

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

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

Appeal No. **20-043**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on June 30, 2020, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on June 16, 2020 to Joy Peak LLC, of an Order - Removal by Private Entity (approval to remove four trees to allow for construction of housing on an undeveloped lot with the following conditions: 1) the applicant agrees to retain the trees as long as possible to mitigate disruptions during construction; 2) replacement of two (2) 24" box coast live oak trees; 3) tree protection measures shall be installed prior to the start of construction.) at 15 Joy Street.

APPLICATION NO. 203269

FOR HEARING ON August 12, 2020

Address of Appellant(s):

Address of Other Parties:

Lance Carnes, Appellant(s)
722 Lombard Street, Apt 201
San Francisco, CA 94133

Joy Peak LLC, Determination Holder(s)
c/o Jerry Cullinane, Agent for Determination Holder(s)
1863 Mission Street
San Francisco, CA 94103



Date Filed: July 1, 2020

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

PRELIMINARY STATEMENT OF APPEAL FOR APPEAL NO. 20-043

I / We, **Lance Carnes**, hereby appeal the following departmental action: **ISSUANCE of Order – Tree Removal by Private Entity No. 203269** by the **San Francisco Public Works, Bureau of Urban Forestry** which was issued or became effective on: **June 16, 2020**, to: **Joy Peak LLC**, for the property located at: **15 Joy 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: **July 23, 2020** by 4:30 pm (**no later than three Thursdays prior to the hearing date**). The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and the other parties.

Respondent's and Other Parties' Briefs are due on or before: **August 6, 2020 by 4:30 pm. (no later than one Thursday prior to hearing date)** The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy should be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and the other parties. **Only photographs and drawings may be submitted by the parties at the hearing.**

Hearing Date: **Wednesday, August 12, 2020, 5:00 p.m.**, via Zoom. Information for access to the hearing will be provided before the hearing date..

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

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

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

The reasons for this appeal are as follows:

See attachment to the Preliminary Statement of Appeal.

Appellant or Agent (Circle One):

Signature: Appeal taken by email_____

Print Name: Lance Carnes_____

Appeal of SF Public Works Order #203269
and SF Public Works Permit 784908

This appeal is filed on behalf of Save North Beach Village, a North Beach neighborhood group that opposes the unnecessary removal of trees in San Francisco. We believe the Public Works permit to remove four trees at 15 Joy Street does not comply with legal and the City's own procedural requirements.

Here, the applicant did not follow the City's own rules for the tree removal application processes. Additionally, the trees were posted with paper removal notices, but only one of the four trees was posted on DPW's Tree Removal Notifications website. A protest of the removals was filed, and the removal hearing for 15 Joy St trees was held on June 1, 2019. The DPW Director's resulting decision approved the four removals despite only one being posted.

The Public Works Order No. 203269 decision to uphold the removals is dated June 16, 2020. The SF Public Works Permit 784908 is dated November 25, 2019.

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

Save North Beach Village, 722 Lombard St, Suite 201

San Francisco, CA 94133



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

Public Works Order No: 203269

The Director of Public Works held a Public Hearing on Monday, June 1, 2020, commencing at 4 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. This agenda item was previously scheduled for a May 11, 2020, hearing. Due to a clerical error, those items were continued to June 1, 2020.

The hearing was to consider Order No. 203175 for the removal of four (4) street trees adjacent to 15 Joy St, permit # 784908. Staff approved the removal and the public protested.

Findings:

Chris Buck presented for Public Works. Staff recommends removal of these trees to allow for construction of housing on an undeveloped lot. It was noted that this Order and Order No. 203174 and Order No. 203172 were originally scheduled to be heard together at the May 11, 2020, hearing. Mr. Buck noted that under the proposal, two large shrubs/trees that are crowded together would be replaced by at least one large-stature tree at maturity. There were speakers and written objections to the plans on both procedural (alleged improper notice) and substantive grounds. One protester, Joe Butler, recommended various mitigation measures and requested that robust protection of remaining trees be required. An architect for the applicant spoke about specifics of the project and stated that the owner had committed to plant more than the minimum number of required trees. Following the hearing, BUF staff confirmed that there was a grouping of two junipers and one stand-alone tree, for a total of three trees set for removal. Staff also reviewed the postings for this item and determined that proper notification and posting requirements were met.

