construction, wait until the most disruptive aspects of construction are complete, and then plant larger, healthier trees in sequence with the new sidewalk and landscape planting installations.

- **Commitment to Surrounding Community** - As shared during the hearing, MidPen held three large public meetings in 2018-2019 with the surrounding neighborhood and community stakeholders to request feedback on Shirley Chisholm Village's proposed design. During these meetings, MidPen received comments expressing that the existing trees are small and in poor condition, and that commentors would like them to be replaced with larger, healthier trees that could provide more canopy coverage to the street and sidewalk. Neighbors expressed a desire for large canopies to help screen the view of the new 5-story development from their homes. In response to this community feedback, we are proposing to replace the existing trees with 36" box trees that are approximately two times larger than the existing trees. From day one after construction completion, the proposed trees will be larger than the existing trees and provide sight-line screening between the neighbors' residences and the new development's building massings. We believe replacing the current trees with plantings that are larger from day one is a critical piece of fulfilling our commitments to Shirley Chisholm Village's surrounding community and neighbors.

  One of the public commentors noted during the hearing that the City Planning Department and planned development team did not consider the existing trees in their design. On the contrary, the project team seriously evaluated the existing trees, as well as the planned development's design and interface with the public right of way and surrounding neighborhood. Given that the planned development is 5 stories tall, we strongly believe the existing trees are under-scaled relative to the development. Larger trees from day one will help the new building's scale relate better to the typically 2-story homes of the surrounding neighborhood. See below for the graphic provided during the hearing, which compares the size of the largest existing tree to the height of the proposed replacement trees.

MidPen HOUSING

Building Communities. Changing Lives.

EXISTING: SCALE COMPARISON

Largest Existing Tree

Proposed Tree, Size at Install [36" box]

FLETCHER STUDIO | FSK - SCV | BUF TREE HEARING

We would be happy to meet with staff to discuss the above further with the project's arborist and landscape architect and discuss if there is an opportunity for BUF to relocate these trees in another location or other alternatives.

Should you have any questions, please contact me at mkim@midpen-housing.org and Lauren Fuhry at lauren.fuhry@midpen-housing.org.

Thank you for your time and consideration.

Sincerely,

Michelle Kim

Senior Project Manager

Mayor's Office of Housing and Community Development
City and County of San Francisco

London N. Breed
Mayor

Eric D. Shaw
Director

June 3rd, 2021

City and County of San Francisco
Board of Appeals

RE: Board of Appeals Hearing regarding DPW Order #204447
Shirley Chisholm Village Tree Removal
1360 43rd Ave

Dear Board Members,
This letter is being submitted in support of the revised design for tree plantings at Shirley Chisholm Village.

Since their appeal to DPW, the MidPen design team has made significant changes to the placement of new trees and replacement of existing trees for this project. BUF may not have had opportunity to examine the new proposal. The new design retains a significant number of existing trees and where trees are replaced the new trees exceed City Standards.

On 42nd Avenue MidPen Housing is retaining the majority of the trees:
Two new trees will replace two existing trees. One is being removed to accommodate a streetlight. One is being removed for the building entrance. All other trees are as previously accepted by BUF. When planted, the replacement trees provided by MidPen will be over 2 times the height and have broader more voluminous canopies. All trees will be of the same species, a species that has done better than other species at the site.

On 43rd Avenue MidPen would like to remove 3 additional trees:
The trees on 43rd Avenue are of mixed species and have not done as well at the existing trees on 42nd Avenue. BUF has already accepted the removal of 4 of the trees and another has died. The healthiest existing tree will be retained. Mid-Pen would like to replant with new trees to match 43rd Ave. When planted, the replacement trees provided by MidPen will be over 2 times the height and have broader more voluminous canopies. All new trees will be of the same species, a species that has done better than other species at the site.

MidPen is responding to the requests of the local residents:
MidPen held several neighborhood meetings and has been open to neighbor comments. The residents have consistently ask for bigger trees. This is a reflection of the local scarcity of trees and the desire to have some privacy from taller development. The designers have carefully responded and the design has been well received by the neighbors. It will be unfortunate to have the design broken up to retain some of the existing trees, especially considering that it is the residents of the neighborhood who will have to live with the result.

