

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
LANCE CARNES, _____)
Appellant(s))
vs.)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF URBAN FORESTRY, _____)
Respondent

Appeal No. **21-008**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on February 2, 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 January 28, 2021, of an Order - Removal by City Agency (removal of four hazard street trees at two different locations: (1) 46 Cragmont Avenue: Tree # 1 for removal; BUF needs to look into the feasibility of replacement at other locations nearby on the block or within the district; the Eucalyptus tree has dead branches within the canopy and there is a concern that the tree could fail at its roots; the tree basin takes up half the sidewalk and would not allow for 4 feet minimum clearance for ADA; (2) 80 Junipero Blvd: three trees for removal with replacement; Tree # 6 (large stem failure) Tree # 8 (branch failure from old pruning cuts) and Tree # 10 (similar condition as other two trees)) at 46 Cragmont Avenue and 80 Junipero Serra Blvd..

APPLICATION NO. Order No. 204218

FOR HEARING ON March 24, 2021

Address of Appellant(s):

Address of Other Parties:

Lance Carnes, Appellant(s) 722 Lombard Street, Apt 201 San Francisco, CA 94133	N/A
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Date Filed: February 2, 2021

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

PRELIMINARY STATEMENT FOR APPEAL NO. 21-008

I / We, **Lance Carnes**, hereby appeal the following departmental action: **ISSUANCE of Order No. 204218 by San Francisco Public Works to the Bureau of Urban Forestry (Removal by City Agency)** which was issued or became effective on: **January 28, 2021**, for the properties located at: **46 Cragmont Avenue and 80 Junipero Serra Blvd.**

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 **March 4, 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 **March 18, 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 and lacarnes@gmail.com.

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, March 24, 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: Lance Carnes

Appeal of SF Public Works Order #204218

This appeal is filed on behalf of Save North Beach Village, a North Beach neighborhood group that opposes the unnecessary removal of trees in San Francisco. We believe the Public Works Order #204218 to remove 3 trees at 80 Junipero Serra Blvd does not correctly identify the trees' location according to official DPW Tree records. Recent tree removals that were not correctly identified to tree removal crews have had disastrous results.

The Public Works Order No. 204218 decision to uphold the removals is dated January 28, 2021.

Save North Beach Village respectfully appeals the order to remove these trees.

Save North Beach Village, 722 Lombard St, Suite 201

San Francisco, CA 94133



San Francisco Public Works
General – Director’s Office
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 www.SFPublicWorks.org

Public Works Order No: 204218

The Director of Public Works held a Public Hearing on Wednesday, January 20, 2021, commencing at 10 a.m. 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. 204130, the removal of four (4) hazard street trees at the following two addresses within Supervisor District 7:

46 Cragmont Ave. Tree #1

Without replacement; sidewalk too narrow – no other nearby options

“80” Junipero Serra Blvd (nearest address location) Three (3) trees. Tree #6, 8, 10 (located at curb). These trees will be replaced

Staff approved the removal and the public protested.

Findings:

Public Works, Bureau of Urban Forestry (BUF) staff presented the following:

At 46 Cragmont Avenue, Tree #1 is a Silver Dollar Eucalyptus tree that has lots of dead branches within the canopy and the canopy is not full or vigorous. The tree has been topped or cut as branches have sprouted out from these old injuries due to stress response. Points of attachment from these areas are weak and prone to failure from competing limbs. The tree basin takes up half the sidewalk and would not allow for a 4 feet minimum clearance for ADA. Most plants on the block are planted within the property and not on sidewalk. The concern that this tree could fail at the roots (root failure) as other trees similar with a dying canopy had failure at the roots. The tree was recommended to be removed without replacement. Urban Forestry staff will check if there are any possible replacement tree locations on this block or within the District.

At “80” Junipero Serra Blvd, Tree #6 is experiencing a lot of large stem failure where decay has settled in, the tree is dead at some areas and there is very little live canopy.

Tree #8 is similar and has branch failure from old pruning cuts.

Tree #10 is similar condition to the other two trees. Tree numbering is determined by flow of traffic direction, and match the physical site spacing. The trees were recommended to be removed and replaced.

