

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

Appeal of  
CATERINA FAKE, \_\_\_\_\_ )  
Appellant(s) )  
vs. )  
SAN FRANCISCO PUBLIC WORKS )  
BUREAU OF URBAN FORESTRY, \_\_\_\_\_ )  
Respondent

Appeal No. **21-059**

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on June 29, 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 June 17, 2021, to Caterina Fake, of a Public Works Order (DENIAL of the application to remove three significant trees with replacement adjacent to 635 Steiner Street since the trees are healthy) at 635 Steiner Street.

**APPLICATION NO. Order No. 204944**

**FOR HEARING ON September 1, 2021**

Address of Appellant(s):

Address of Other Parties:

Caterina Fake, Appellant(s) c/o Yin Ho, Agent for Appellant(s) Withers, Bergman, LLP 505 Sansome Street, 2nd Floor San Francisco, CA 94111	N/A
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Date Filed: June 29, 2021

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

**PRELIMINARY STATEMENT FOR APPEAL NO. 21-059**

I / We, **Caterina Fake**, hereby appeal the following departmental action: **ISSUANCE of Public Works Order No. 204944 (denial of an application to remove trees)** which was issued or became effective on: **June 17, 2021**, to: Caterina Fake, for the property located at: **635 Steiner Street**.

**BRIEFING SCHEDULE:**

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

Appellant's Brief is due on or before: 4:30 p.m. on **July 22, 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](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [Stephen.keller@sfdpw.org](mailto:Stephen.keller@sfdpw.org).

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **August 5, 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 double-spaced with a minimum 12-point font. An electronic copy should be emailed to: [boardofappeals@sfgov.org](mailto:boardofappeals@sfgov.org), [julie.rosenberg@sfgov.org](mailto:julie.rosenberg@sfgov.org) and [yin.ho@withersworldwide.com](mailto:yin.ho@withersworldwide.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, August 11, 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](mailto:boardofappeals@sfgov.org). Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

**Please note** that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at [www.sfgov.org/boa](http://www.sfgov.org/boa). You 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.

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**The reasons for this appeal are as follows:**

Not Submitted.

**Appellant or Agent (Circle One):**

Signature: Via Email

Print Name: Yin Ho, Agent for Appellant



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

**Public Works Order No: 204944**

The Director of Public Works held a Public Hearing on Monday, May 24, 2021, commencing at 5:30 p.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. 204755, the removal of three (3) significant trees with replacement adjacent to 635 Steiner St. Staff denied the removals and the applicant has appealed.

**Findings:**

The arborist representing the property owner stated that the significant trees are putting strain and damaging the retaining wall. The arborist also stated that the water line has been repaired/replaced more than once. The property owner is willing to remove and replace the trees with drought tolerant species.

BUF testified that the main reason for removal is to prevent damage to the retaining wall, but it is unclear if the trees are causing the damage. It is uncertain if the retaining wall is going to be replaced/repaired. BUF staff inspected the three (3) significant trees and found no major defects or health issues.

Public comments support keeping existing trees. Members of the public expressed that the trees were healthy and that if trees were to be removed and replaced, the same issue of damage to the retaining wall would still exist.

**Recommendation**

After consideration of correspondence and testimony provided, based on the fact that the significant trees are healthy, the decision is to deny the removals and keep the existing trees.

**Appeal:**

This Order may be appealed to Board of Appeals within 15 days of June 17, 2021.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14<sup>th</sup> Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: [Boardofappeals@sfgov.org](mailto: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](mailto: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:

*Alan Degraff*

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Degraff, Alan

Acting Director

# BRIEF SUBMITTED BY THE APPELLANT(S)

**WITHERS BERGMAN, LLP**  
Yin T. Ho (SBN 270849)  
yin.ho@withersworldwide.com  
505 Sansome Street, Second Floor  
San Francisco, CA 94111  
Tel: (415) 872-3200; Fax: (415) 549-2480  
Attorneys for: Caterina Fake (“Appellant”)  
Appeal No.: 21-059  
Property: 635 Steiner Street

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

**APPELLANT’S BRIEF**

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**I. INTRODUCTION**

Appellant is the owner of a 40-foot “Mexican fan palm” that was erroneously planted in her above grade front yard, and in direct contact with a 10-foot high retaining wall that reinforces her home. The palm has the capacity to reach over 120-feet in height and can grow at a rapid pace of 2 to 4 feet per year.

Currently, the palm’s roots are growing on top of and spilling over the retaining wall; the palm is also being “shored” with common lumber to prevent the palm and its roots from spilling or toppling over. The palm has caused significant cracks to the retaining wall and to a water main line that services the property. Over time, the palm will continue to “flare” at the base of the trunk and cause further damage to the retaining wall.



***Photo 1 – 40’ tall Mexican fan palm atop a 10’ retaining wall in the front yard.***

Moreover, the Mexican fan palm is located within a few feet of Appellant’s mature “Cabbage palm,” which, per the Department of Public Work’s (“DPW”) “Recommended Trees” list, requires a “very large basin.” Opposite the Mexican fan palm and the Cabbage palm, is Appellant’s sprawling and multi-stemmed “Spanish bayonet,” which is also mature and whose branches are significantly overhang the neighboring property.

There is no question that the three subject trees cannot continue to exist in its present location, and are “hazard trees” that should be removed and/or relocated. Thus, Appellant respectfully requests that the Board of Appeals grant her application to remove the Mexican fan palm, the Cabbage palm, and the Spanish bayonet.

## II. FACTUAL BACKGROUND

### A. 635 Steiner Street

Appellant is the owner of the real property commonly known as 635 Steiner Street (“635 Steiner” or “Property”). The Property’s front yard features above grade landscaping and is supported by an approximate 10-foot high retaining wall, which is shared with the Appellant’s neighbors to the left and right. The landscaping is separated by a wrought iron fence and concrete stairs leading up to the Property, creating “left” and “right” landscape areas. The right landscape area contains the Mexican fan palm, the Cabbage



***Photo 2 – 635 Steiner. The Mexican fan palm and Cabbage palm are located on the right, the Spanish bayonet is located on the left.***

palm, and multiple plumbing lines, whereas the left landscape area contains the Spanish bayonet.

**B. Mexican Fan Palm**

The Mexican fan palm features a 22-inch trunk diameter, 25-foot tall trunk, and an overall height of 40-feet at the top of the palm fronds. (Exhibit A, p. 1.)

The palm was incorrectly planted immediately adjacent to the Appellant’s retaining wall and its root ball is spilling over the retaining wall and onto the neighbor’s yard. (Exhibit B.)

The Mexican fan palm has caused damage to the Property over the years. On September 30, 2017, the Property’s water main line broke due to overgrown roots. (Exhibit L-M.) Appellant’s

plumber noted at time that the

water main “goes underneath a palm tree” and that the “palm tree roots will eventually break the pipe again, and could even already have caused the next joint to leak underneath the tree (this is not possible to confirm since it would require cutting down the tree).” (Exhibit L-M.) The cost



*Photo 3 – The palm’s roots are overgrown and exceed the limits of the retaining wall. The palm is being shored by lumber.*



*Photo 4 – The overgrown roots in this area dominate the top of the wall that separates the neighbor’s yard.*



of the “quick fix” plumbing repair was \$789.50, but the plumber noted that the water main should be rerouted at a cost of \$6,200. (Exhibit L-M.)



*Photo 5 – Palm roots interfering with pipe.*



*Photo 6 – Plumber repairing the water pipe.*

The Mexican fan palm is also contributing to significant stress on the retaining wall. Over the years, the palm has cracked the retaining wall where the palm is located, and has likely contributed to cracks in other areas of the retaining wall. The Appellant’s arborist has opined that “the base of this species has a root initiation zone that can and does expand” and in this case, “with the base of the palm already hard pressed against the inside of the retaining wall, there is a risk of expansion and breakage of the wall.” (Exhibit A, p. 1.) Finally, the Appellant’s arborist concluded that the “worst-case scenario would be a sudden failure of the retaining wall and toppling of the tree onto the sidewalk and roadway.” (Exhibit A, p. 1.)



*Photo 7 – Cracks in the retaining wall.*



*Photo 8 – Cracks in the retaining wall.*

**C. Cabbage Palm & Spanish Bayonet**

The Cabbage palm shares the right landscape area with the Mexican fan palm and is located within a few feet from it. The Cabbage palm has a 14-inch trunk diameter and is approximately 15-feet tall. (Exhibit A, p. 2.) The Appellant’s arborist noted that the tree is “over-mature” for the site. (Exhibit A, p. 3.) The Spanish bayonet is located in the left landscape area. It has five stems three-to-eight inches in diameter and the Appellant’s arborist noted that the tree is “over-grown” for the site. (Exhibit A, p. 2.)



*Photo 9 – Spanish bayonet in left landscape area.*



*Photo 10 – Cabbage palm in right landscape area. The Mexican fan palm is to the far right*

### III. ARGUMENT

#### A. Significant Tree Removal Factors - Public Works Code Section 810A(c)

Public Works Code Section 810A(c)<sup>1</sup> sets forth several factors that the DPW shall consider when presented with an application to remove a significant tree: (1) size, age, and species; (2) visual and aesthetic characteristics, including the tree's form and whether it is a prominent landscape feature or part of a streetscape; (3) cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character; (4) ecological characteristics,

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<sup>1</sup> All further “Section” references shall refer to the San Francisco Public Works Code.

including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier; (5) locational characteristics, including whether the tree is in a high traffic area or low tree density area, or provides shade or other public benefits; (6) whether the tree constitutes a hazard tree as set forth in Section 802(o); and (7) whether the tree has been maintained as set forth in Section 802(l).

As discussed below, each of the factors support removal of the subject trees.

**A. The Subject Trees Are Hazardous Due to Actual Damage to Existing Structures and the Potential for Future Injuries**

**Inquiry:** Under Public Works Code Section 810A(c)(6), the inquiry is whether the subject trees constitute hazard trees. (SFPWC §810A(c)(6).)

**Analysis:** Section 802 defines a “hazard tree” as any tree that “poses an imminent hazard to person or property” and considers, among others, if the tree: (1) appears dead, dangerous, or likely to fall; (2) obstructs or damages a street, sidewalk, or other existing structure; or (3) poses any other significant hazard or potential hazard, as determined by the Director.” To the extent that damage is incurred, SFPW suggests that an applicant include “proof of damage caused by trees, such as paid invoices for repair.” (Exhibit G.)

In this instance, there is no doubt that the Mexican fan palm qualifies as a hazardous tree. The palm was incorrectly planted (not by Appellant) directly next to, and is in direct contact with the retaining wall, which is designed to prevent 635 Steiner from extreme landslide and subsidence damages. The palm’s base will naturally flare out causing additional stress and damage to the retaining wall. The consequences of the palm’s erroneous location can already be observed due to the fact that (1) the palm’s root ball is already growing on top of, and exceeds, the height and surface of the retaining wall, (2) the retaining wall has suffered various cracks,

both major and minor, and (3) the water main line has broken and required repairs in the location of the palm. Appellant's arborist concluded that "with the base of the palm already hard pressed against the inside of the retaining wall, there is a risk of expansion and breakage of the wall" and that the "worst-case scenario would be a sudden failure of the retaining wall and toppling of the tree onto the sidewalk and roadway." (Exhibit A, p. 2.) In other words, the Mexican fan palm represents a significant or potential hazard to persons to property and thus, is a hazard tree that should be removed.

Appellant has already incurred expenses for repairs to the water main line and repairs to the retaining wall. In the past, Appellant has sought opinions on the cost of replacing the retaining wall, along with other improvements, and that cost was estimated to be \$250,000. Appellant has no doubt that if the retaining wall were to fail, she would incur similar costs.

The Cabbage palm may also be considered hazardous since it shares the landscape area with the Mexican fan palm and likewise contributes to damage to the retaining wall. As noted by DPW, Cabbage palms require a "very large basin," which this landscape area is not. (Exhibit H, p. 4.)

**B. The Subject Trees' Size, Age, and Species Support Removal.**

**Inquiry:** Under Public Works Code Section 810A(c)(1), the inquiry is whether factors relating to the subject trees' size, age, or species support removal. (SFPWC §810A(c)(1).)

**Analysis:** In this instance, Appellant's arborist concluded that the subject trees are "over-mature" or "over-grown for the site". (Exhibit A, p. 2-3.) Appellant concurs with these conclusions. The Mexican fan palm may grow to an ultimate height of over 120 feet, and such height will be exacerbated by the fact that the palm is planted approximately 10-feet above grade. According to DPW's "Recommended Trees" list, the Mexican fan palm is categorized as

a “Section 2” tree (i.e., a tree that “do[es] well with certain special considerations, which may not (*sic*) appropriate for planting broadly throughout the (*sic*) San Francisco.” (Exhibit H, p. 5.) Here, special considerations support removal due to the proximity of the palm to the retaining wall, existing and prior damage to 635 Steiner, and the potential to cause further serious injury.

As to the Cabbage palm, it is also categorized as a “Section 2” tree (i.e., a tree that “do[es] well with certain special considerations, which may not (*sic*) appropriate for planting broadly throughout the (*sic*) San Francisco.” (Exhibit H, p. 4.) DPW’s guidance indicates that the tree “needs a very large basin” and that it should “not [be] plant[ed] near natural areas.” (Exhibit H, p. 4.) Here, again, special considerations support removal due to the fact that the above grade landscaping area does not support the palm’s need for a “very large basin,” and the proximity of the palm to the retaining wall will cause further damage to 635 Steiner.

With regard to the Spanish bayonet, it does not appear at all on DWP’s “Recommended Trees” list. As noted above, the tree is “overgrown for the site” and is recommended for removal by Appellant’s arborist. (Exhibit A, p. 2.) The Spanish bayonet also expands beyond the boundaries of 635 Steiner, and overhangs the neighbors to the left. (Exhibit B.)

**C. The Subject Trees Do Not Have Any Important Cultural or Historic Characteristics that Prevent Removal**

**Inquiry:** Under Public Works Code Section 810A(c)(3), the inquiry is whether the subject trees have any important cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character (SFPWC §810A(c)(3).)