MidPen is exceeding City Standards:

When planted, the replacement trees provided by MidPen will be starting with built-in irrigation and 3 foot boxes for the soil and roots as opposed to the un-irrigated 15 gallon trees size trees previously planted. These trees will start out larger that the existing trees. Due to their difficult start, the existing trees will not catch up for decades if ever.

If I can be of any assistance in this mater feel free to contact me.
Regards,

Paul D Travis, AIA, LEED-AP,
Construction Representative

Mayor's Office of Housing and Community Development
1 S. Van Ness Avenue, 5th Floor
San Francisco, CA 94103
paul.travis@sfgov.org

DocuSign Envelope ID: 02D616C5-C896-4824-A9C4-DE193DE3D642

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: 204615

The Director of Public Works held a Public Hearing on Monday, March 22nd, 2021 commencing at 5:30 PM via teleconference to consider several items related to tree removals. In accordance with Gov. Gavin Newsom's statewide order for all residents to shelter in place and the numerous local and state proclamations, the hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 204447 (permit application no. 785244) the removal of nineteen (19) street trees with replacement adjacent to 1351 42nd Ave. The trees are located on both the 42nd Ave and 43rd Ave frontages. Staff approved the removal of five (5) trees and the public protested. Staff denied the removal of fourteen (14) trees and the applicant appealed.

Findings

Urban Forestry staff Mr. Chris Buck presented a powerpoint, BUF explained SFUSD owned the lot and it was repurposed for community several years ago. At the time, BUF added trees for beautification of the sparsely planted frontage. A new development is proposed for high density houses and the tree removal permit application includes a landscape plan that proposed the removal of 19 street trees, with replacement of just 11 street trees. The project triggers a tree planting requirement of a total of 25 street trees based on the two frontages (existing or new) and any trees not able to be planted, are assessed in-lieu fees that funds the planting of street trees elsewhere in the City.

Staff level approvals, protested by the public:
On 42nd Ave two (2) trees were approved for removal and on 43rd Ave three (3) trees were approved for removal because they are in poor condition and they are established and there is no way to bring them back to good health.

Staff level denials, appealed by the applicant:
On 42nd Ave nine (9) trees were denied for removal and on 43rd Ave five (5) trees were denied removal because they are healthy, established and sustainable. On 42nd, the nine (9) trees denied are upright in form and can be worked around during construction including an olive tree. The trees were meticulously watered for three years to get established, are healthy and established and no longer require supplemental watering; hence these are denied.

• Order of public comment: Appellant (applicant) appealing the denials by BUF, to spoke first, then those appealing removal of trees approved by BUF, and then back to BUF as necessary.

• Applicant: Michelle Kim, Senior PM for MidPen Housing presented the project. The design team held multiple public meetings regarding trees. Community feedback was neighborhood expression of desire for outdoor play area and better trees.
• Applicant: Walter Levison, consulting arborist for project. Through his assessment, he tagged and assessed many trees. The condition of trees ranged from poor to exceptional. The main limitation to good growth is lack

DocuSign Envelope ID: 02D616C5-C896-4824-A9C4-DE193DE3D642

of piped water to site. The project will install new trees and irrigate them via piped water. The site in Zone 17 is subject to high wind, salt, fog that inhibit good growth performance.
• Applicant: Chris Watkins, Associate at Fletcher Studio Landscape Architects. He explained the landscape design throughout the site, discussed lack of urban canopy. Stunted growth, poor soil, etc. All these existing deficiencies will be remedied by new proposed trees. Correct spacing and box size and watering and treatment will provide a better canopy. 36" box size are proposed for replacement.

• Public Support for Applicant: John Funke is a neighbor across the street. He voiced support for removal and addition of trees. He feels the new trees will provide a bigger canopy.
• Project Sponsor Support for Applicant: Erin Carson is from Mayor's Office of Housing and expressed support for the program and proposed landscape improvements.