Recommendation:

Uphold BUF’s approval of all tree removals with the following conditions:

1. The applicant agrees to retain the trees as long as possible to mitigate disruption during construction.
2. Replacement of two (2) 24” inch box coast live oak trees
3. Tree protection plan shall be reviewed by staff and all tree protection measures shall be installed prior to the start of construction.

Appeal:

This order and permit 784908 may be appealed to the Board of Appeals within 15 days of June 16, 2020.

Board of Appeals

1650 Mission, Room 304

San Francisco, CA 94103 (between Van Ness and Duboce Avenues)

Phone: 415.575.6880 Email: Boardofappeals@sfgov.org

NOTE: the 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 415-575-6880 or by emailing the Board of Appeals at Boardofappeals@sfgov.org. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://sfgov.org/bdappeal/>

X

DocuSigned by:



Degrafinied, Alan

Director

APPELLANT'S BRIEF

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

Appeal No. 20-043

Appeal of Public Works Order No. 203269 and Public Works Permit 784908

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Exhibit List

Exhibit Number	Exhibit Description
Exhibit 1	Showing only one tree proposed for removal as of 12/18/19-12/23/2019
Exhibit 2	DPW Checklist for removals filed by developer showing no trees proposed for removal

Exhibit 3	Comparison with correctly filed documents for the similar 37 Brady Street development
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Exhibit 4	Revised DPW removal order showing 3 illegally added trees
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I. INTRODUCTION

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

II. SUMMARY

SNBV appeals San Francisco Public Works' (DPW) illegal authorization to remove four (4) trees at 15 Joy St via Public Works Order No. 203269. This authorization was approved based on incomplete applications that did not include trees which are now approved for removal. Additionally, when pressed on these glaring oversights - and approvals that will result in the removal of several large, healthy and mature trees - rather than admit errors in the process, DPW doubled down and insisted it was correct despite its own documentation to the contrary.

SNBV respectfully requests that:

- DPW Order No. 203269 be reversed in its entirety;
- That DPW be required to restart a *compliant* tree removal application process;

- That DPW be required to furnish to this Board full documentation demonstrating that the new, compliant process has been followed; and
- That this Board include this matter as part of its request for a response from DPW regarding tree removal processes, per the July 1, 2020 Board of Appeals Hearing.

III. FACTUAL & PROCEDURAL BACKGROUND

A. Development at 5/7, 9, and 15 Joy Street

This is a development project for four new homes on Joy St. In seeking to remove trees from the properties the developer:

- Did not file an Application for Tree Removal Permit;
- Filed a Checklist without stating the number of trees proposed for removal.
- Paid a \$806 fee for the removal of 1--3 trees on 11/15/2019.
- One tree was posted with a paper removal notice on 12/18/2019.
- The same tree was listed on the [Tree Removal Notifications](#) website on 12/23/2019. The Tree Removal Permit # was not listed.

B. Multiple Incomplete Tree Removal Applications

The developer filed the required Checklist forms for four of the Joy Street parcels, including 15 Joy Street, without specifying how many trees were proposed for removal.

The developer did not file the required Application for Tree Removal Permit.

C. Public Works' Ratification of the Incomplete Applications and Defense of an Incomplete Public Notification

DPW initially listed one tree on their Removals website in December 2019. By May 2020 3 more trees, for a total of 4, were added to the DPW removal order [Exhibit 4]. When DPW was asked why only one tree had been posted for removal and now 4 were on the removal order, they insisted all four trees were properly posted. We showed them this was not true based on website images, but they still insisted all 4 trees were properly posted.

D. Incomplete website listing, showing one tree proposed for removal, no mention of the Removal Permit #.

The only tree posted can be see at Exhibit 1.