**Analysis:** Here, the subject trees are located in residential neighborhood in which 12 sycamore trees line the block (on Steiner Street between Hayes Street and Fell Street) and

substantially defines the neighborhood character. Unlike the Canary Island palms that are prominent on the Embarcadero, or the 24 Mexican fan palms that signal the entrance to Willie Mays Plaza at Oracle Park, a single Mexican fan palm, Cabbage palm, and Spanish bayonet bear no other cultural or historic importance, significant ethnic appreciation or planting program and thus, removal of the subject trees should not be denied on this basis.

**D. The Subject Trees Do Not Have Any Important Visual or Aesthetic Characteristics that Prevent Removal.**

**Inquiry:** Under Public Works Code Section 810A(c)(2), the inquiry is whether the subject trees have any important visual and aesthetic characteristics, including the tree's form and whether it is a prominent landscape feature or part of a streetscape. (SFPWC §810A(c)(2).)

**Analysis:** In this instance, the subject trees do not contribute to any prominent landscape feature or are part of a streetscape; rather, as described in Section III.C., above, the subject trees are located in a residential neighborhood where 12 sycamore trees defines the streetscape. Further, Appellant is unaware of any important or relevant visual or aesthetic characteristics of the subject trees. The U.S. Forest Service has bluntly and unflatteringly described the Mexican fan palm as "a telephone pole with a green hat" and "not particularly outstanding." (Exhibit I, p. 3.) Thus, the removal of the subject trees should not be denied on visual or aesthetic concerns.

**E. The Subject Trees Do Not Have Any Important Ecological Characteristics that Prevent Removal.**

**Inquiry:** Under Public Works Code Section 810A(c)(4), the inquiry is whether the trees have any important ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier. (SFPWC §810A(c)(4).)

**Analysis:** Here, the Mexican fan palm does not have important positive ecological characteristics, but rather, the tree is well-known for multiple negative ecological characteristics, as identified by the California Invasive Plant Council: (1) non-native/invasive species in California; (2) represents a fire hazard due to presence of dead fronds; (3) dead fronds are bedding roosts for rodents; (4) supports an increase to rodent populations, leading to an increase in predation on birds' nests; and (5) displaces native animal species that cannot live in palm monoculture. (Exhibit J.)

More generally, the subject trees all lack ecological benefits which other replacement trees may provide, in that their oxygen production is low (due to small leaf surface areas on the subject trees), for the same reason, the subject trees capture minimal amounts of carbon dioxide, the subject trees are low-performing with regard to rainwater absorption (thereby reducing water runoff), and lack wind or sound barrier benefits. (Exhibit K.) Thus, the removal of the subject trees should not be denied on the basis of ecological characteristics.

**F. The Subject Trees Do Not Have Any Important Locational Characteristics that Prevent Removal.**

**Inquiry:** Under Public Works Code Section 810A(c)(5), the inquiry is whether the subject trees have any important locational characteristics, including whether the tree is in a high traffic area or low tree density area, or provides shade or other public benefits. (SFPWC §810A(c)(5).)

**Analysis:** In this instance, all of the subject trees provide minimal shade benefits due to the limited size of the palm fronds or leaves. In addition, Appellant is unaware of any notable public benefit or other locational characteristics relevant to the subject trees, or that would prevent Appellant's request for removal.



**G. Even With Reasonable Maintenance, the Subject Trees Require Removal**

**Inquiry:** Under Public Works Code Section 810A(c)(7), the inquiry is whether the subject trees have been maintained as set forth in Section 802(l). (SFPWC §810A(c)(7).)

**Analysis:** Here, it should be noted that Appellant has taken all appropriate and prudent steps to maintain the subject trees during her 15 years of ownership of 635 Steiner.

“Maintenance” is defined as “those actions necessary to promote the life, growth, health, or beauty of a tree”. (SFPWC §802). Notwithstanding Appellant’s diligence, no amount of maintenance is reasonably available to mitigate against Appellant’s concerns, that is, damage to Appellant’s retaining wall (which threatens further damage to her home), damage to Appellant’s water main line, and the potential damage to pedestrians and other property in the event of a the sudden failure of the retaining wall and/or toppling of the subject trees. Thus, the removal of the subject trees should not be denied on the basis of maintenance factors.

**IV. CONCLUSION**

For the reasons set forth herein, the presentation at the hearing on this appeal, and all documents in support of this brief and appeal, Appellant hereby requests that the Board of Appeals:

- grant the application to remove one “Mexican fan palm” from 635 Steiner Street;
- grant the application to remove one “Cabbage palm” from 635 Steiner Street; and
- grant the application to remove one “Spanish bayonet” from 635 Steiner Street.

DATED: August 12, 2021

WITHERS BERGMAN LLP

By: /s/ Yin T. Ho  
Yin T. Ho, Attorneys for Appellant

# **EXHIBIT A**

# ARBORIST REPORT

## Residential Tree Management

635 Steiner St., San Francisco.

January 26, 2021



*Prepared for:*  
**Caterina Fake**  
635 Steiner St.  
San Francisco, Ca

*Prepared by:*  
**Donald W. Cox**  
*Certified Master Arborist*  
*drtreelove@gmail.com*

## **ARBORIST ASSIGNMENT**

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Don Cox, independent certified arborist has been contracted by owner of the property at 635 Steiner St in San Francisco, to advise on tree management.

The arborist site visit took place on January 21, 2021.

The tree assessment supports the objective of the property owner, to protect the integrity of the existing retaining wall, and to achieve a more aesthetically pleasing landscape planting in the front yard.

## **TREE & SITE ASSESSMENT**

This small residential front yard has three mature monocots, located within a designated protected tree zone of 25-feet from the curb.

1. A **Mexican fan palm** (*Washingtonia robusta* or a hybrid) dominates the front entry landscape. It was erroneously planted right up against the front retaining wall, presenting a potential for extensive and expensive property damage.

This palm is 22-inches in trunk diameter, with a **25-foot tall trunk**, and an overall height of 40-feet at the top of the terminal growth. (Palm size is customarily represented by a "CT" "clear trunk" measurement from the soil grade, to the base of the green foliar crown. And/or an "OA" "overall" height.)

Trunk diameter measurement (dbh) used with dicotyledon woody trees and shrubs, is not appropriate here and does not indicate the age or maturity of a palm or other monocotyledon.)

Although the trunk of this palm will not grow in girth/diameter over the years, the base of this species has a root initiation zone that can and does expand. In this case, with the base of the palm already hard pressed against the inside of the retaining wall, there is a risk of expansion and breakage of the wall. If this were to occur, an unlikely but possible worst-case scenario would be a sudden failure of the retaining wall and toppling of the tree onto the sidewalk and roadway. What is more likely is the cracking and destabilization of the retaining wall over time. The repair or replacement of the significant structure would be a major job, requiring palm removal, and disruption of the sidewalk pedestrian access.



2. A sprawling, multi-stem yucca plant, **Spanish bayonet** (*Yucca aloifolia*) dominates the property at the left side of the gate. It has five stems, 3 to 8-inches in diameter. It appears to be relatively healthy and structurally sound, but over-grown for the site and not appropriate or aesthetically appealing, and undesirable with the intended landscape improvements.



3. A “**cabbage-palm**” (New Zealand native, *Cordyline australis*) is located behind the fan palm in the front yard. It is approximately 14-inches in trunk diameter and 15-feet tall. This palm-like monocot appears healthy and structurally sound, but is undesirable in the context of the intended landscape improvements.



**SUMMARY**

The three plantings in the front yard of the property, a palm, a yucca and a cordyline, are over-mature, and do not represent the best use or an aesthetic appeal for a front yard planting in San Francisco. Furthermore, the palm in the position it is in, in relation to the front of property retaining wall, represents a potential for property damage.

The property owner wishes to remove the existing plantings for improvement of the front yard landscape aesthetic, as well as to insure safety for residents, visitors and passers-by, and to avoid property damage.

Replacement trees or shrubs have already been purchased.

*DW Cox*

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Donald W. Cox,

I.S.A. Certified Master Arborist WE-3023BUM

BCMA, Municipal, Utility and Tree Risk Assessment Credentials

## **EXHIBIT B**





































































































































## **EXHIBIT C**

# APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to :

Check payable to: CCSF - DPW - BUF | Telephone: 628.652.4887



London N. Breed  
Mayor

Alaric Degrafinried  
Acting Director

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

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

DATE \_\_\_\_\_ APPLICATION # \_\_\_\_\_ APPROVED BY \_\_\_\_\_

# TO REMOVE \_\_\_\_\_ SPECIES \_\_\_\_\_

# TO PLANT \_\_\_\_\_ SPECIES \_\_\_\_\_

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

Street Tree(s) 0 Species Washingtonia robusta

Street Tree(s) 0 Species Yucca aloifolia

Sig.Tree(s) 3 Species Cordyline australis

### REASON FOR REMOVAL

To abate potential property damage  
Overgrowth for site  
Landscape improvements

Replacement trees:  
- 2 Japanese Boxwood trees  
- 3 Ficus trees

### SITE INFORMATION

Site Address: 635 Steiner Street Zip: 94117

Cross Street: Fell St & Hayes St. Block: 0823 Lot: 003

Owner Name: Caterina Fake

Phone: 415-218-1165 E-Mail: sesatina@gmail.com

### APPLICANT/AUTHORIZED AGENT INFORMATION

Check here if same as above

Company Name: \_\_\_\_\_

Applicant Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: 94117

Phone: 415-218-1165 E-Mail: sesatina@gmail.com

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

Signature of Applicant/Authorized Agent

1-28-2021

Date



Property Owner



Authorized Agent

## **EXHIBIT D**



4/12/2021

Roxanne Blackwood  
635 Steiner Street  
SAN FRANCISCO CA 94117

London N. Breed  
Mayor

Alaric Degrafinried  
Acting Director

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

[sfpublicworks.org](http://sfpublicworks.org)  
[facebook.com/sfpublicworks](https://facebook.com/sfpublicworks)  
[twitter.com/sfpublicworks](https://twitter.com/sfpublicworks)

**Re: Denial letter regarding tree removal application for 635 Steiner St**

Dear Property Owner:

We have received your application requesting the removal of one (1) Mexican Fan Palm (*Washingtonia robusta*), one (1) Spanish Dagger (*Yucca gloriosa*), and one (1) Cabbage Palm (*Cordyline australis*) (total of three significant trees) adjacent to *635 Steiner St*. Based on our evaluation, your removal application has been denied for the following reason(s):

- The trees are healthy and sustainable.
- The Bureau cannot approve removal for aesthetic concerns
- The Mexican Fan Palm is not currently causing damage, but the Bureau can monitor its growth

You have **30 days** from the date of this letter to protest this decision. If you decide to protest this decision (in writing by mail or email), there will be a public hearing scheduled.

Please contact our office if you have any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Madalyn Farquhar".

Madalyn Farquhar  
Urban Forestry Inspector

# **EXHIBIT E**

Caterina Fake  
635 Steiner Street  
San Francisco, CA 94117

April 12, 2021

San Francisco Public Works - Urban Forestry  
49 South Van Ness Avenue, Suite 1000  
San Francisco, CA 94103

Re: Protest to tree removal application denial 4/12/2021

Dear Urban Forestry Representative,

We received your letter of denial and are submitting a protest to the decision based on the following:

- Damage to pipe: The exterior pipe has burst twice due to the roots of the tree.
- Retaining wall: The retaining wall has cracked multiple times, been repaired and has cracked again.
- Putting in proper drainage: When it rains the wall cracks further and the gate doesn't open because the retaining walls swell with water, and the drainage cannot be fixed because of the roots of the tree.

Attached, please find pictures taken 4/12/21 of the cracked retaining wall and exterior pipe.

We look forward to resolving this matter.

Regards,



Caterina Fake  
Property Owner

# **EXHIBIT F**





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](http://www.SFPublicWorks.org)

**Public Works Order No: 204944**

The Director of Public Works held a Public Hearing on Monday, May 24, 2021, commencing at 5:30 p.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. 204755, the removal of three (3) significant trees with replacement adjacent to 635 Steiner St. Staff denied the removals and the applicant has appealed.

**Findings:**

The arborist representing the property owner stated that the significant trees are putting strain and damaging the retaining wall. The arborist also stated that the water line has been repaired/replaced more than once. The property owner is willing to remove and replace the trees with drought tolerant species.

BUF testified that the main reason for removal is to prevent damage to the retaining wall, but it is unclear if the trees are causing the damage. It is uncertain if the retaining wall is going to be replaced/repaired. BUF staff inspected the three (3) significant trees and found no major defects or health issues.

Public comments support keeping existing trees. Members of the public expressed that the trees were healthy and that if trees were to be removed and replaced, the same issue of damage to the retaining wall would still exist.

**Recommendation**

After consideration of correspondence and testimony provided, based on the fact that the significant trees are healthy, the decision is to deny the removals and keep the existing trees.

**Appeal:**

This Order may be appealed to Board of Appeals within 15 days of June 17, 2021.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14<sup>th</sup> Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: [Boardofappeals@sfgov.org](mailto: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](mailto: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:

*Alan Degrafinned*

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Degrafinned, Alan

Acting Director

# **EXHIBIT G**



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[\(https://www.sfpublicworkstv.org/\)](https://www.sfpublicworkstv.org/)

# Remove a Street Tree

## [Services \(../services\)](#)

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[Report a Problem \(/services/report-problem\)](#)

[Cleaning Programs \(/services/cleaning-programs\)](#)

[Contractor Resources \(/services/contractor-resources\)](#)

[Garbage & Waste \(/services/garbage-and-waste\)](#)

[Graffiti \(/graffiti\)](#)

[Permits \(/services/permits\)](#)

[Potholes \(/services/potholes\)](#)

[Public Records Requests \(/services/public-records-requests\)](#)

[Public Toilets \(/services/public-toilets\)](#)

[Recycling & Refuse Collection \(/services/recycling-and-refuse-collection\)](#)

[Storm Preparation \(/services/storm-preparation\)](#)

[Street Sweeping \(/services/mechanical-street-sweeping-and-street-cleaning-schedule\)](#)

[Sidewalks \(/streets\)](#)

[Street Resurfacing \(/street-resurfacing\)](#)

## [Street Trees and Plants \(/trees\)](/trees)

[Ficus Trees \(/ficustrees\)](/ficustrees)

[Greening Projects \(/services/greening-projects\)](/services/greening-projects)

[Permits - Street Trees and Plants \(/Permits-trees-and-plants\)](/Permits-trees-and-plants)

[Billboard Street Tree Pruning \(/services/billboard-street-tree-pruning\)](/services/billboard-street-tree-pruning)

[Plant A Street Tree \(/plant-street-tree\)](/plant-street-tree)

**[Remove A Street Tree \(/remove-street-tree\)](/remove-street-tree)**

[Sidewalk Landscaping \(/services/permits/sidewalk-landscaping\)](/services/permits/sidewalk-landscaping)

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[Urban Forest Plan \(/services/urban-forest-plan\)](/services/urban-forest-plan)

## [Subdivisions and Mapping \(/services/subdivisions-and-mapping\)](/services/subdivisions-and-mapping)

## [Other Services A-Z \(/services/other-services-z\)](/services/other-services-z)



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

A tree removal permit is required to remove a street tree in San Francisco. Any tree in the public right-of-way is considered a street tree.