• Protest: Josh Klipp understands the need for housing and feels that planning is developer driven and therefore sees trees as a low priority. Effort by BUF to develop trees, and as a taxpayer, protection of those trees is expected. There appears to be plenty of room to work around the existing trees that BUF staff have denied, a large amount of open frontage to work with.
• Protest: John Nulty lived in the Sunset district and has familiarity with the weather. He feels it is difficult and big feat for trees to reach maturity or become established.

• BUF Follow-up: Chris Buck addressed the question, "Can the trees be practically saved?" Arborist agreed some trees are fine and required water added. Can the trees be replanted? It cannot be practically done based on their root establishment. Therefore, trying to relocate them would be very challenging and reset the three-year effort to get them established.

• Applicant Follow-up: Walter Levison - New planter configuration cannot be practically installed without harming trees.
• Applicant Follow-up: Chris Watkins – Full maturity would require removal of some trees. i.e. Current design is not conforming with BUF's design guidelines for proper spacing.

• Protest Follow-up: Josh Klipp disagrees with the notion that the trees should be removed. John Nulty restated that the trees were in place before the design and not worked around. BUF took three years to get them esstablihed.

• BUF Follow-up: Chris Buck stated that there are no direct conflicts with constructability. i.e. the trees can be worked around and successfully protected and remain in place. Street light conduit, etc. can be worked around trees. He feels it will not impact the project, and the design team can incorporate the existing trees into the design, particularly where proposed trees are just younger versions of the tree already established for three years.

• Project Sponsor Support for Project: Paul Travis, Mayor's Office of Housing – Project is proposing to plant trees that are substantially larger than the existing trees. In the long run, future health and longevity of the proposed trees will surpass the current condition of the existing trees that are proposed for removal.

The landscape plans do show the installation of a significant amount of landscaping within the public right of way, and in-property, and a publicly accessible park space will be created as part of the overall project approval.

This is a mixed appeal case where some trees are protested for approval and others for denial. For the five (5) trees where the public has protested removal, BUF arborist's have explained that the poor health of those trees

DocuSign Envelope ID: 02D616C5-C896-4824-A9C4-DE193DE3D642

warrants their removal and replacement. Given no compelling reason to deny the removal of those five trees, I recommend allowing their removal.

For the fourteen (14) trees where BUF denied the removal, the project applicant and some neighbors and stakeholders provided a good explanation and sound reasoning for desiring the removal and replacement. However, there was nothing presented in the testimony that clearly explained a constructability conflict with the existing trees other than a minor inconvenience of working the trees into the new landscape plan and making minor adjustments to conduit runs around the roots. While the project landscape design team asserted the new larger size box trees will result in a better long-term and properly spaced canopy, it is unclear that it will be more beneficial, sustainable, or survivable down the road than continuing to nurture the growth of the existing trees that BUF has already watered for three years. Note that BUF's arborists are subject matter experts on the long-term establishment of City street trees and have experience with new trees that don't survive the harsh natural and human-caused conditions. Therefore, unless there is a constructability concern that was not apparent in the hearing testimony, I recommend sustaining BUF's denials for removal of the fourteen (14) well-established healthy trees.

Recommendation
After consideration of correspondence received, plans reviewed, and testimony provided, the recommendation is to uphold the staff recommendation to approve five (5) trees for removal and uphold the staff recommendation to deny the removal of fourteen (14) trees.

Appeal:
This Order may be appealed to Board of Appeals within 15 days of April 12th, 2021.

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:
Degrafinried, Alaric
Acting Director

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)

London N. Breed
Mayor

Alaric Degrafinried
Acting Director

Carla Short
Superintendent

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

Appeal No. 21-040 Respondent's Brief

MidPen Housing Corporation vs. SFPW-BUF

Public Works Order No. 204615 / Tree Removal Permit No. 785244

June 17, 2021

The applicant submitted a tree removal permit application (785244) on April 10, 2020, to remove all street trees, on both the 42nd and 43rd Ave. frontages. After reviewing tree conditions and building plans, BUF staff approved five (5) trees to be removed and denied fourteen (14) trees. The five trees approved for removal are all in poor condition. Coincidentally, the trees approved for removal aligned with installation of electric vaults, sewer, and water utilities.