Mr. Lance Carnes presented and mentioned that at 80 Junipero Serra Blvd, the X and Y Coordinates from the ArborPro census survey do not match up with the locations of the subject trees when plotted on a map and was concerned that the wrong trees will be removed. BUF responded that the inspector or record would generally respond to the tree removal inquiries. BUF uses the data base and uses the tree ID asset,

which includes images of the subject trees to make sure the right tree is removed. Following the hearing BUF staff reached out to Mr. Carnes to clarify his question about the X Y coordinates, and other questions he may have about this site. Staff will follow-up if any outstanding questions remain.

Mr. Josh Klipp commented similarly about making sure the correct trees would be removed and that removed trees should be replaced. BUF responded that postings for tree removal are for the immediate locations and community, the bigger picture is to replace removed trees although it may not be at the immediate location when it is not possible. Mr. John Nulty is also concerned about removal of the correct trees and was concerned with the replacement trees being placed too far away from the removed tree. BUF responded that they understand the concerns and challenges and reassured the public that BUF staff matches the physical trees with the correct assets in the database to be removed.

Recommendation:

After consideration of correspondence and testimony provided, the recommendation is to approve the removal of the subject trees. It is also recommended that BUF staff look into the feasibility to replace the tree at 46 Cragmont Ave. if possible at other locations nearby on the block or within the district. There is room to plant replacement trees at the sites near "80" Junipero Serra Blvd. Species to be decided by staff.

Appeal:

This Order may be appealed to Board of Appeals within 15 days of January 28, 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/>

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DocuSigned by:



Degrain, Olivia
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Acting Director

BRIEF(S) SUBMITTED BY APPELLANT(S)

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Exhibit List

Exhibit Number	Exhibit Description
Exhibit 1	Map of subject trees

Save North Beach Village v. San Francisco Department of Public Works

Appeal No. 21-008, Appeal of Public Works Order No. 204218

I. INTRODUCTION

The appeal in the above listed matter is brought by North Beach Resident, Lance Carnes, on behalf of the organization, Save North Beach Village (hereafter “SNBV”).

II. SUMMARY

SNBV appeals San Francisco Public Works’ (SFPW) Order No. 204218 for the removal of 3 trees at 80X Junipero Serra Blvd, not because SNBV believes hazardous trees should remain in place, but because when writing the Director’s Decision, San Francisco’s City Arborist, Christopher Buck mischaracterized Appellant’s testimony at the hearing, and did not exercise due diligence to correct the factual errors that were pointed out.

On February 20, 2020, the three trees at 80X Junipero Serra Blvd were first posted for removal. The reasons given for removal were “Canopy decline” and “large limb failure”, “decay”, and “trunk wound.”

On March 5, 2020 Appellant first informed SFPW of the discrepancy between the trees’ street address and the trees’ GPS points in the SFPW Tree database, about two miles apart (see Exhibit 1). SFPW responded but did not acknowledge the two-mile discrepancy in the trees’ locations.

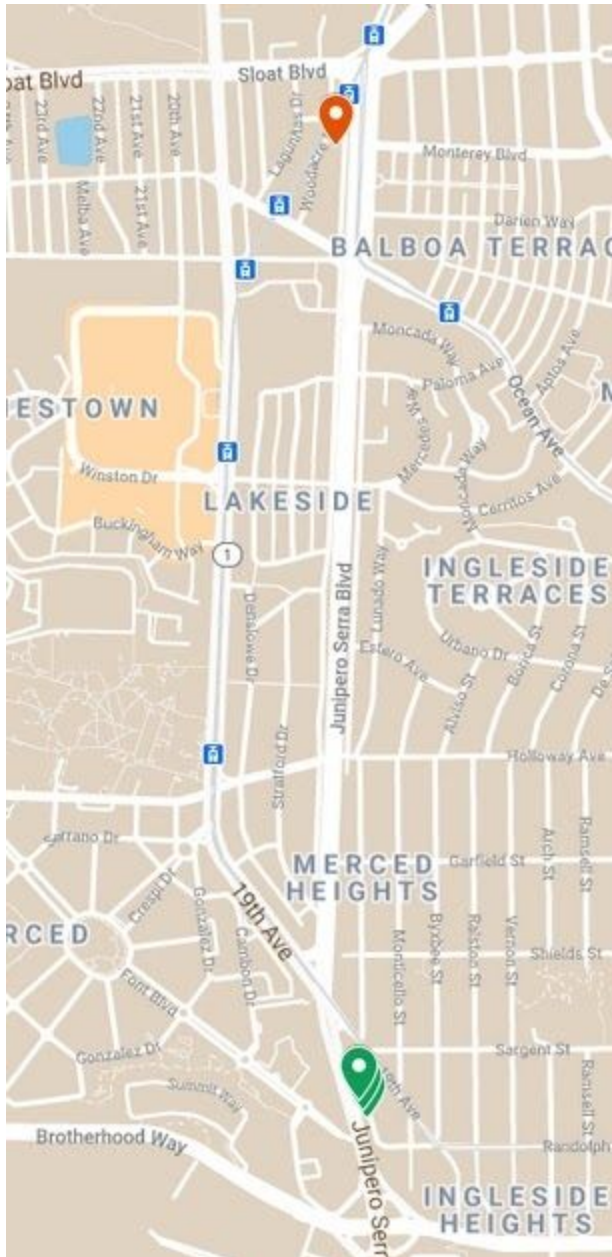
On January 28, 2021 SFPW issued Order 204218 recommending removal of the three trees. The Order did not acknowledge the erroneous GPS locations of the trees.