**New legislation enacted in 2007 requires that a permit be issued to remove any Significant Tree (<http://sfpublicworks.org/services/significant-and-landmark-trees>). As defined in the Public Works Code, Significant Trees are located on private property, but within 10 feet of the public right-of-way and also meet any one of the following size requirements:**

- **20 feet or greater in height**
- **15 feet or greater canopy width**
- **12 inches or greater diameter of trunk measured at 4.5 feet above grade**

**These trees are granted the same protections as street trees, and a permit is required before any Significant Tree can be removed.**

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To apply for a permit, complete the Online (<http://bsm.sfdpw.org/buftrees2/application.aspx>) Tree Application (<http://bsm.sfdpw.org/buftrees2/application.aspx>) or print out and complete the following hardcopy application: Tree Removal Permit Process and Application (PDF) ([/sites/default/files/FY%2021-22%20Tree%20Removal%20Application\\_1.pdf](/sites/default/files/FY%2021-22%20Tree%20Removal%20Application_1.pdf))

Return the completed and signed application form including number and name of the replacement tree species, and include the applicable non-refundable fee made payable to San Francisco Public Works:

•		
•	1-3 (for Construction or development) trees	\$847
•	4-9 trees	\$1,127
•	10 or more trees	\$1,693

### **Other documents that may be required:**

Include proof of damage caused by trees, such as paid invoices for repair. Please note that even if a tree has caused sidewalk, sewer or other property damage, removal may not be required. ↑

If the removal is related to new construction, include site plans accurately showing tree locations as well as your building permit number.

### **Removal Permit Process:**

Public Works inspectors evaluate trees for removal.

If we recommend tree removal, a notice will be posted on the tree for 30 days. If objections to the removal are received, a public hearing will be scheduled. If we deny removal, the applicant may request a public hearing. After the hearing, a hearing officer will make a recommendation to the Public Works Director, who will issue a final decision. The Director's decision may be appealable to the Board of Appeals.

### **Additional Recommendations:**

An International Society of Arboriculture Certified Arborist should evaluate the tree and provide a written report. Certified arborists can be found by searching online for "Tree Services" or at the International Society of Arboriculture (<http://www.isa-arbor.com/>).

Use a licensed and insured arborist or other contractor for any tree work.

For each tree removed, a replacement tree is required.

It is recommended that permittees carry adequate liability insurance.

### **For additional information contact us at:**

San Francisco Public Works

Bureau of Urban Forestry

49 South Van Ness Avenue, Suite 1000 (Map

(<https://www.google.com/maps/place/49+Van+Ness+Ave,+San+Francisco,+CA+94103/@37.7730132,-122.4185136?hl=en>)

San Francisco, CA 94103

628-652-TREE (8733)

[urbanforestry@sfdpw.org](mailto:urbanforestry@sfdpw.org) (<mailto:urbanforestry@sfdpw.org>)



San Francisco Public Works

49 South Van Ness Ave.

San Francisco, CA 94103

#### CONNECT WITH US



#### ADDITIONAL RESOURCES



(<http://sf.gov>) (<http://sf311.org/>)

GIVE FEEDBACK ON OUR WEBSITE → (<mailto:webmaster@sfdpw.org>)



## **EXHIBIT H**



Department of Public Works

## 2019 Recommended Street Tree Species List

## **Introduction**

The San Francisco *Urban Forestry Council* periodically reviews and updates this list of trees in collaboration with public and non-profit urban forestry stakeholders, including San Francisco Public Works, Bureau of Urban Forestry and Friends of the Urban Forest. The 2019 Street Tree List was approved by the Urban Forestry Council on October 22, 2019.

This list is intended to be used for the public realm of streets and associated spaces and plazas that are generally under the jurisdiction of the Public Works. While the focus is on the streetscape, e.g., tree wells in the public sidewalks, the list makes accommodations for these other areas in the public realm, e.g., “Street Parks.” While this list recommends species that are known to do well in many locations in San Francisco, no tree is perfect for every potential tree planting location. This list should be used as a guideline for choosing which street tree to plant but should not be used without the help of an arborist or other tree professional. *All street trees must be approved by Public Works before planting.*

Sections 1 and 2 of the list are focused on trees appropriate for sidewalk tree wells, and Section 3 is intended as a list of trees that have limited use cases and/or are being considered as street trees. Finally, new this year, Section 4, is intended to be a list of local native tree and arborescent shrub species that would be appropriate for those sites in the public realm that have more space than the sidewalk planting wells, for example, stairways, “Street Parks,” plazas, and sidewalk gardens, where more concrete has been extracted. The local native species on List 4 provide optimum habitat for local wildlife. The application form to plant a street tree can be found at <http://sfpublicworks.org/plant-street-tree>.

## **Biodiversity, Habitat and Climate Change**

The City of San Francisco, like other cities around the world, has been accelerating its actions and goal-setting in relation to the interlinked crises of climate change and biodiversity loss. Both the IPCC and the IPBES released significant reports in 2019 on the state of the global climate and biodiversity crises, respectively. Climate change and biodiversity have figured prominently in [Urban Forestry Council](#) conversations in 2019, during which many people have advocated for planting local native trees and shrubs to support local [pollinators](#) and other wildlife, in order to stem the tide toward an impending global insect apocalypse. Street trees can play a role in climate mitigation and adaptation and in providing habitat for local wildlife. The 2019 approved tree list is part of the City’s larger [climate action strategy](#) and can contribute to creating a truly biodiverse San Francisco.

## **Opportunities for Greening and Supporting Wildlife in the City**

In addition to [street trees](#), the City provides many other programs and opportunities for supporting biodiversity and climate resilience in the urban environment. The Department of Public Works manages the [Street Parks Program](#) and the [Sidewalk Landscaping Permit](#). Both of these programs hold great potential to install local native plants for wildlife and climate resilience. The [San Francisco Plant Finder](#) is a City website that provides recommended plant lists for bringing wildlife habitat into the urban environment. Consult [sfenvironment.org/biodiversity](http://sfenvironment.org/biodiversity) as a portal to much more information about the city’s ecology and natural heritage.

For San Franciscans who have the opportunity – whether a front or backyard or other significant space - and are keenly interested in planting a tree for local wildlife habitat, the City strongly recommends planting coast live oak trees, California buckeyes and other local native species, taking care to use seeds or plants that are produced from local San Francisco stock. Consult the City’s [bee-friendly nurseries](#) page for sources of local native plants.

**Section 1: Tree species, varieties, and cultivars that do well in most sidewalk locations in San Francisco.**

Size	Evergreen/ Deciduous	Species	Common name	Notes
Small Less than 20' tall at maturity	Evergreen	<i>Callistemon citrinus</i>	lemon bottlebrush	Grows low; wide canopy and needs a wide sidewalk; sticky flowers; <i>pollinators</i> .
		<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem magnolia	Proven success.
	Deciduous	<i>Crataegus phaenopyrum</i>	Washington hawthorn	Subject to pests; has thorns; may be susceptible to fire blight; <i>pollinators</i> .
Medium 20-35' tall at maturity	Evergreen	<i>Agonis flexuosa</i>	peppermint willow	Standard green-leaf species only. 'After Dark' variety NOT recommended. Fast grower – more than 12" annually, requires extensive maintenance when young.
		<i>Brahea edulis</i>	Guadalupe palm	Palm tree. Slow growing in San Francisco.
		<i>Callistemon viminalis</i>	weeping bottlebrush	Has sticky flowers; <i>pollinators</i> .
		<i>Magnolia grandiflora</i> 'St. Mary,'	southern magnolia	
		<i>Melaleuca quinquenervia</i>	broad-leaf paperbark	Grows fast, dense, irregular form; prefers wind protection; sensitive to cold.
		<i>Olea europaea</i>	fruitless olive	Needs a very large basin; prefers wind protection; Swan Hill and Wilsoni preferred; <a href="#">Cal-IPC Limited*</a>
<i>Tristaniaopsis laurina</i>	tristania; water gum	Standard species only. 'Elegant' variety NOT recommended. Formerly known as <i>Tristania laurina</i> ; slow grower – less than 6" annually; <i>pollinators</i> .		
Large More than 35' tall at maturity	Evergreen	<i>Lagunaria patersonii</i>	primrose tree	Grows well in windy areas; <i>pollinators</i> .
		<i>Lophostemon confertus</i>	Brisbane box	Formerly <i>Tristania conferta</i> ; fast grower.
		<i>Magnolia grandiflora</i> 'Sam Sommers,' 'Majestic Beauty,' 'D.D. Blanchard'	southern magnolia	Proven success.
		<i>Podocarpus gracilior</i> / <i>Afrocarpus falcatus</i>	fern pine	Slow rooter.
		<i>Quercus suber</i>	cork oak	Needs a large basin and wide sidewalk.
	Deciduous	<i>Platanus x acerifolia</i> 'Columbia'	London plane; sycamore	Prefers wind protection; susceptible to anthracnose and powdery mildew; observation needed.

**Section 2: Tree species, varieties, and cultivars that do well with certain special considerations as noted; may not be appropriate for planting broadly throughout San Francisco.**

Size	Evergreen/ Deciduous	Species	Common Name	Notes
<b>Small</b> Less than 20' tall at maturity	<b>Evergreen</b>	<a href="#"><i>Ceanothus 'Ray Hartman'</i></a>	California lilac tree	CA Native cultivar. Not good for narrow sidewalks; <i>pollinators</i> .
		<i>Cordyline australis</i>	cabbage tree	Needs very large basin; do not plant near natural areas; <a href="#">Cal-IPC Limited*</a>
		<i>Laurus nobilis 'Saratoga'</i>	Saratoga bay laurel	Uneven performer; prefers heat; needs some wind protection; susceptible to pests.
		<i>Magnolia champaca/M. x alba</i>	champak	Formerly <i>Michelia champaca</i> ; needs wind protection; wide sidewalk; gets powdery mildew and very slow grower.
		<i>Pyrus kawakamii</i>	evergreen pear	Plant only in warmest areas of city. Semi-evergreen; leaf spot/fungus likely to occur and may cause premature leaf drop; does not flower well in our climate; susceptible to fire blight.
	<b>Deciduous</b>	<i>Crataegus x lavallei</i>	Lavalle hawthorn	Appears to be less susceptible to fire blight and other pests compared to other <i>Crataegus</i> ; <i>pollinators</i> .
<b>Medium</b> 20-35' tall at maturity	<b>Evergreen</b>	<i>Arbutus x 'Marina'</i>	strawberry tree	Fruit drop can range from low volume to significant. May be short lived; may need to be replanted in 20-25 years; <i>pollinators</i> .
		<i>Cassia leptophylla</i>	gold medallion tree	Semi-evergreen; requires extensive early maintenance.
		<i>Eriobotrya deflexa</i>	bronze loquat	Needs wind protection; does not perform well in sandy soils; susceptible to fire blight; <i>pollinators</i> .
		<i>Magnolia doltsopa</i>	sweet michelia	Formerly <i>Michelia doltsopa</i> ; uneven performer; grafted trees grows very slowly; prefers heat; needs wind protection.
		<i>Melaleuca linariifolia</i>	flax-leaf paperbark	Does well in SF.

		<i>Phoenix dactylifera</i> 'Medjool' or 'Zahidi'	date palm	Needs a large basin and wide sidewalk.
		<i>Syagrus romanzoffiana</i>	queen palm	Needs heat and wind protection.
		<i>Trachycarpus fortunei</i> , standard & 'Wagnerianus'	Chinese windmill palm	Does well in many SF climates.
	<b>Deciduous</b>	<i>Jacaranda mimosifolia</i>	jacaranda	Uneven performer; prefers heat, wind protection, and good drainage; spring leaf drop.
		<i>Koelreuteria bipinnata</i>	Chinese flame tree	Structural failure concerns.
	<i>Pistacia chinensis</i> 'Keith Davey' or standard	Chinese pistache	Prefers heat and wind protection.	
<b>Large</b> More than 35' tall at maturity	<b>Evergreen</b>	<i>Corymbia ficifolia</i>	red flowering gum	Needs a very large basin and wide sidewalk; drops large seed pods; <i>pollinators</i> .
		<i>Corymbia maculata/Eucalyptus m.</i>	spotted gum	Experimental, should do well in climate; lots of mature trees doing well now.
		<i>Hymenosporum flavum</i>	sweetshade	Uneven performer; prefers heat, wind protection, and good drainage; <i>pollinators</i> .
		<a href="#"><i>Lyonothamnus floribundus asplenifolius</i></a>	Catalina ironwood	CA Native. Prefers heat and wind protection; prone to transplant shock; very susceptible to phytophthora.
		<i>Metrosideros excelsa</i>	New Zealand Christmas tree	Needs a very large basin and very wide sidewalks; <i>pollinators</i> .
		<i>Pittosporum undulatum</i>	Victorian box	Self-sows! Do not plant near natural areas or other open spaces; <b>caution, in decline, requires further study; Cal-IPC Watch*</b>
		<i>Quillaja saponaria</i>	Chilean soapbark	Availability improving; thrives everywhere; <i>pollinators</i> .
		<i>Washingtonia robusta</i>	Mexican fan palm	Prefers some warmth; <b>Cal-IPC Moderate*</b>
	<b>Deciduous</b>	<i>Ginkgo biloba</i> 'Princeton Sentry,' 'Saratoga'	ginkgo; maidenhair	Slow grower; prefers wind protection.
	<i>Ulmus parvifolia</i> 'Drake,'	Chinese elm	Fast grower; requires extensive pruning and maintenance.	