In addition to the applicant's appeal of the fourteen (14) denied tree removals, The Public also protested the five approved tree removals. On March 22, 2021, Public Works held a tree removal hearing. The Director issued resulting decision No. 204615, which upheld the approval of removal of the five (5) approved trees and upheld the denial of the fourteen (14) denied removals. (Appendix A) The basis for the department's denial was that the remaining 14 trees are young and healthy, and there are no constructability issues which require tree removal.

The appellants' brief stated that the project has reduced the number of proposed tree removals. Of the fourteen (14) denied removals, the project is now only seeking to remove six (6) trees. This request addresses many of BUF's

concerns as it plans to preserve many of the healthy and young trees at the site. In 2017, BUF planted thirteen (13) street trees at this site, and over the last 4 years has been watering the trees weekly. By preserving the most well-established young trees, the appellants ensure BUF's investments were not wasted.

On 42nd Ave. the appellants are now asking to remove two trees and to preserve seven (7) trees. The appellant seeks to remove tree #64 due to the installation of a new streetlight (Appendix B). The 18ft spacing of the existing young trees on the block makes it is difficult to find a location that allows for streetlight installation while providing adequate growing space for the large stature trees. Tree #64, is the least robust of the existing young trees, therefore BUF now agrees that it is acceptable to remove this tree.

The second tree proposed for removal on 42nd Ave. is another Primrose tree (*Lagunaria patersonii)*, tree #68 (Appendix B). The appellants are requesting removal to increase visibility and access at the main entrance. Given that tree #68 has not established as well as the neighboring trees BUF will agree to the removal. The replacement will be planted approximately 9ft North of the tree planned for removal. The project has committed to replace with 36" box trees, and the replacement tree will likely be the same size, if not larger, at the end of construction. Overall, 42nd Ave. will have a net loss of two street trees. Given the narrow 15-18ft spacing of the existing trees, future canopy cover should not experience a significant decrease.

Along 43rd Ave. the appellants and BUF have come to an agreement to allow the removal of three (3) of the five (5) denied tree removals. The project has committed to importing new soil, installing 36" box replacement trees, and installing irrigation, which should create better growing conditions for the trees. They are also proposing to replace with *Lagunaria patersonii*, which has proven to be a successful species well suited for the microclimate of 43rd Ave. (Appendix C)

The three (3) agreed upon removals on 43rd Ave. are in fair to poor condition, and removal and replacement with the improved growing conditions is a good long-term option for future canopy cover. (Appendix B)

In closing, with the improvement of growing conditions, and installation of automatic irrigation to aid in tree establishment, Public Works supports the issuance of a permit for removal of five (5) of the fourteen (14) previously denied tree removals from Public Works Order No. 204615, one less than the six proposed in the Appellants' brief. Public Works still feels retention of one of the olives on 43rd Ave is warranted. In addition to reducing their requested tree removals, the project has agreed to irrigate the remaining young trees on 42nd Ave. during construction and install protective tree screens on all existing and new tree plantings help to protect them from vandalism. (Appendix C)