On February 2, 2021 Appellant filed this Appeal.

Exhibit 1: Map of subject trees

Red - where SFPW says the trees are, 80X Junipero Serra Blvd

Green - where the SFPW database GPS points show the trees are (about 2 miles south)



III. ARGUMENT

SFPW ignored the GPS points error each time it was brought to their attention and the result could be removal of the wrong trees

The subject trees are slated for removal, and the crew that does the removal could use the GPS points in the SFPW Tree database to locate the trees. If the incorrect GPS points remain in the database, pinpointing the trees two miles south of 80X Junipero Serra Blvd, it's possible the wrong trees could be removed.

Even though SFPW thinks the location given is "good enough" it's important that all the trees' data is correct. The SFPW Inspector who knows the trees' location from memory might not be present when the removal crew is on site, and there is a chance the wrong trees could be removed.

IV. Conclusion & Prayer for Relief

SNBV respectfully requests the following relief:

- Amend Order 204218 to correct the section “**Findings:**” and the paragraph beginning “Mr Lance Carnes presented ...” to reflect the factual information from the hearing.
- An example of a correct “Findings” is simply: “SFPW verified that the 80X Junipero Serra Blvd trees’ GPS points were incorrect and has made the appropriate changes to the SFPW Tree Database.”

Respectfully submitted,

Lance Carnes

Appellant, Lance Carnes on behalf of SNBV

March 4, 2021

Date

PUBLIC COMMENT

BOARD OF APPEALS

MAR 12 2021

APPEAL # 21-008

Caroline Magruder Raybin
615 Pacheco St.
San Francisco, CA 94116
sue.raybin@gmail.com

March 8, 2021

City & County of San Francisco
BOARD OF APPEALS
49 South Van Ness, Suite 1475
San Francisco, CA 94103

To the Board of Appeals:

Regarding street tree at 46 Cragmont, San Francisco, CA:

I understand there is a request to remove this majestic street tree. I see the canopy of this gum tree from my kitchen every day, and it is an important part of my backyard vista. I live in Golden Gate Heights, just across the back fence from 46 Cragmont, and a block from Forest Hill where there are many stately old trees highlighting that neighborhood. Up on Quintara where Cragmont Avenue begins, when you turn north on Cragmont the first tall tree canopy you see is the one at 46 Cragmont. I would not want to lose it.

When I approach the tree closely on Cragmont, I see that a few of the lowest side branches look desiccated. The trunk nearly fills the sidewalk opening for the tree now, and perhaps that is restricting water to some of the lateral roots. It looks like if the planting well were widened a bit, that might help save this tree which probably dates to 1940 or so when the charming house was also built. Some further pruning of the desiccated lower branches would still leave the glorious tree canopy which I see from my house directly north of 46 Cragmont.

I read that blue gum trees in Australia can live to be 200-400 years old. This is much older than the average longevity of Monterey pines (80-90 years) which are found all around nearby Forest Hill. I would want this tree saved if at all possible. The vast majority of its canopy looks to be thriving as well as beautiful and I would think that small changes could save it.

Sincerely,

Caroline Magruder Raybin