**Section 3: Tree species, varieties, and cultivars with limited use cases and potential site restrictions as noted.**

Size	Evergreen/ Deciduous	Species	Common Name	Notes
Small - Less than 20' tall at maturity	Evergreen	<i>Butia odorata</i>	southern jelly palm	Does well in many SF climates.
		<i>Ceanothus</i> 'Cliff Schmidt'; <a href="#"><i>Ceanothus arboreus</i></a>	California lilac tree	CA Native cultivar. Additional cultivar and standard species (currently only planting 'Ray Hartman').
		<i>Elaeocarpus decipiens</i>	Japanese blueberry	Slow growing; keep out of strong/prevaling wind; flowers but may not produce fruit at maturity.
		<i>Eucalyptus conferruminata</i> / <i>E. lehmanni</i>	bushy yate	Wide canopy; large space needed; <i>pollinators</i> .
		<a href="#"><i>Heteromeles arbutifolia</i></a>	Toyon, Christmas berry	SF Native. Local native, train early for tree form; great for sidewalk landscaping.
		<a href="#"><i>Prunus lyonii</i></a>	Catalina cherry	CA Native. Fruit drop may get messy.
	Deciduous	<a href="#"><i>Acer circinatum</i></a>	Vine maple	CA Native
		<i>Prunus subhirtella</i> 'Autumnalis'	Higan cherry	Tolerates mild winters better than other flowering cherry species.
Medium 20-35' tall at maturity	Evergreen	<i>Agonis flexuosa</i> 'Burgundy'	Burgundy peppermint willow	Better form and structure than other dark-leaf cultivars; fast grower.
		<i>Archontophoenix cunninghamiana</i>	king palm	Needs wind protection and summer water.
		<i>Banksia integrifolia</i>	coast banksia	Requires extensive early maintenance.
		<i>Brahea clara</i>	Sonoran blue palm	Does well in many SF climates.
		<i>Brachychiton populneus</i>	bottle tree	Prefers heat and wind protection; needs a large basin due to thick trunk.
		<i>Cedrela fissilis</i>	Brazilian cedarwood	Good results so far and needs more time; do not plant under powerlines.
		<i>Ceiba speciosa</i>	silk floss tree	Prefers heat, wind protection, large basins.
		<i>Howea forsteriana</i>	Kentia palm	Does well in many SF climates.
		<i>Melaleuca ericifolia</i>	swamp paperbark	Not often planted, but most look good.
		<i>Melaleuca squamophloia</i>	scaly paperbark	Not often planted but should do well.
<i>Melaleuca styphelioides</i>	prickly-leaf paperbark	Can root poorly; prickly leaves.		

		<i>Parajubaea sunkha</i>	Sunkha palm	Does well in many SF climates.
		<i>Metrosideros collina</i> 'Springfire'	'ohi'a lehua	
		<i>Pittosporum rhombifolium</i> / <i>Auranticarpa rhombifolia</i>	Queensland pittosporum	Use in warmer parts of the city.
		<a href="#"><i>Quercus engelmannii</i></a>	Engelmann oak	<a href="#">CA Native</a> (extreme south)
		<i>Quercus hypoleucooides</i>	Silverleaf oak	Native to Sonoran desert biome.
		<i>Quercus rugosa</i>	Netleaf oak	Native to Mexico.
	<b>Deciduous</b>	<i>Acer buergerianum</i>	trident maple	Prefers heat, wind protection, and needs summer water.
		<i>Aesculus hippocastanum</i>	horse chestnut	Not clear if successful in SF yet; needs summer water.
		<i>Aesculus x carnea</i>	red horse chestnut	Gets windburn easily in summer even in protected sites; early deciduous; climate concerns; needs summer water; <i>pollinators</i> .
		<i>Celtis sinensis</i>	Chinese hackberry	Prefers heat and needs wind protection; uneven performer; gets pests.
		<i>Corylus colurna</i>	Turkish hazel	Not clear if successful in SF yet.
		<i>Koelreuteria elegans ssp. formosana</i>	Chinese flame tree	Semi-deciduous.
<b>Large More than 35' tall at maturity</b>	<b>Evergreen</b>	<i>Angophora costata</i>	Sydney red gum	
		<i>Brachychiton acerifolius</i>	flame tree	Semi-deciduous.
		<i>Corymbia citriodora</i>	Lemon-scented gum	
		<i>Eucalyptus nicholii</i>	willow-leaf peppermint	Experimental; should do well in SF climate.
		<i>Eucalyptus polyanthemos</i>	silver dollar gum	Needs a large basin; fast grower; high maintenance; drops limbs; <i>pollinators</i> .
		<i>Geijera parviflora</i>	Australian willow	Prefers heat, and needs wind protection; <i>pollinators</i> .
		<i>Parajubaea torallyi</i>	Bolivian mountain coconut palm	Does well in many SF climates.
		<a href="#"><i>Quercus agrifolia</i></a>	coast live oak	<i>SF Native</i> . Requires large sidewalk/basin (and wind protection?); likely unsuitable for most street tree locations.
		<i>Quercus ilex</i>	holly oak	Needs wind protection; sidewalk space; gets powdery mildew.
		<i>Quercus tomentella</i>	island oak	<i>CA Native</i> . Availability improving.
<i>Quercus virginiana</i>	southern live oak	Continue to test; doing well so far.		



		<a href="#"><i>Quercus wislizeni</i></a>	Interior live oak	Bay Area <a href="#">Native</a>
<b>Deciduous</b>		<i>Acer rubrum</i> 'Armstrong'	columnar red maple	Prefers heat; requires summer water.
		<i>Liriodendron tulipifera</i>	tulip tree	Uneven performer; susceptible to aphids followed by sooty mold; requires summer water.
		<a href="#"><i>Platanus racemosa</i></a> 'Roberts'	California sycamore (Roberts)	CA <i>Native</i> . Large basin and wide sidewalk; (central and southern)
		<i>Quercus coccinea</i>	scarlet oak	Experimental.
		<i>Quercus frainetto</i> 'Forest Green'	Italian oak	Availability improving; more testing needed.
		<i>Quercus phellos</i>	willow oak	More performance testing needed; requires summer water.
		<i>Tilia tomentosa</i>	silver linden	Performance testing needed.
		<i>Ulmus parvifolia x carpinifolia</i> 'Frontier'	frontier elm	More performance testing needed.
		<i>Ulmus propinqua</i> 'Emerald Sunshine'	emerald sunshine elm	More performance testing needed.
		<i>Ulmus wilsoniana</i> 'Prospector'	prospector elm	More performance testing needed.
		<i>Ulmus japonica x wilsoniana</i> 'Accolade'	accolade elm	More performance testing needed.

**Section 4: Local Natives - these are tree and arborescent shrub species that are appropriate for the larger public realm, including stairways, plazas and “Street Parks,” as well as sidewalk gardens in wider sidewalks with large cut-outs.**

Local native trees and shrubs are optimum for providing wildlife habitat throughout the city.

Evergreen/ Deciduous	Species	Common Name	Notes
Evergreen	<a href="#"><i>Ceanothus thyrsiflorus</i></a>	California lilac	Grows quickly in the right conditions.
	<a href="#"><i>Garrya elliptica</i></a>	Silk tassel	Lyrical, hanging flowers.
	<a href="#"><i>Heteromeles arbutifolia</i></a>	Toyon	Beautiful red berries in late fall.
	<a href="#"><i>Myrica (Morella) californica</i></a>	California wax myrtle	Beautiful as a hedge or specimen tree; needs a moist site.
	<a href="#"><i>Prunus ilicifolia</i></a>	Holly-leaved cherry	Spectacular indigenous occurrence at the top of Bayview Hill.
	<a href="#"><i>Rhamnus (Frangula) californica</i></a>	California coffeeberry	Widely planted for attractive evergreen leaves.
	<a href="#"><i>Quercus agrifolia</i></a>	Coast live oak	Landmark tree at 23 <sup>rd</sup> and Castro.
Deciduous	<a href="#"><i>Quercus chrysolepis</i></a>	Canyon live oak	Unusual indigenous occurrence at Lake Merced.
	<a href="#"><i>Aesculus californica</i></a>	California buckeye	Landmark tree at 22 <sup>nd</sup> and Pennsylvania and other locations.
	<a href="#"><i>Sambucus cerulea</i></a>	Blue elderberry	Landmark tree near Folsom Street at Bernal Heights Boulevard.

**Palms – Quick Reference**

All palms described here can also be found in one of the three lists above.

Small	Section 3	<i>Butia odorata</i>	southern jelly palm	Does well in many SF climates.
Medium	Section 1	<i>Brahea edulis</i>	Guadalupe palm	Needs a large basin.
	Section 2	<i>Phoenix dactylifera</i> ‘Medjool’ or ‘Zahidi’	date palm	Needs a large basin and wide sidewalk.
	Section 2	<i>Syagrus romanzoffiana</i>	queen palm	Needs heat, wind protection.
	Section 3	<i>Archontophoenix cunninghamiana</i>	king palm	Needs wind protection and water.
	Section 3	<i>Brahea clara</i>	Mexican blue palm	Does well in many SF climates.
	Section 3	<i>Howea forsteriana</i>	Kentia palm	Does well in many SF climates.
	Section 3	<i>Parajubaea sunkha</i>	Sunkha palm	Does well in many SF climates.
Large	Section 2	<i>Trachycarpus fortunei</i> , standard & ‘Wagnerianus’	Chinese windmill palm	Does well in many SF climates.
	Section 2	<i>Washingtonia robusta</i>	Mexican fan palm	Prefers some warmth; <b>Cal-IPC Moderate*</b>
	Section 3	<i>Parajubaea torallyi</i>	Bolivian mountain coconut palm	NEW: does well in many SF climates; big

## **Selected Resources**

### **Bee-Friendly Nurseries**

<https://sfenvironment.org/plant-nurseries-bee-friendly>

### **California Native Plant Society, Yerba Buena Chapter**

<http://cnps-yerbabuena.org/>

### **California Native Plant Society, Calscape**

<https://calscape.org/>

### **City Trees**

<https://sfenvironment.org/city-trees>

### **Friends of the Urban Forest**

<https://www.fuf.net/>

### **Green Connections**

<https://sfplanning.org/project/green-connections?page=3002>

### **iNaturalist**

<https://www.inaturalist.org/home>

### **Local Plant Nurseries**

<http://sfplantfinder.org/resources.html#plant-nurseries>

### **Park Forestry Improvement Program**

<https://sfrecpark.org/park-improvements/2008-clean-safe-bond/park-forestry-program/>

### **Protect the Pollinators**

<https://sfenvironment.org/pollinators>

### **Recreation and Open Space Element**

<http://openspace.sfplanning.org/>

### **Right Tree, Right Place**

<https://www.pge.com/righttreerightplace/>

**San Francisco Plant Finder**

<http://sfplantfinder.org/>

**San Francisco Trees**

<http://www.sftrees.com/>

**Sidewalk Landscaping**

<http://sfpublicworks.org/services/permits/sidewalk-landscaping>

**Street Parks Program**

<http://sfpublicworks.org/streetparks>

**Street Trees and Plants**

<http://www.sfpublicworks.org/trees>

**StreetTreeSF**

<https://sfpublicworks.org/streettreesf>

**Urban Forest Master Plan**

<https://sfplanning.org/urban-forest-plan?page=3166>

**Urban Forestry Council**

<https://sfenvironment.org/about/taskforce/urban-forestry-council>

**Urban Forest Ecosystems Institute**

<https://ufei.calpoly.edu/>

**Acknowledgements**

California Native Plant Society

Flora Grubb Gardens

Friends of the Urban Forest

Mike Sullivan, author of Trees of San Francisco

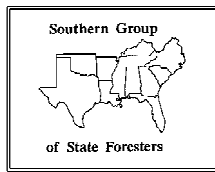
San Francisco Recreation and Parks

San Francisco Public Works, Bureau of Urban Forestry

San Francisco Environment

Information on this list in the notes column for species that attract *pollinators* is from the Urban Forest Ecosystems Institute website. Links for California native trees and arborescent shrubs point to that species on the Calscape website.

# **EXHIBIT I**



# *Washingtonia robusta* Washington Palm<sup>1</sup>

Edward F. Gilman and Dennis G. Watson<sup>2</sup>

## INTRODUCTION

Commonly seen at 40 to 50 feet but capable of soaring to 80 feet in height, Washington Palm is quickly recognized as the much-used, straight, single-trunked street palm of years past (Fig. 1). The lower leaves persist on the tree after they die, forming a dense, brown, shaggy covering below the living, bright green, broad, fan-shaped leaves, giving it the common name of petticoat palm. These dead fronds are known to be a fire hazard and a popular bedding roost for rodents and, because of this, must be removed by law in some areas. The sharply barbed leaf petioles and tall, thin trunks make frond removal a rather unpleasant task, but some people think the rapid growth rate and statuesque appearance more than make up for this trouble.

## GENERAL INFORMATION

**Scientific name:** *Washingtonia robusta*

**Pronunciation:** wosh-ing-TOE-nee-uh roe-BUS-tuh

**Common name(s):** Washington Palm, Mexican Washington Palm

**Family:** *Arecaceae*

**USDA hardiness zones:** 9 through 11 (Fig. 2)

**Origin:** not native to North America

**Uses:** wide tree lawns (>6 feet wide); medium-sized tree lawns (4-6 feet wide); narrow tree lawns (3-4 feet wide); specimen; sidewalk cutout (tree pit); residential street tree; no proven urban tolerance

**Availability:** generally available in many areas within its hardiness range



Figure 1. Middle-aged Washington Palm.

## DESCRIPTION

**Height:** 60 to 90 feet

**Spread:** 10 to 15 feet

1. This document is adapted from Fact Sheet ST-670, a series of the Environmental Horticulture Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Publication date: October 1994.
2. Edward F. Gilman, associate professor, Environmental Horticulture Department; Dennis G. Watson, associate professor, Agricultural Engineering Department, Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville FL 32611.