Respectfully,

Stephen Keller

Acting Urban Forester

APPENDIX A-- PUBLIC WORKS ORDER 204615

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: 204615

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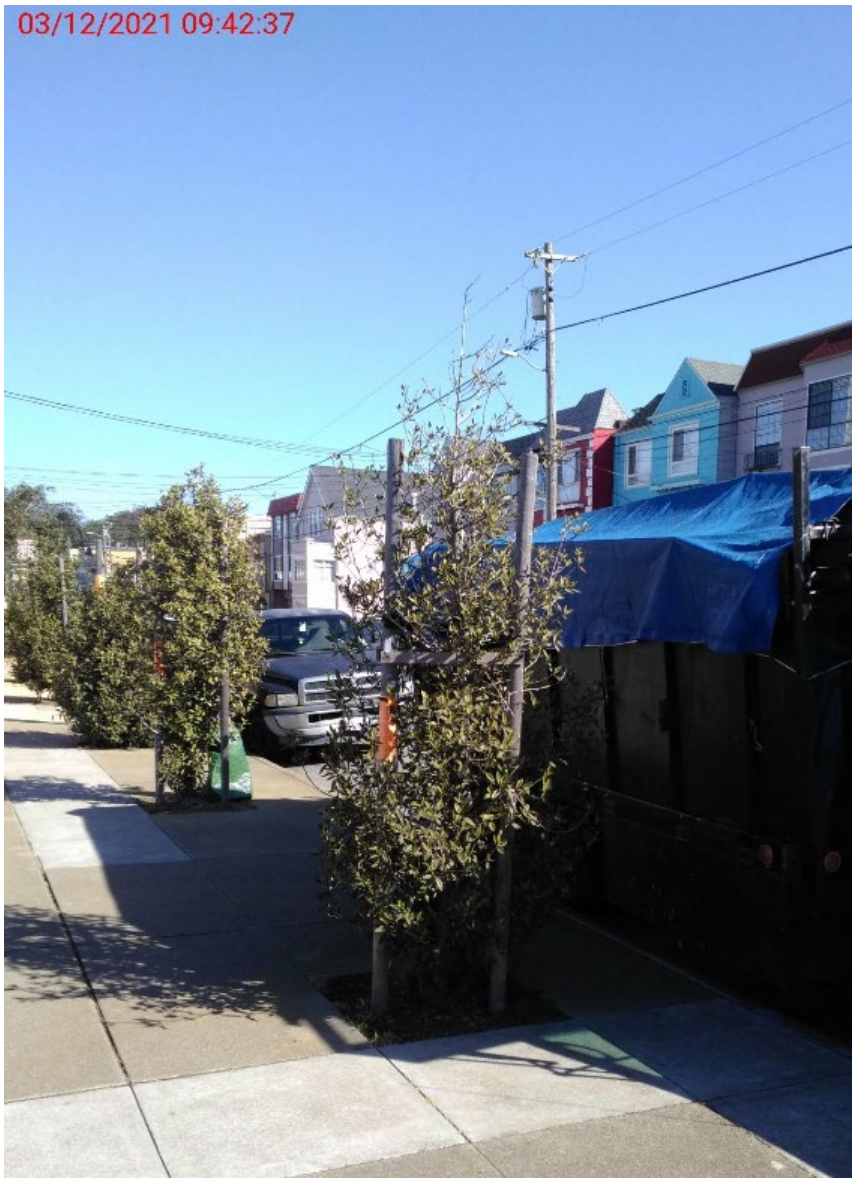
X DocuSigned by:

Degrafinried, Alaric
Acting Director

APPENDIX B – PHOTOS OF FIVE (5) TREE REMOVALS

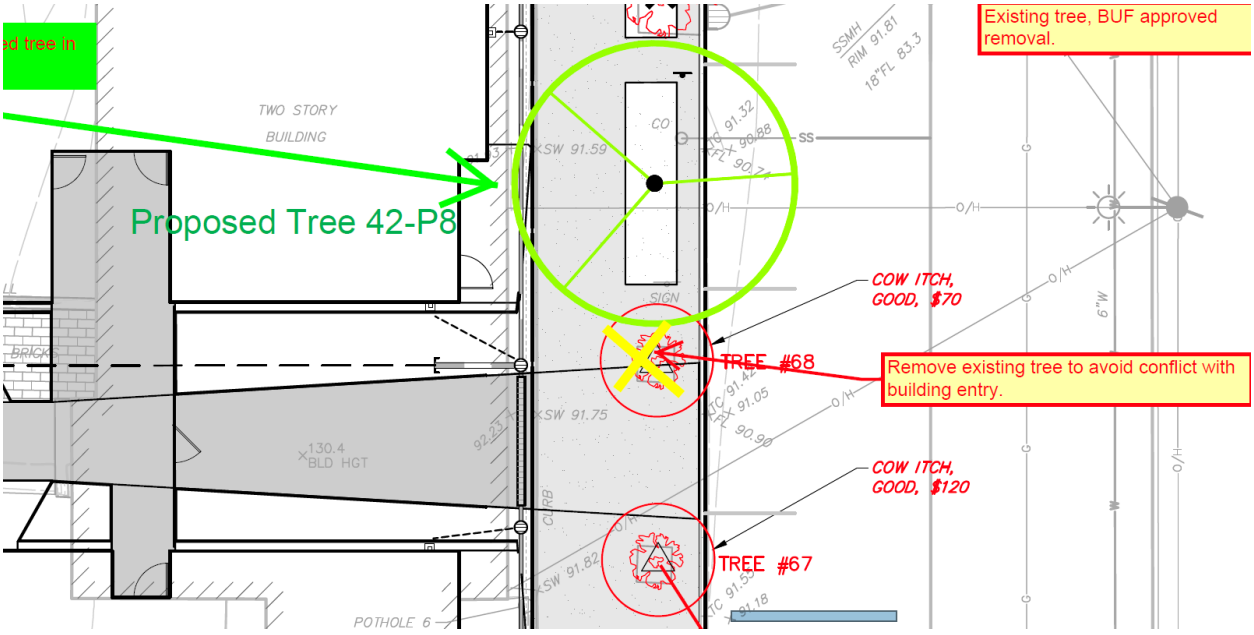
-Photo of tree #68 from March 2021 showing a dead top. One of two newly approved trees on 42nd Ave.

Appellants plan to install a streetlight at this location.



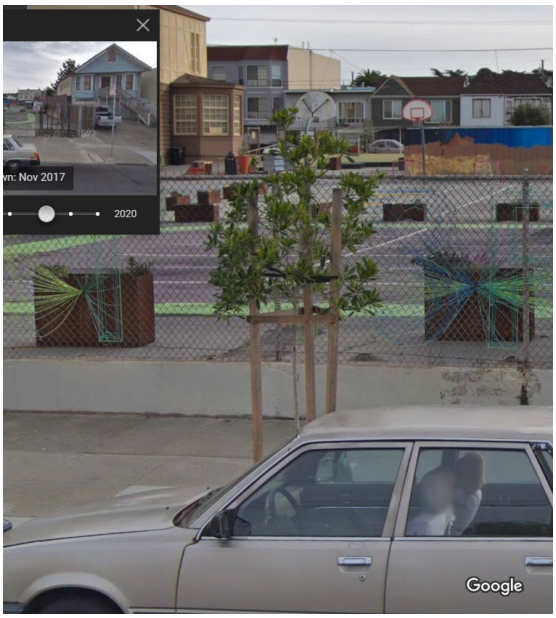
APPENDIX B – PHOTOS OF FIVE (5) TREE REMOVALS

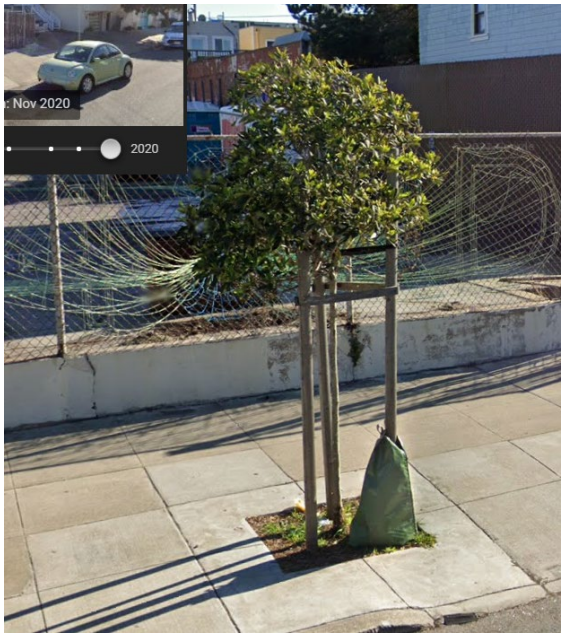
-Photo of second newly approved tree on 42nd Ave. Showing the new tree site will be made to the North, allowing for a more accessible front entry