E. Splitting of original removal order to discourage citizen appeals.

The original removal order was for three parcels, 5/7, 9, and 15 Joy St, to be heard at a removal hearing on May 11, 2020. Just before May 11, a tree advocate group wrote to the City Attorney pointing out that the May 11 hearing was not timely noticed. As a result the hearing was rescheduled for June 1, 2020.

After May 11, the original removal order for three parcels: 5/7, 9, and 15 Joy St, was split into three new and separate removal orders. We were planning to appeal the original removal order for a \$300 filing fee, but now were faced with a $3 \times \$300 = \900

filing fee to appeal the three new removal orders. We appealed 15 Joy St only, but want to point out that all three parcels have the same deficiencies presented here.

IV. ARGUMENT

A. The Developer Did Not Follow Public Works' Tree Removal Application Requirements.

The Developers did not follow the rules that apply to everyone who seeks to remove a tree. For a contrast see the filings for a similar development at 37 Brady Street [Exhibit 4]:

9 trees were listed on a filed Application for Tree Removal Permit

9 trees were proposed for removal on the Checklist.

The fee for 9 tree removals was paid.

The 9 trees were listed on the [Tree Removal Notifications](#) website with the Tree Removal Permit #.

No additional trees were added to the Removal Order.

B. Public Works Treated These Developers Favorably By Approving Incomplete Applications.

By approving the incomplete applications for 15 Joy Street, DPW gave these developers favorable treatment. All other development projects approved by DPW have complete filings.

C. Public Works Defended These Incomplete Applications, and Failed to Notify the Public of All Proposed Removals as Required by Law.

DPW not only gave these Developers favorable treatment, they violated the law and the public's right to full notification of the proposed removals.

D BUF obscured the multiple procedural failures.

When the public asked why there were now 4 tree removals rather than the initial one removal, BUF responded::

On Tue, May 19, 2020 at 3:40 PM Keller, Stephen (DPW)
<Stephen.Keller@sfdpw.org> wrote:

Your argument that the trees were not properly noticed on the website is not valid. 5/7, 9 and 15 Joy St are all separate permits and parcels, and each parcel was announced separately on the website, as shown on your "removal archive". In each description the number of trees proposed for removal was mentioned.

Removal archive:

Web posting date	BOS	Street	Site	Post start	Post end	Post days	Reason for removal
12/23/2019	9	7 Joy Street	4	12/18/2019	1/16/2020	29	In decline; in conjunction with nearby construction
12/23/2019	9	15 Joy Street	1	12/18/2019	1/16/2020	29	Removal for nearby construction
12/23/2019	9	9 Joy Street	1	12/17/2019	1/15/2020	29	In decline; in conjunction with nearby construction
02/24/2020	9	7 Joy Street	3	2/21/2020	3/22/2020	30	Construction of new home, major excavation adjacent to tree (17 ft deep, approx. 4 ft from trunk)

The Number of trees proposed for removal was *not* mentioned in “Reason for removal.”

Also see Exhibit 1.

V. Conclusion & Prayer for Relief

For all of the above stated reasons, SNBV respectfully requests that the Board of Appeals uphold this appeal, nullify Public Works Order No. 203269 and Public Works Permit 784908, and that the tree removal process be started anew with correctly completed and filed documents.

SNBV respectfully requests that:

- DPW Order No. 203269 be reversed in its entirety;
- DPW be required to restart a *compliant* tree removal application process;
- That DPW be required to furnish to this Board full documentation demonstrating that the new, compliant process has been followed; and
- That this Board include this matter as part of its request for a response from DPW regarding tree removal processes, per the July 1, 2020 Board of Appeals Hearing.

Note: there are two other parcels in this development, 5/7 Joy St and 9 Joy St, that have the same illegal tree removal procedures.

Respectfully submitted,

Appellant, Lance Carnes on behalf of SNBV

Date

Exhibit 1

15 Joy Street removal listing as it appeared on [Tree Removal Notifications | Public Works](#) website



15 Joy Street

- **Site number:** 1
- **Reason(s) for removal:** Removal for nearby construction
- **Posting period:** 12/18/2019 - 1/16/2020

It shows one tree only. The other three trees proposed for removal never appeared on this web page and therefore were never technically posted for removal. The Permit # does not appear.