Figure 2. Shaded area represents potential planting range.

**Crown uniformity:** symmetrical canopy with a regular (or smooth) outline, and individuals have more or less identical crown forms

**Crown shape:** palm; upright

**Crown density:** open

**Growth rate:** medium

**Texture:** coarse

### Foliage

**Leaf arrangement:** alternate; spiral

**Leaf type:** costapalmate

**Leaf margin:** entire

**Leaf shape:** star-shaped

**Leaf venation:** palmate

**Leaf type and persistence:** broadleaf evergreen; evergreen

**Leaf blade length:** >36 inches

**Leaf color:** green

**Fall color:** no fall color change

**Fall characteristic:** not showy

### Flower

**Flower color:** white

**Flower characteristics:** showy; summer flowering

### Fruit

**Fruit shape:** oval; round

**Fruit length:** < .5 inch

**Fruit covering:** fleshy

**Fruit color:** black

**Fruit characteristics:** does not attract wildlife; inconspicuous and not showy; no significant litter problem

### Trunk and Branches

**Trunk/bark/branches:** grow mostly upright and will not droop; not particularly showy; should be grown with a single leader; no thorns

**Pruning requirement:** needs little pruning to develop a strong structure

**Breakage:** resistant

**Crown shaft:** no

## Culture

**Light requirement:** tree grows in part shade/part sun; tree grows in full sun

**Soil tolerances:** clay; loam; sand; acidic; occasionally wet; alkaline; well-drained

**Drought tolerance:** high

**Aerosol salt tolerance:** moderate

## Other

**Roots:** surface roots are usually not a problem

**Winter interest:** no special winter interest

**Outstanding tree:** not particularly outstanding

**Invasive potential:** little, if any, potential at this time

**Verticillium wilt susceptibility:** not known to be susceptible

**Pest resistance:** long-term health usually not affected by pests

## Diseases

Root rot can occur if this palm is planted on a wet site.

## USE AND MANAGEMENT

Washington Palm makes a dramatic statement in the large landscape and creates a striking accent for multi-storied homes but often grows out of scale in most landscapes with one-story buildings because all of the fronds are at the top of the palm. It looks like a telephone pole with a green hat. *Washingtonia filifera* is a much better choice in unirrigated landscapes, since it grows more slowly, is shorter, and the trunk is thicker.

Washington Palm needs full sun for best growth but will endure some shade while young. It will tolerate poor soil and drought, and is hardy to about 20-degrees F. Transplant with a large root ball to ensure survival.

*Washingtonia filifera* is shorter, has a thicker trunk, and is better suited for planting in dry urban landscapes, such as in Texas. They reportedly suffer and often die from root rot when irrigated. Select *Washingtonia robusta* in an irrigated landscape and for the eastern U.S.

Propagation is by seed.

## Pests

Coconut mealybug, palm leaf skeletonizer, palm platid planthopper and a variety of scales infest this palm.



## **EXHIBIT J**

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# Plant Assessment Form

More *Washingtonia robusta* resources

[Plant profile](#) | [CalWeedMapper](#) | [Calflora](#)

## *Washingtonia robusta*

**Synonyms:** *W. filamentosa* (often mistaken for native *W. filifera*)

**Common Names:** Mexican fan palm; Washington palm; skyduster; thread palm

**Evaluated on:** 1/4/05

**List committee review date:** 11/03/2005

**Re-evaluation date:**

### Evaluator(s)

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### List committee members

Joe DiTomaso  
John Randall  
Carla Bossard

### General Comments

No general comments for this species

**Table 2. Criteria, Section, and Overall Scores**

		<b>Overall Score</b> ?	<b>Alert Status</b> ?	<b>Documentation</b> ?
		<b>Moderate</b>	<b>Alert</b>	<b>3 out of 5</b>
		<b>Score</b>	<b>Documentation</b>	
<b>1.1</b>	? <b>Impact on abiotic ecosystem processes</b>	C. Minor	Other Published Material	<b>Impact</b> ? Four-part score <b>CBBC</b>  Total Score <b>B</b>
<b>1.2</b>	? <b>Impact on plant community</b>	B. Moderate	Other Published Material	
<b>1.3</b>	? <b>Impact on higher trophic levels</b>	B. Moderate	Observational	
<b>1.4</b>	? <b>Impact on genetic integrity</b>	C. Minor/Low	Other Published Material	
<b>2.1</b>	? <b>Role of anthropogenic and natural disturbance in establishment</b>	B. Moderate	Reviewed Scientific Publication	<b>Invasiveness</b> ? Total Points <b>14</b>  Total Score <b>B</b>
<b>2.2</b>	? <b>Local rate of spread with no management</b>	B. Increases less rapidly	Anecdotal	
<b>2.3</b>	? <b>Recent trend in total area infested within state</b>	B. Increasing less rapidly	Anecdotal	
<b>2.4</b>	? <b>Innate reproductive potential (see Worksheet A)</b>	C. Low	Other Published Material	
<b>2.5</b>	? <b>Potential for human-caused dispersal</b>	A. High	Other Published Material	
<b>2.6</b>	? <b>Potential for natural long-distance dispersal</b>	A. Frequent	Reviewed Scientific Publication	
<b>2.7</b>	? <b>Other regions invaded</b>	C. Already invaded	Other Published Material	
<b>3.1</b>	? <b>Ecological amplitude/Range (see Worksheet C)</b>	C. Limited	Other Published Material	<b>Distribution</b> ? Total Score <b>C</b>
<b>3.2</b>	? <b>Distribution/Peak frequency (see Worksheet C)</b>	D. Very low	Observational	

**Table 3. Documentation**

Scores are explained in the "Criteria for Categorizing Invasive Non-Native Plants that Threaten Wildlands".

**Section 1: Impact**

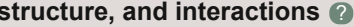
**Question 1.1 Impact on abiotic ecosystem processes****C** Other Published Material

Identify ecosystem processes impacted:

Increased fire danger Dead fronds hanging on tree are a fire hazard and in some areas are required by law to be removed.

Sources of information:

Gilman, E. F., and D. W. Watson. 1994. Washingtonia robusta. Washington palm. Fact Sheet ST-670. Environmental Horticulture Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Gainesville, FL. <http://hort.ifas.ufl.edu/WASROBA.pdf>

**Question 1.2 Impact on plant community composition, structure, and interactions****B** Other Published Material

Identify type of impact or alteration:

Can convert riparian communities into monospecific stands (1). *W. robusta* forms dense thickets (2) that can grow to 80 ft. tall (3). However, the shade it produces is not as dense as other trees.

Sources of information:

1. Tu, M., and J. M. Randall. 2002. Red Alert! New Introductions and Recent Expansions in California. Proceedings, California Exotic Pest Plant Council Symposiums 2000, 2001, 2002.
2. Daehler, C. No date. Washingtonia robusta (Mexican fan palm). Australian/New Zealand Weed Risk Assessment adapted for Hawai'i. Kaulunani Urban Forestry Program and U.S. Forest Service.
3. Miller, M.E., N.P. Maxwell, and J. Amador. 1980. Lethal decline of Phoenix canariensis and Phoenix dactylifera in the Rio Grande Valley Texas. Journal of the Rio Grande Valley Horticultural Society 34: 89-95.

**Question 1.3 Impact on higher trophic levels****B** Observational

Identify type of impact or alteration:

Possible increase in rodent populations (leading to increased predation on birds' nests?). Displaces native animal species that cannot live in palm monoculture (2). Dead fronds are bedding roost for rodents (1). Dead leaves remain around the trunk for many years, forming a dense, thatchlike shroud that reaches almost to the ground (3). I'm extrapolating from that fact to a potential increase in predation pressure from those rodents.

Sources of information:

1. Gilman and Watson 1994
2. Tu and Randall 2002
3. Young, J.A. and C.G. Young. 1992. Seeds of woody plants in North America. Portland, Oregon: Dioscorides Press. Pp. 356-357.

**Question 1.4 Impact on genetic integrity****C** Other Published Material

Can hybridize with native California palm, *W. filifera*, to form hybrid Washingtonia x filabusta. Scoring as C because no information on how common these hybrids are outside of cultivation, although Sunset says they will readily hybridize when growing near each other.

Sources of information:

Starr, F., K. Starr, and L. Loope. 2003. USGS Biological Resources Division, Hawaiian Ecosystems at Risk. Haleakala, HI. [www.hear.org](http://www.hear.org).

Brenzel, K. N. 2001. Sunset Western Garden Book. Sunset Publishing Company, Menlo Park, CA.

## Section 2: Invasiveness

### Question 2.1 Role of anthropogenic and natural disturbance in establishment ?

**B** Anecdotal

Describe role of disturbance:

Most spread seems to occur in disturbed areas. Found in undisturbed habitat with available water source (3,4) . Occasionally found in disturbed areas near planted landscapes in southern California. A couple of palms were found in undisturbed desert washes in southern California (1). In Hawaii, prolific near urban water sources such as irrigation ditches or ponds (2).

Sources of information:

1. Cornett, J. W., J. Stewart, and T. Glenn. 1986. *Washingtonia robusta* naturalized in southern California. *Bulletin of the Southern California Academy of Sciences*. 85:56-57
2. Starr et al. 2003
3. Hicks, B.F. 1989. Prehistoric development and dispersal of the desert fan palm. *Principes* 33(1): 33-39.
4. Knapp, J. 2004. Catalina Invasive Plant Ranking Plan for the Catalina Island Conservancy. Unpublished.

### Question 2.2 Local rate of spread with no management ?

**B** Anecdotal

Describe rate of spread:

Spreading in southern California.

Sources of information:

### Question 2.3 Recent trend in total area infested within state ?

**B** Anecdotal

Describe trend:

Spreading in southern California.,

Sources of information:

### Question 2.4 Innate reproductive potential ?

**C** Other Published Material

Describe key reproductive characteristics:

Reproduces by seed. Fruits are drupes.

Self-compatible, does not require specialist pollinators (1).

In Australia, 9 years or more to reproductive maturity (2). Does not produce coppices or resprouts (2), but does resprout when cut completely (3). Resistant to fire damage (4). Seed production lasts two months (5).

Sources of information:

1. Anonymous. no date. Risk Assessment Results - Washingtonia robusta. USFS. Institute of Pacific Islands Forestry. Pacific Island Ecosystems at Risk. [http://www.hear.org/pier/wra/pacific/washingtonia\\_robusta\\_htmlwra.htm](http://www.hear.org/pier/wra/pacific/washingtonia_robusta_htmlwra.htm). Accessed 1/4/05
2. Brown, K. and K. Brooks. 2002. Bushland weeds \_ a practical guide to their management. Environmental Weeds Action Network. Greenwood, Australia. Pp. 88-89.
3. Knapp, J.J. 2002. Personal observation of palm control efforts on Catalina Island, CA. (310) 510-1299.
- 4 Hicks 1989
5. Young, J.A. and C.G. Young. 1992. Seeds of woody plants in North America. Portland, Oregon: Dioscorides Press. Pp. 356-357.

**Question 2.5 Potential for human-caused dispersal ?****A** Other Published Material

Identify dispersal mechanisms:

Escape from cultivation. Listed by numerous references (internet and books) as a popular plant for large gardens and as a street tree (1, 2). Has escaped from gardens on Maui (3). Related *W. filifera* spread from plantings at picnic sites into remote springs in Nevada (4).

Sources of information:

1. Brenzel 2001
2. Gilman and Watson 1994
3. Starr et al. 2003
4. Pers. comm. E-mail from Curt Deuser, Lake Mead Exotic Plant Mgmt. Team, Boulder City, NV to Carolyn Martus, California Native Plant Society - San Diego. 10/4/04

**Question 2.6 Potential for natural long-distance dispersal ?****A**

Reviewed Scientific Publication

Identify dispersal mechanisms:

Seeds could disperse by water where it invades riparian areas, or with birds (1, 2) or coyotes (1). Birds such as mountain bluebirds, cedar waxwing, and house finch are also considered primary dispersal agents (3). Birds often perch in the branches, but the information on dispersal is observational only. Gilman and Watson say the fruits are not attractive to wildlife.

Sources of information:

1. Cornett et al. 1986
2. Starr et al. 2003
3. Hicks 1989
4. Gilman and Watson 1994

**Question 2.7 Other regions invaded ?****C** Other Published Material

Identify other regions:

Hawaii (1), Australia (1). Naturalized in Florida (2). Starr et al. list it as invasive in Florida, but Gilman and Watson (3) lists it with little invasive potential. Mostly a riparian problem.

Sources of information:

1. Starr et al. 1986
2. USDA, NRCS. 2004. The PLANTS Database, Version 3.5 (<http://plants.usda.gov>).

National Plant Data Center, Baton Rouge, LA 70874-4490 USA

3. Gilman and Watson 1994.

**Section 3: Distribution****Question 3.1 Ecological amplitude/Range ?****C** Other Published Material

Southern California riparian areas (1). Capable of growing in semi-arid, desert regions, usually forming colonies near water (2). Sunset lists *Washingtonia* as appropriate for gardens in warmer areas of zones 8, 9, and 10 (3). In San Diego area, present in wetlands, canyons, creeks, and coastal lagoons (4). *W. robusta* was introduced to California by the mission fathers as early as the 18th century (5).

Sources of information:

1. Tu and Randall 2002
2. Starr et al. 2002
3. Brenzel 2001
4. E-mail from Carolyn Martus, California Native Plant Society, forwarded 1/9/05.
5. Deardorff, D. 1976. Plant portraits: *Washingtonia robusta* the Mexican fan palm. *Lasca Leaves* 26(2): 43-45

**Question 3.2 Distribution/Peak frequency ?****D** Observational

Describe distribution:

see 3.1

Sources of information:

**Worksheet A - Innate reproductive potential**

Reaches reproductive maturity in 2 years or less	No
Dense infestations produce >1,000 viable seed per square meter	No
Populations of this species produce seeds every year.	Yes
Seed production sustained over 3 or more months within a population annually	No
Seeds remain viable in soil for three or more years	Unknown
Viable seed produced with both self-pollination and cross-pollination	Yes
Has quickly spreading vegetative structures (rhizomes, roots, etc.) that may root at nodes	No
Fragments easily and fragments can become established elsewhere	No
Resprouts readily when cut, grazed, or burned	Yes

Total points: 3

Total unknowns: 1

Total score: C ?