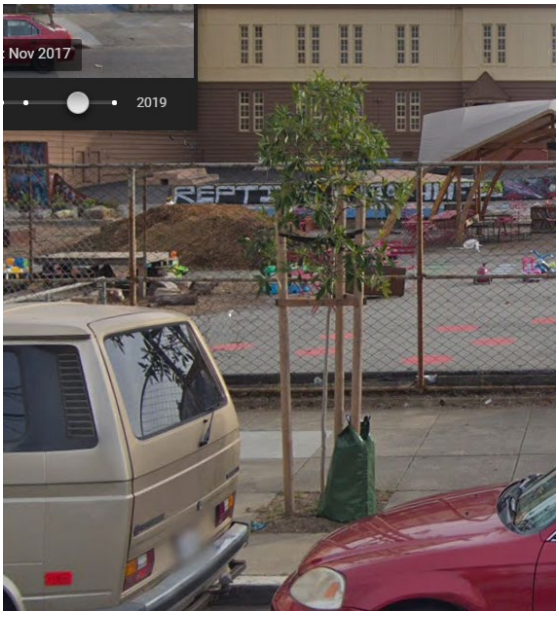
APPENDIX B – PHOTOS OF FIVE (5) TREE REMOVALS

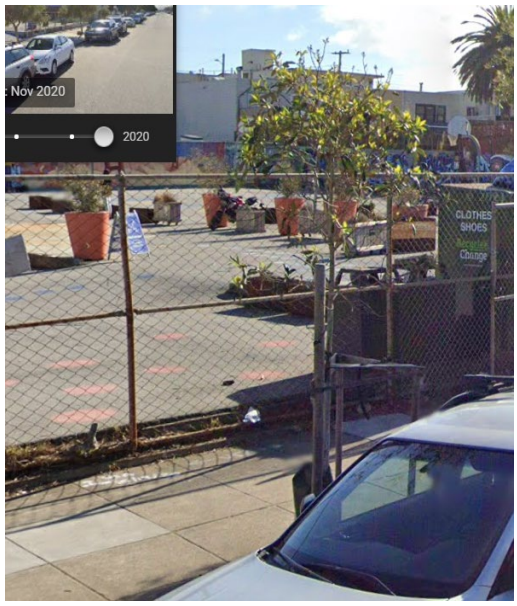
-Photo of tree #51 on 43rd Ave, showing a lack of substantial growth from 2017-2020





-Photo of tree #55 on 43rd Ave. showing a lack of substantial growth from 2017-2020)





APPENDIX B – PHOTOS OF FIVE (5) TREE REMOVALS

-Tree #58 on 43rd Ave., roughly 13 year old olive tree, undersized for its age

APPENDIX C—DOCUMENTATION OF COMMITMENTS FROM APPELLANT

From: Lauren Fuhry <lauren.fuhry@midpen-housing.org>
Sent: Monday, June 14, 2021 5:10 PM
To: Keller, Stephen (DPW) <Stephen.Keller@sfdpw.org>; Travis, Paul (MYR) <paul.travis@sfgov.org>
Cc: Short, Carla (DPW) <Carla.Short@sfdpw.org>; Carson, Erin (MYR) <erin.carson@sfgov.org>; David Casey <dcasey@bararch.com>; Andrew Prindle <aprindle@fletcherstudio.com>; David Fletcher <dfletcher@fletcherstudio.com>; Alicia Gaylord <agaylord@midpen-housing.org>
Subject: RE: Call with MidPen? Re: 1351 4nd Ave. (Francis Scott Key Annex Educator Housing) 201912099009 BUF release SITE

Hi Steve,

Thank you for sharing the material specs and image of the protection BUF uses for new trees. Andrew is looking into options and will include a specification in our next design set, which Fletcher Studios and the rest of our design team are currently working on. We expect to have the new set (95% CDs) on July 17th, and the tree protection detail will be called out in those plans. Out of curiosity, has much tree vandalism has previously occurred near our project site?