**Related traits:**

Worksheet B - Arizona Ecological Types is not included here

## Worksheet C - California Ecological Types

(*sensu* Holland 1986)

Major Ecological Types	Minor Ecological Types	Code ?
Marine Systems	marine systems	
Freshwater and Estuarine	lakes, ponds, reservoirs	
Aquatic Systems	rivers, streams, canals	
	estuaries	
Dunes	coastal	
	desert	
	interior	
Scrub and Chaparral	coastal bluff scrub	
	coastal scrub	
	Sonoran desert scrub	
	Mojavean desert scrub (incl. Joshua tree woodland)	
	Great Basin scrub	
	chenopod scrub	
	montane dwarf scrub	
	Upper Sonoran subshrub scrub	
	chaparral	
Grasslands, Vernal Pools, Meadows, and other Herb Communities	coastal prairie	
	valley and foothill grassland	
	Great Basin grassland	
	vernal pool	
	meadow and seep	
	alkali playa	
	pebble plain	
Bog and Marsh	bog and fen	
	marsh and swamp	
Riparian and Bottomland habitat	riparian forest	
	riparian woodland	D, < 5%
	riparian scrub (incl. desert washes)	D, < 5%
Woodland	cismontane woodland	
	piñon and juniper woodland	
	Sonoran thorn woodland	
Forest	broadleaved upland forest	



	North Coast coniferous forest
	closed cone coniferous forest
	lower montane coniferous forest
	upper montane coniferous forest
	subalpine coniferous forest
Alpine Habitats	alpine boulder and rock field
	alpine dwarf scrub
	Amplitude (breadth): <b>C</b>
	Distribution (highest score): <b>D</b>

## Infested Jepson Regions

[Click here for a map of Jepson regions](#)

Cascade Range

Central West

Great Valley

Northwest

Sierra Nevada

Southwest

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# **EXHIBIT K**

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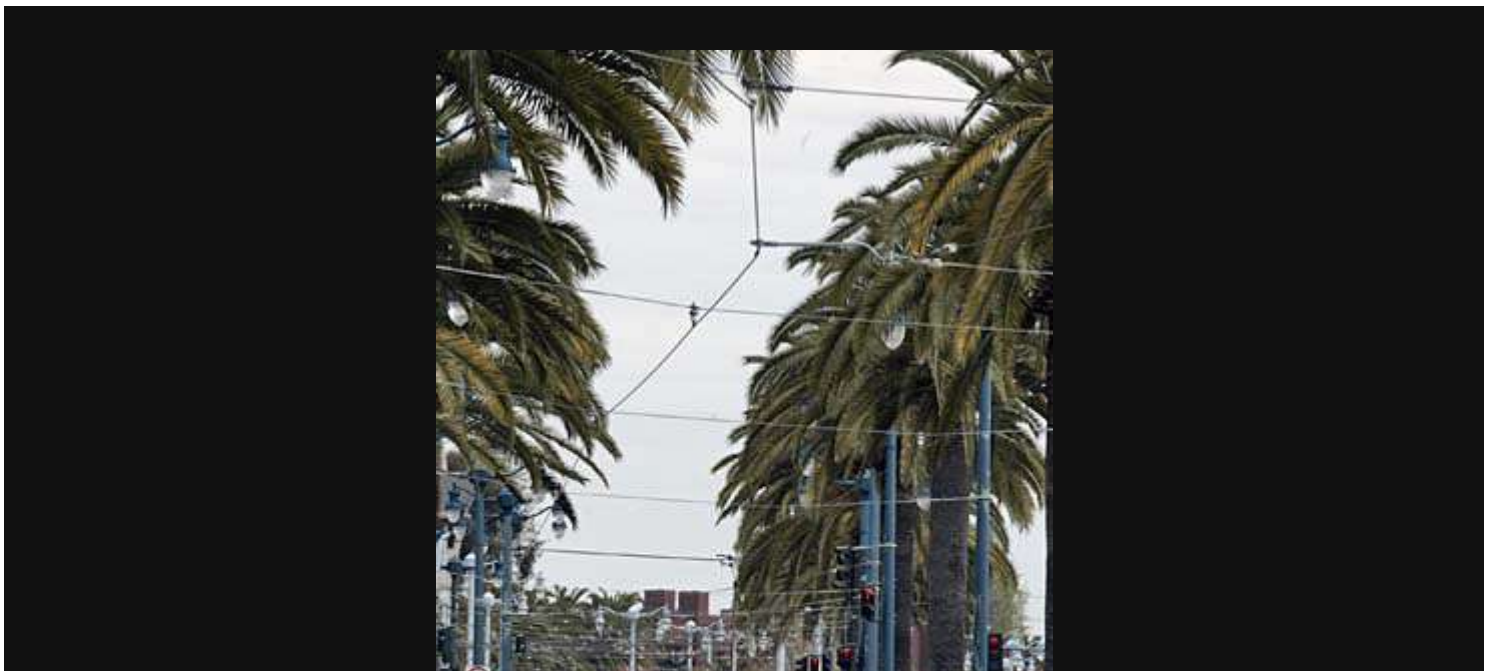
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News

# PALMS POP UP ALL OVER S.F. / Since the 1989 earthquake, the city has spent \$1.9 million on trees that evoke Los Angeles to boost tourism and combat urban blight

Heidi Benson, Chronicle Staff Writer

May 6, 2006





5 of 8



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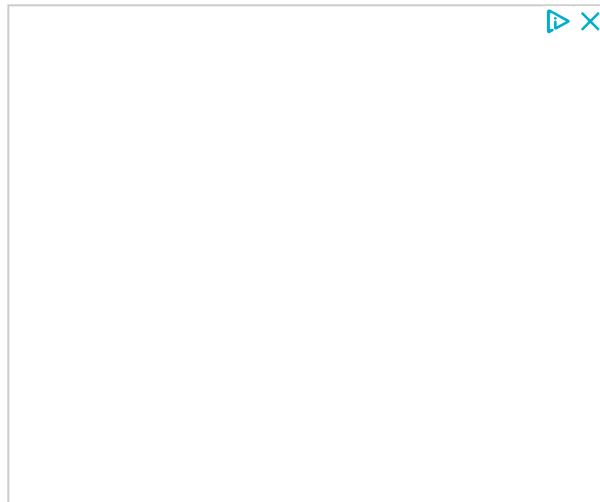
PAUL CHINN

Palm trees are on the rise in San Francisco.

From gritty Sixth Street to up-and-coming Octavia Boulevard, the city has embarked on what amounts to a campaign, planting hundreds of the towering symbols of tropical paradise in an effort to lure tourists and reduce urban blight.

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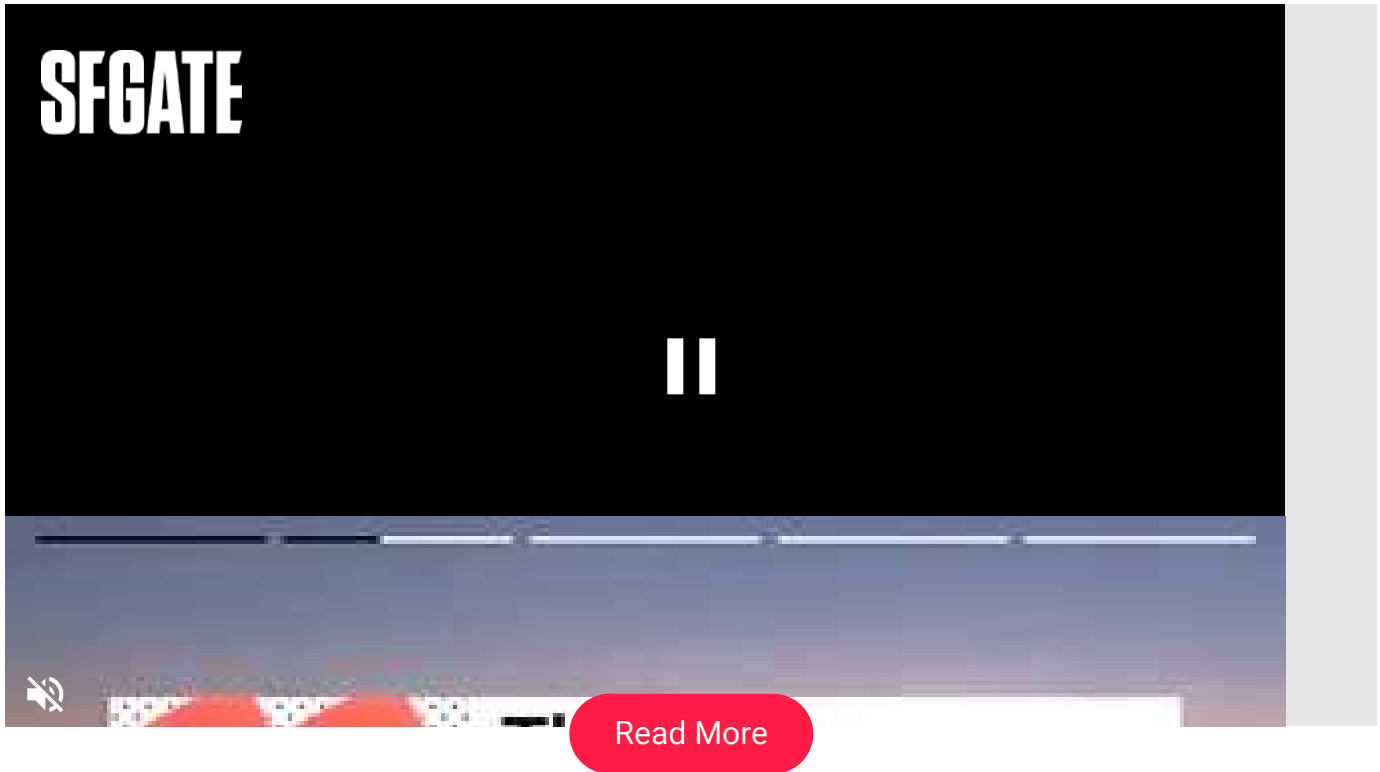
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The arboreal campaign -- involving a patchwork of city agencies -- began in earnest after the Loma Prieta quake of 1989 freed city funds for redevelopment.

By 2000, 230 date palms punctuated the Embarcadero from Fisherman's Wharf to

the Giants' ballpark. Seventy more soon popped up on Upper Market between Dolores and Castro streets. According to the Department of Public Works, which is responsible for the planting, the trees have cost the city \$1.9 million.

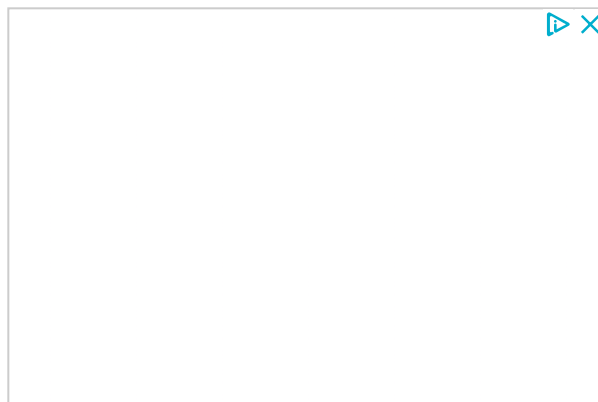


The trees have changed the face of the city in a mere six years, reviving a debate over whether the palm truly belongs.

Detractors complain of a creeping Los-Angeles-ization, pointing out that the tree is both high-priced -- the average cost of the largest palm is \$10,000 -- and not native to San Francisco.

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But few trees are. Even native scrub oaks would still be shrub-size if not for the sheltering microclimate created by the eucalyptus, Monterey cypress and Monterey pine imported to tame the city's western dunes.

Supporters point to palms' civic benefits: They don't block street signs, storefronts or views. And mature palms -- which offer an immediate visual impact -- transplant easily.

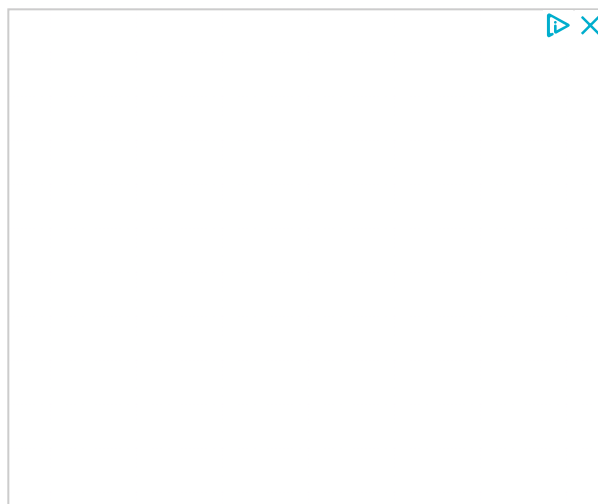
"Since the late '90s, we've used Canary Island palms to mark important gateways to the city," said palm czar Marshall Foster, director of city greening.

A former city planner, Foster was named to the new post last year as part of Mayor Gavin Newsom's tree-planting initiative. His job entails developing an environment-friendly policy and improving the city's outdoor spaces.

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"We use those palms to set apart certain intersections, corners or whole thoroughfares," Foster said.

In November, Mexican fan palms -- the same tall species that lines Mission Street -- went in along the newly widened sidewalks of Sixth Street south of Market.

With a price tag of \$3,000 each, these palms were paid for by San Francisco's Redevelopment Agency and planted by the Department of Public Works after years of public meetings.

"Palm trees are associated with upscale places like Miami Beach," said Randy Shaw of the Tenderloin Housing Clinic.

"On Sixth Street, people are so poor and they have all these needs. Putting up palm trees sends the wrong message."

Palms have been called high-rise condominiums for rats.

"I don't know where that rumor got started," said Flora Grub, owner of the Palm Broker, a San Francisco retailer who sells palms to private landscapers. "Berry bushes are more likely to attract rats."

Critics cite other shortcomings: Palms don't dapple sunlight or buffer pedestrians from traffic.

"In San Francisco, 70 percent of our total space is hard-scape," said Carolyn Blair, founder of the San Francisco Tree Council, a citizen advocacy group, and a member of the city-appointed Urban Forest Council.

"I want leafy green trees lining the street here. But if you go to Sixth Street..."



"Large, leafy canopy trees give the most benefits. But if you go to Sixth Street, you'll see the new palms are nothing but poles with very little greenery."

That sparse greenery also produces very little oxygen.

"Trees prevent runoff -- leaves and branches absorb a lot of water," said arborist Tony Wolcott, former director of Friends of the Urban Forest.

"But palms don't take up a lot of rainfall or give you much shade. Particularly the Mexican fan palm -- they have a small leaf surface, so they provide next to nothing as far as benefits to the environment."

Foster noted, however, that neighborhood groups often request palms at the community meetings the city holds before embarking on any public project.

"I don't think we've heard anyone who is unhappy with the appearance of the trees," said John Thomas, the Department of Public Works landscape architect who worked on the Sixth Street project.

"People are grateful that the city is investing," Thomas said. "We still have a long way to go, but over time, the street will improve because of that investment."

Foster concurs. "Sixth Street is a major thoroughfare, and we wanted to make a statement that investment is being made there."

One fan of the palms is Mike Sullivan, author of "The Trees of San Francisco." "The Canary Island palm is an important part of our outdoor architecture," he said, noting that the new plantings echo the historic strip of palms on Dolores Street.

The chunkier Canary Island palms, native to an archipelago off the Atlantic coast of Morocco, can withstand lower temperatures than most palms.

"They do extremely well in our climate. I think of them as a signature San Francisco palm tree," Sullivan said.

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It doesn't take much digging to unearth photos of palms in San Francisco after 1915, when the Avenue of Palms graced the Panama-Pacific Exhibition.

In fact, the squadron of Canary Island palms marching down Dolores Street is protected as a city landmark, though even San Francisco historian Gladys Hansen isn't certain who planted them -- or when.

Based on photographs he's seen, the Rev. Ulysses D'Aquila, associate pastor of Mission Dolores, believes they may have gone in during renovation after the 1906 quake.

The palms must have been absent in 1866, when Frederick Law Olmstead -- designer of Central Park -- wrote: "There is not a full grown tree of beautiful proportions near San Francisco."

At least that can no longer be said.

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## SAN FRANCISCO PALM

### TREES

Mexican fan palm

Washingtonia robusta

Mature height: 100 feet Mature spread: 12 feet

The Mexican fan palm is native to coastal Baja and the Sonora regions of Mexico. It thrives in a dry environment but it does grow along the often foggy northwest coast of California. Propagated only by seed, the Mexican fan palm can grow up to 6 feet per year when young and tolerate temperatures down to 20 degrees. The trunk can retain a petticoat of dead leaves that extends down to the ground for several decades before falling off.

Canary Island date palm

Phoenix canariensis

Mature height: 80 feet Mature spread: 35 feet

The Canary Island Palm, native to Spain's Canary Islands off the coast of Morocco

The Canary Island Palm, native to Spain's Canary Islands on the coast of Morocco, was introduced to California in the 18th century by Spanish priests. These slow-growing palms have huge trunks of up to 5 feet in diameter that are usually rough from old palm fronds. When cultivated, the trunk is trimmed to a smooth cylinder.

Source: Palm Society-Northern California Chapter, "The Trees of San Francisco," by Mike Sullivan

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**Heidi Benson**

**Taboola** Feed

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# **EXHIBIT L**

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----- Forwarded message -----

From: **Jyri Engestrom** [REDACTED]  
Date: Sat, Sep 30, 2017 at 3:13 PM  
Subject: Fwd: Service Invoice from Mr. Rooter Plumbing  
To: Caterina Fake [REDACTED] Roxanne Blackwood [REDACTED]

FYI. I paid the bill for the pipe fix with my [REDACTED]

Plumber noted that the palm tree roots will eventually break the pipe again, and could even already have caused the next joint to leak underneath the tree (this is not possible to confirm since it would require cutting down the tree). The water pipe should be routed around the palm tree on the ground following the cement wall and connected up with the house at the point where the garden hose is located in front of the house. Mr. Rooter's quote for that work (including the "quick fix" work that was done today) totaled \$6200--quite high in our opinion. We decided to request a competitive quote from Johnny.

The water main turn-off for the house is also located by the garden hose, which is good to know!

Plumber: Tohi Kaihau (415) 730-0939  
Mr. Rooter Dispatcher: (415) 993-9509

Rox, can you please add these contact numbers to Assistant Info?

----- Forwarded message -----

From: Mr. Rooter Customer Service <[noreply@servicetitan.com](mailto:noreply@servicetitan.com)>  
Date: Sat, Sep 30, 2017 at 3:01 PM  
Subject: Service Invoice from Mr. Rooter Plumbing  
To: [REDACTED]

Hello Jyri Engestrom ,

Thank you for the opportunity to serve your plumbing needs. Attached is your invoice for the completed plumbing service, which we suggest you keep for your records.

Remember, Mr. Rooter has the plumbing industry's leading warranty on parts and service. Please do not hesitate to call us if you have any questions regarding services rendered or need information regarding your warranty.

Our customer service representatives are available day or night for your convenience at: (415) 993-9507.



Sincerely,

Mr. Rooter Plumbing of San Francisco

# **EXHIBIT M**



Mr. Rooter of San Francisco  
 540 Barneveld Avenue, Unit D  
 San Francisco, California 94124  
 415-688-4150

Invoice 8521564  
 Invoice Date 9/30/2017  
 Completed Date 9/30/2017  
 Technicians Denver Lim  
 Tohi Kaihau

**Billing Address**  
 Jyri Engestrom  
 635 Steiner Street  
 San Francisco, CA 94117 USA

**Customer PO**  
**Job Address**  
 Jyri Engestrom  
 635 Steiner Street  
 San Francisco, CA 94117 USA

**Description of Work**

Tech arrived and diagnosed the problem, it's a water main line broke so I offered two options to reroute the line. The line goes underneath a palm tree so the clients will talk about it and let us know. I just repaired the line and checked for leaks, no leaks.

Task #	Description	Quantity	Your Price	Your Total
RBBA02	Repair Exposed Copper 3/4 IN. Water Line up to 5 FT. 2 Year Parts and Labor Warranty	1.00	\$789.50	\$789.50

Paid On	Type	Memo	Amount
9/30/2017	AMEX		\$789.50

<b>Sub-Total</b>	\$789.50
<b>Tax</b>	\$0.00
<b>Total Due</b>	\$789.50
<b>Payment</b>	\$789.50
<b>Balance Due</b>	\$0.00

Thank you for your business.

**IMPORTANT NOTICE:** You and your contractor are responsible for meeting the terms and conditions of this contract. If you sign this contract and you fail to meet the terms and conditions of this contract, you may lose legal ownership rights to your home. **KNOW YOUR RIGHTS AND DUTIES UNDER THE LAW. YOU THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE 3RD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT.** I agree that initial price quoted prior to start of work does not include and additional or unforeseen tasks. Nor materials which may be found to be necessary to complete repairs or replacement. I also agree to hold Mr. Rooter or it's assigns harmless for parts deemed corroded, unusable or unreliable for completion of stated work to be done. I hereby authorize Mr. Rooter to perform proposed work and agree to all agreement conditions as displayed on the face and reverse sides of this document and further acknowledge that this invoice is due upon receipt. A monthly service charge, at maximum allowance by law, will be added after 10 days. Independently owned and operated franchise.

**TERMS AND CONDITIONS**

It is agreed that Mr. Rooter is not responsible for the following:

1. Damage caused to the customer's property as a result of obtaining access to and exposing plumbing and drainage systems.
  2. Additional plumbing work beyond that specifically mentioned in this estimate and proposal including, but not limited to, that which may be required because of preexisting plumbing code violations or additional work revealed to be necessary as a result of performing the specified work.
  3. Any repairs, installation, removal or replacement of non-plumbing items or activities including, but not limited to: concrete, paving, asphalt, slabs, sidewalks, driveways, patios, pools, shrubbery, grass laws, fences, electrical wiring and fixtures, painting, decorations, plastering, sheet rock and other wall coverings, glass, carpentry, millwork, cabinets, floors, carpeting, floor surfaces and preparation, roofing flashing, sheet metal gutters, downspouts, brick, stonework, extension walls, steel and other framework.
  4. Damage caused to customer's plumbing system by sewer and drain cleaning equipment when such is caused by pre-existing defects in such plumbing systems.
- Customer accepts full responsibility for the prompt payment of all costs of this agreement even though customer may intend to obtain reimbursement from others such as landlords, tenants, insurance companies, and tort feasons. This proposal and said specifications shall not be altered or modified except by written agreement between the parties hereto and verbal understandings and agreements with representatives shall not be binding unless set forth herein.

**LIMITED SERVICE WARRANTY**

Mr. Rooter, the franchisee, warrants, to the extent stated therein, the plumbing repair service and drain cleaning services furnished by it. The stated period of warranty commences upon installation or repair of plumbing or upon cleaning of drains. Purchaser understands that Mr. Rooter's, the franchisee, liability under this warranty is limited to repair, replacement, reclearing, or refund of purchaser's money and does not extend to property damage resulting from drains which become clogged or obstructed or from plumbing work which fails during the agreed upon warranty period. This warranty gives you specific legal rights. You may also have other rights which vary from state to state.

**NOTICE TO OWNER**

THE LAW REQUIRES THAT THE CONTRACTOR SHALL SUBMIT A SWORN STATEMENT OF PERSONS FURNISHING MATERIALS AND LABOR BEFORE ANY PAYMENT IS REQUIRED TO BE MADE TO THE CONTRACTOR.

1. Do not sign the contract until you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.
2. You are entitled to a copy of this contract at the time you sign it.
3. You may at any time pay off the full unpaid balance due under this contract, and in doing so you may receive a partial rebate of the service charge.
4. You may cancel this contract if it is solicited in person, and you sign it, at a place other than the seller's business address, by sending notice of cancellation by certified mail return receipt requested to the seller at his address which notice shall be postmarked no later than midnight of the third day (excluding Sundays and holidays) following your signing this contract. If you choose to cancel this contract, you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this contract.

This contractor is registered to business in the state in which the work is performed. (See registration number on the front side of this contract.) Where required, this contractor has posted with the state all necessary bonds or cash deposits for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with the original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it.

#### CALIFORNIA RESIDENTS ONLY NOTICE TO OWNER

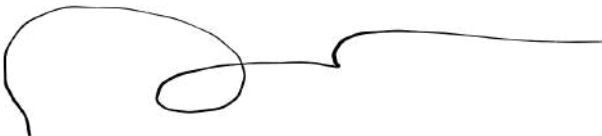
Under the California Mechanics' Lien Law, any contractor, subcontractor, laborer, supplier, or other person or entity who helps to improve your property, but is not paid for his or her work or supplies, has a right to place a lien on your home, land or property where the work was performed and to sue you in court to obtain payment.

This means that after a court hearing, your home, land, and property could be sold by a court officer and the proceeds of the sale used to satisfy what you owe. This can happen even if you have paid your contractor in full if the contractor's subcontractors, laborers, or suppliers remain unpaid.

To preserve their rights to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are each required to provide you with a document called a "Preliminary Notice." Contractors and laborers who contract with owners directly do not have to provide such notice since you are aware of their existence as an owner. A preliminary notice is not a lien against your property. Its purpose is to notify you of persons or entities that may have a right to file a lien against your property if they are not paid. In order to perfect their lien rights, a contractor, subcontractor, supplier or laborer must file a mechanics' lien with the county recorder which then becomes a recorded lien against your property. Generally, the maximum time allowed for filing a lien against your property is 90 days after substantial completion of your project.

TO INSURE EXTRA PROTECTION FOR YOURSELF AND YOUR PROPERTY, YOU MAY WISH TO TAKE ONE OR MORE OF THE FOLLOWING STEPS:

- (1) Require that your contractor supply you with a payment and performance bond (not a license bond), which provides that the bonding company will either complete the project or pay damages up to the amount of the bond. This payment and performance bond will usually cost from 1 to 5 percent of the contract amount depending on the contractor's bonding ability. If a contractor cannot obtain such bonding, it may indicate his or her financial capacity.
- (2) Require that payments be made directly to subcontractors and material suppliers involved in the project. Funding services may be available, for a fee, in your area which will establish voucher or other means of payment to your contractor. These services may also provide you with lien waivers and other forms of protection. Any joint control agreement should include the addendum approved by the registrar.
- (3) Issue joint checks for payment, made out to both your contractor and subcontractors or material suppliers involved in the project. The joint checks should be made payable to the persons or entities which send preliminary notices to you. Those persons or entities have indicated that they may have lien rights on your property, therefore you need to protect yourself. This will help to insure that all persons due payment are actually paid.
- (4) Upon making payment on any completed phase of the project, and before making any further payments, require your contractor to provide you with unconditional "Waiver and Release" forms signed by each material supplier, subcontractor and laborer involved in that portion of the work for which payment was made. The statutory lien releases are set forth in exact language in Section 3262 of the Civil Code. Most stationery stores will sell the "Waiver and Release" forms if your contractor does not have them. The material suppliers, subcontractors, and laborers working on your project, you may obtain a list from your contractor. On projects involving improvements to a single-family residence or a duplex owned by the individuals, the person signing these releases loses the right to file a mechanics' lien claim against your property. In other types of construction, this protection may still be important, but may not be as complete. To protect yourself under this option, you must be certain that all material suppliers, subcontractors, and laborers have signed the "Waiver and Release" form. If a mechanics' lien has been filed against your property, it can only be voluntarily released by a recorded "Release of Mechanics' lien against your property unless the lawsuit to enforce the lien was not timely filed. You should not make any final payments until any and all such liens are removed. You should consult an attorney if a lien is filed against your property.



9/30/2017

The law requires that the contractor give you a notice explaining your right to cancel. Initial the check box if the contractor has given you a 'Notice of the Three-Day Right to Cancel.'



Acceptance of work performed: I find the service and materials performed and installed have been completed in accordance with this agreement. I agree pay reasonable attorney fees, collection fees and court costs in the event of legal action pursuant to collection of amount due.