Per our call today, we can also commit to watering the trees to be preserved during construction. We will include those plans in our civil plans, and I will coordinate with our civil engineer, Carlile Macy, to get a Tree Protection Plan included in the 95% set.

For tree #68 – we are requesting removal of this tree because it sits in front of the entrance on 42nd Avenue and conflicts with both the line of sight through the property, the natural congregation space at the entry, and the specialty paving specified at that entrance. Tree #68's roots are more likely to be impacted by paving work than other trees on the site, and it's one of the Lagunaria's that our arborist identified as being in poorer condition (see image below).

Additionally, since this is the building's only entrance on 42nd Avenue, we expect tenants to frequently use this entrance for meeting friends, catching an uber, etc, and to linger in front of the entrance more than they will linger elsewhere along the building façade. Our architecture and landscape design reflects this expectation and leans in to encouraging this use of the space by tenants. There will wayfinding signage and bicycle parking immediately adjacent to this entryway. We are concerned that the presence of both tree #67 and #68 would cause significant crowding at the building entrance. Tree #68 is in more direct conflict with the building entry and is in poorer condition than tree #67 according to our arborist report. Hence we are requesting to remove tree #68 and replace it with a 36" box tree of the same species further north (plus the imported soil and larger planting area discussed on our call) with the hope that the new tree will grow more vigorously and contribute to a canopy around the building entry faster than the existing tree, and also not conflict with the open area designed to allow for natural congregation of tenants.

APPENDIX C—DOCUMENTATION OF COMMITMENTS FROM APPELLANT

RE: Call with MidPen? Re: 1351 4nd Ave. (Francis Scott Key Annex Educator Housing) 201912099009 BUF rel...

LF Lauren Fuhry <lauren.fuhry@midpen-housing.org>

Reply | Reply All | Forward | ...

To Keller, Stephen (DPW); Travis, Paul (MYR)

Cc Short, Carla (DPW); Carson, Erin (MYR); David Casey; Andrew Prindle; David Fletcher; Alicia Gaylord

Tue 6/15/2021 11:49 AM

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Hi Steve,

Yes, we can make this change to our plans to show that tree #54 is also preserved.

Please let me know about what next steps would be procedurally to prepare for the appeal hearing on the 23rd.

Thank you,
Lauren

Lauren Fuhry | MidPen Housing Corp. | c. 707-292-4854

From: Keller, Stephen (DPW) <Stephen.Keller@sfdpw.org>
Sent: Tuesday, June 15, 2021 11:40 AM
To: Lauren Fuhry <lauren.fuhry@midpen-housing.org>; Travis, Paul (MYR) <paul.travis@sfgov.org>
Cc: Short, Carla (DPW) <Carla.Short@sfdpw.org>; Carson, Erin (MYR) <erin.carson@sfgov.org>; David Casey <dcasey@bararch.com>; Andrew Prindle <aprindle@fletcherstudio.com>; David Fletcher <dfletcher@fletcherstudio.com>; Alicia Gaylord <agaylord@midpen-housing.org>
Subject: Re: Call with MidPen? Re: 1351 4nd Ave. (Francis Scott Key Annex Educator Housing) 201912099009 BUF release SITE

Hi Lauren,

BUF discussed MidPen's proposal a bit more and are open to making an agreement. Our one request is that tree #54 is also preserved, and will agree to all other proposed tree removals in your brief.

Please get back to me as soon as you can,

Thanks
831 234 7637

PUBLIC COMMENT

From: David Franzblau
To: BoardofAppeals (PAB)
Subject: Appeal No. 21-040; 1351 42nd Avenue
Date: Tuesday, June 8, 2021 6:34:23 PM

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

To Whom It May Concern,

I am writing in support of Public Works Order No. 204615. I live near by and see no reason that the removal of five trees should be delay. Moreover, I wish you would move forward with the housing project since the current location is an eyesore in the neighborhood.

Thank You,

David Franzblau