9/30/2017

I authorize Mr. Rooter Plumbing of San Francisco to charge the agreed amount to my credit card provided herein. I agree that I will pay for this purchase in accordance with the issuing bank cardholder agreement.



9/30/2017



9/30/2017

Credit Card Payment Authorization

Please pay total due amount. Thank you.

Print Name below as it appears on credit card

Payment Type _____	Credit Card # _____	EXP _____	CVC _____
Name on card _____	Signature _____		

Remit to:  
Mr. Rooter Plumbing of San Francisco  
540 Barneveld Avenue, Unit D  
San Francisco, CA 94124 United States

Amount Due: \$0.00

## TERMS AND CONDITIONS

It is agreed that Mr. Rooter® is not responsible for the following:

1. Damage caused to the customer's property as a result of obtaining access to and exposing plumbing and drainage systems.
2. Additional plumbing work beyond that specifically mentioned in this estimate and proposal including, but not limited to, that which may be required because of preexisting plumbing code violations or additional work revealed to be necessary as a result of performing the specified work.
3. Any repairs, installation, removal or replacement of non-plumbing items or activities including but not limited to: concrete, paving, asphalt, slabs, sidewalks, driveways, patios, pools, shrubbery, grass lawns, fences, electrical wiring and fixtures, painting, decorations, plastering, sheetrock and other wall coverings, glass, carpentry, millwork, cabinets, floors, carpeting, floor surfaces and preparation, roofing, flashing, sheet metal gutters, downspouts, brick, stonework, extension walls, steel and other framework.
4. Damage caused to customer's plumbing system by sewer and drain cleaning equipment when such is caused by pre-existing defects in such plumbing systems.

Customer accepts full responsibility for the prompt payment of all costs of this agreement even though customer may intend to obtain reimbursement from others such as landlords, tenants, insurance companies and tortfeasors.

This proposal and said specifications shall not be altered or modified except by written agreement between the parties hereto and verbal understandings and agreements with representatives shall not be binding unless set forth herein.

### LIMITED SERVICE WARRANTY

Mr. Rooter warrants, to the extent stated herein, the plumbing repair service and drain cleaning services furnished by it. The stated period of warranty commences upon installation or repair of plumbing or upon cleaning of drains.

Purchaser understands that Mr. Rooter's liability under this warranty is limited to repair, replacement, recleaning or refund of purchaser's money, and does not extend to property damage resulting from drains which become clogged or obstructed or from plumbing work which fails during the agreed upon warranty period.

This warranty gives you specific legal rights. You may also have other rights which vary from state to state.

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**1. Do not sign this contract until you read it or if any spaces intended for the agreed terms, except as to unavailable information, are blank.**

**2. You are entitled to a copy of this contract at the time you sign it.**

**3. You may at any time pay off the full unpaid balance due under this contract, and in doing so you may receive a partial rebate of the service charge.**

**4. You may cancel this contract if it is solicited in person, and you sign it, at a place other than the seller's business address, by sending notice of cancellation by certified mail return request receipt requested to the seller at his address which notice shall be postmarked not later than midnight of the third day (excluding Sundays and holidays) following your signing this contract. If you choose to cancel this contract, you must return or make available to the seller at the place of delivery any merchandise, in its original condition, received by you under this contract.**

This contractor is registered to do business in the state in which this work is performed. (See registration number on the front side of this contract.) Where required, this contractor has posted with the State all necessary bonds or cash deposits for the purpose of satisfying claims against the contractor for negligent or improper work or breach of contract in the conduct of the contractor's business. This bond or cash deposit may not be sufficient to cover a claim which might arise from the work done under your contract. If any supplier of materials used in

your construction project or any employee of the contractor or subcontractor is not paid by the contractor or subcontractor on your job, your property may be liened to force payment. If you wish additional protection, you may request the contractor to provide you with the original "lien release" documents from each supplier or subcontractor on your project. The contractor is required to provide you with further information about lien release documents if you request it. General information is also available from the licensing board in your state.

The specific telephone number and address of your governing agency can be found by calling 1-800-583-8003 or by writing Mr. Rooter Corporation, P.O. Box 3146 Waco, Texas 76707.

### CALIFORNIA RESIDENTS ONLY NOTICE TO OWNER

"Under the California Mechanics' Lien Law, any contractor, subcontractor, laborer, supplier, or other person or entity who helps to improve your property, but is not paid for his or her work or supplies, has a right to place a lien on your home, land, or property where the work was performed and to sue you in court to obtain payment.

This means that after a court hearing, your home, land, and property could be sold by a court officer and the proceeds of the sale used to satisfy what you owe. This can happen even if you have paid your contractor in full if the contractor's subcontractors, laborers, or suppliers remain unpaid.

To preserve their rights to file a claim or lien against your property, certain claimants such as subcontractors or material suppliers are each required to provide you with a document called a "Preliminary Notice." Contractors and laborers who contract with owners directly do not have to provide such notice since you are aware of their existence as an owner. A preliminary notice is not a lien against your property. Its purpose is to notify you of persons or entities that may have a right to file a lien against your property if they are not paid. In order to perfect their lien rights, a contractor, subcontractor, supplier, or laborer must file a mechanics' lien with the county recorder which then becomes a recorded lien against your property. Generally, the maximum time allowed for filing a mechanics' lien against your property is 90 days after substantial completion of your project.

TO INSURE EXTRA PROTECTION FOR YOURSELF AND YOUR PROPERTY, YOU MAY WISH TO TAKE ONE OR MORE OF THE FOLLOWING STEPS:

(1) Require that your contractor supply you with a payment and performance bond (not a license bond), which provides that the bonding company will either complete the project or pay damages up to the amount of the bond. This payment and performance bond as well as a copy of the construction contract should be filed with the county recorder for your further protection. The payment and performance bond will usually cost from 1 to 5 percent of the contract amount depending on the contractor's bonding ability. If a contractor cannot obtain such bonding, it may indicate his or her financial incapacity.

(2) Require that payments be made directly to subcontractors and material suppliers through a joint control. Funding services may be available, for a fee, in your area which will establish voucher or other means of payment to your contractor. These services may also provide you with lien waivers and other forms of protection. Any joint control agreement should include the addendum approved by the registrar.

(3) Issue joint checks for payment, made out to both your contractor and subcontractors or material suppliers involved in the project. The joint checks should be made payable to the persons or entities which send preliminary notices to you. Those persons or entities have indicated that they may have lien rights on your property, therefore you need to protect yourself. This will help to insure that all persons due payment are actually paid.

(4) Upon making payment on any completed phase of the project, and before making any further payments, require your contractor to provide you with unconditional "Waiver and Release" forms signed by each material supplier, subcontractor, and laborer involved in that portion of the work for which payment was made. The statutory lien releases are set forth in exact language in Section 3262 of the Civil Code. Most stationery stores will sell the "Waiver and Release" forms if your contractor does not have them. The material suppliers, subcontractors, and laborers that you obtain releases from are those persons or entities who have filed preliminary notices with you. If you are not certain of the material suppliers, subcontractors, and laborers working on your project, you may obtain a list from your contractor. On projects involving improvements to a single-family residence or a duplex owned by the individuals, the person signing these releases loses the right to file a mechanics' lien claim against your property. In other types of construction, this protection may still be important, but may not be as complete.

To protect yourself under this option, you must be certain that all material suppliers, subcontractors, and laborers have signed the 'Waiver and Release' form. If a mechanics' lien has been filed against your property, it can only be voluntarily released by a recorded 'Release of Mechanics' Lien' signed by the person or entity that filed the mechanics' lien against your property unless the lawsuit to enforce the lien was not timely filed. You should not make any final payments until any and all such liens are removed. You should consult an attorney if a lien is filed against your property."

**BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)**





**Urban Forestry**

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

Appeal No. 21-059 Respondent's Brief

Caterina Fake vs. SFPW-BUF

Public Works Order No. 204944 / Tree Removal Permit No. 788088

August 26th, 2021

The applicant submitted a tree removal permit application (788088) on February 3, 2021, to remove three (3) significant trees. The reasons for removal were the desire to replace the trees with different species to improve aesthetics and the concern over the structural integrity of the retaining wall. After reviewing tree conditions, BUF staff denied the removal application. The basis for the department's denial is that the significant trees are healthy, and it is unclear if the Mexican Fan Palm is the direct cause of the cracks in the retaining wall. BUF staff explained the willingness to monitor the tree into the future.

The applicant appealed the decision and on April 12, 2021, Public Works held a tree removal hearing. The applicant's appeal included new information about past damage. The water pipe near the palm had been damaged twice by the roots and the retaining wall had cracked and been repaired multiple times. It also explained a drainage issue that causes ground swelling, making the front gate inoperable; fixing the drainage would require the palm removal.

The property owner's arborist represented them at the hearing. The Director issued resulting decision No. 204944, which upheld the denial of the three (3) significant trees. (Appendix A)

Upon review of the appellants' brief The Bureau of Urban Forestry agrees that the retaining wall cannot be properly repaired without removing the Mexican fan palm (Appendix B). BUF would agree to the removal of the Mexican fan palm on the condition that a building permit is obtained with The Department of Building Inspection to repair the wall. The *Cordyline australis* (Appendix B), or cabbage palm, located above the Mexican fan palm, is far enough away from wall and can be preserved. The Spanish bayonet, *Yucca spp.*, is in fair condition and could be managed by removing select stems to clear the neighbor's yard and allow for better aesthetics (Appendix C).

In closing, The Bureau requires proof of project initiation, via a DBI building permit, to agree to the removal of the Mexican fan palm, and BUF requests the denial of removal for the Spanish bayonet and cabbage palm be upheld.

Respectfully,

Stephen Keller

Acting Urban Forester

APPENDIX A-- PUBLIC WORKS ORDER 204944



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](http://www.SFPublicWorks.org)

**Public Works Order No: 204944**

The Director of Public Works held a Public Hearing on Monday, May 24, 2021, commencing at 5:30 p.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. 204755, the removal of three (3) significant trees with replacement adjacent to 635 Steiner St. Staff denied the removals and the applicant has appealed.

**Findings:**

The arborist representing the property owner stated that the significant trees are putting strain and damaging the retaining wall. The arborist also stated that the water line has been repaired/replaced more than once. The property owner is willing to remove and replace the trees with drought tolerant species.

BUF testified that the main reason for removal is to prevent damage to the retaining wall, but it is unclear if the trees are causing the damage. It is uncertain if the retaining wall is going to be replaced/repared. BUF staff inspected the three (3) significant trees and found no major defects or health issues.

Public comments support keeping existing trees. Members of the public expressed that the trees were healthy and that if trees were to be removed and replaced, the same issue of damage to the retaining wall would still exist.

**Recommendation**

After consideration of correspondence and testimony provided, based on the fact that the significant trees are healthy, the decision is to deny the removals and keep the existing trees.

**Appeal:**

This Order may be appealed to Board of Appeals within 15 days of June 17, 2021.

**Board of Appeals**

49 South Van Ness Ave. suite 1475 (14<sup>th</sup> Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: [Boardofappeals@sfgov.org](mailto: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](mailto: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/>

APPENDIX B – PHOTOS



APPENDIX B – PHOTOS

*Cordyline australis*, referred to as cabbage palm in the appellants' brief



APPENDIX B – PHOTOS

Mexican fan palm



APPENDIX B – PHOTOS

Spanish bayonet, *Yucca spp.*



APPENDIX C

Spanish bayonet, *Yucca spp.*, multi-trunk growth habit





# PUBLIC COMMENT

## Longaway, Alec (BOA)

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**From:** Dennis Breen <djbreen49@gmail.com>  
**Sent:** Sunday, August 15, 2021 10:33 AM  
**To:** BoardofAppeals (PAB)  
**Subject:** Appeal No. 21-059; 635 Steiner Street

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

TO WHOM IT MAY CONCERN:

I own and live in a property across the street from the appellant in Appeal No. 21-059; 635 Steiner Street.

It only takes a brief look at the subject property to realize that someone in the past planted inappropriate trees in inappropriate ways. The trees are cracking the retaining walls behind which they are planted. They are planted too close to the walls, which allows insufficient space for their roots to grow without causing significant damage. It appears that the tree roots may also threaten water supply and waste lines, electrical supply lines and gas supply lines to the property's structure.

There is a serious problem with inappropriate trees being planted in The City. For instance, many species that should NOT be planted in sidewalks lift and break the concrete, creating hazardous conditions. The mistaken planting of these trees on tis property poses a great risk to property and safety of anybody or anything that may be impacted by the failure of the retaining wall and the crashing down of the trees resulting from that failure.

I do not know whether The City has insurance to cover its liability in the probable event of such a toppling of the tree(s), or whether The City will have to pay for its negligence in allowing this hazard to exist, in spite of the property owner's attempt to eliminate the hazard, out of the operating budget of The City and County of San Francisco. Besides the risk to life and property that allowing these trees to remain in place present to those injured or killed in such an event, The City will take a significant financial hit.

It is a shame that mature trees need to be removed in the cause of safety, but people make mistakes in planting trees badly - even trained arborists that allow inappropriate species to be planted in the public right of way - but dangerous conditions should be corrected, and suitable species planted in suitable locations should be encouraged.

Respectfully,

Dennis J.Breen  
614 Steiner Street, #2  
San Francisco, California 94117  
451-565-0880

## Longaway, Alec (BOA)

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**From:** Zach Erbe <zesandler@gmail.com>  
**Sent:** Thursday, August 19, 2021 2:30 PM  
**To:** BoardofAppeals (PAB)  
**Cc:** Christopher Allen-John Webb  
**Subject:** Appeal No. 21-059; 635 Steiner Street

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Dear Board of Appeals,

This is a statement in **support of removing and replacing** the three trees adjacent to 635 Steiner (Appeal No. 21-059; 635 Steiner Street). We are neighbors across the street and disagree with Public Work's assessment that these trees are healthy, they are not.

- Numerous branches are dead. Many branches are mangled and trees are past prime.
- The trees have currently grown too big for street trees and now represent a danger to people and cars with potential for falling limbs and branches.
- Removal will provide more sunlight into surrounding buildings and daylight a dark street section at night. .





Zach Erbe  
Chris Webb

at 628 Steiner St.