A project similar to 15 Joy Street:

37 Brady Street was posted on [Tree Removal Notifications | Public Works](#) as follows:



37 Brady Street / 1629 Market Street / 76 Colton Street

- **Site number:** Multiple (9 total)
- **Reason(s) for removal:** Removal permit for construction (785067); trees will be impacted by construction and existing issues include dead or declining trees, poor structure, and root pruning required to repair sidewalk will destabilize trees; will be replaced
- **Posting period:** 3/16/2020 - 4/15/2020

It shows all trees proposed for removal as “Site number: Multiple (9 total)” and also shows the Permit #.

Exhibit 2

Tree Planting and Protection

Pursuant to Public Works Code Article 16, many construction projects trigger requirements for the protection of existing trees and/or the planting of new street trees.

Urban Forestry staff is available to advise you in the preparation of this checklist. Call (415) 554-6700 for further information.



London N. Breed
Mayor

Mohammed Nuru
Director

Carla Short
Superintendent

Urban Forestry
1155 Market St., 3rd Floor
San Francisco, CA 94103
tel 415-554-6700

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

This checklist must be completed for all construction related projects as defined below. You may be required to submit a Tree Protection Plan and Review Fee of \$151.00

What does this checklist do?

This checklist describes applicable tree-related requirements and will help you design a Code-compliant project. Completion of this checklist is a requirement for projects meeting any of the criteria identified below. **No permit will be issued by the City before satisfying all applicable tree-related requirements**, including receiving clearance from the San Francisco Public Works to plant required street trees and/or remove any Protected Trees.

Why are existing trees protected and new trees required?

Trees are a vital component of the City's built and natural environments. They filter and contain storm water, lessen air pollution and greenhouse gases, help save energy, provide wildlife habitat and increase property values. The City is currently home to more than 100,000 street trees.

Instructions

Requirements for new street trees and tree protection apply to the the types of projects identified in the chart below. Please check all boxes which apply to your project. If no boxes are checked, you do not need to complete this form.

Development Features

- Addition of a garage
- Addition of a new dwelling unit
- Addition of a curb cut
- Construction of a new building
- Net addition to an existing building of 500 gross sq. ft or more

An applicant for a project which meets **any** of the criteria identified above must complete this checklist and submit a copy of it to Urban Forestry along with the tree planting, removal and/or protection plan application.

Not all projects meeting the criteria above will be subject to tree protection and/or installation requirements. For example, if at least one street tree already exists for each 20 feet of street frontage, no new street trees will be required. Likewise, only certain trees, such as Street Trees and Significant Trees, must be protected.

1. Applicant Information

Contact Name: AHMAD IARIZADEH
 Address: 1880 GOLDEN GATE AVE SF
 E-Mail Address: BANANIC@AOL.COM Phone #: _____

2. Site Information

Site Address: 15 JOY ST.
 Cross Street: HOLLIDAY Block: _____ Lot: _____
 Length of All Lot Frontages: 125 Building Permit Number: 2015-06229593

4. Disclosure of Existing Protected Tree

Only the following specific types of trees require protection under the Public Works Code. These trees are collectively known as "Protected Trees." Please indicate the presence or lack thereof of such on, over, or adjacent to the parcel containing the proposed construction. Check all boxes that apply and indicate quantity of each tree type, if appropriate.

- ❖ **Street Trees:** A tree growing within the public right of way (e.g. sidewalk) that is not also a Landmark Tree. *Regardless of size, all trees in the public right of way are protected under Article 16 of the Public Works Code.*

<input type="checkbox"/> Street Trees exist adjacent to the subject property.	A QTY: _____
<input type="checkbox"/> Street Tree(s) proposed for removal	B QTY: _____
<input type="checkbox"/> There are no Street Trees adjacent to the subject property.	C : _____
	(A - B)

- ❖ **Significant Trees:** A tree that is planted on the subject property (i.e. outside of the public right-of-way) with any portion of its trunk within 10 feet of the public right-of-way that has (a) a diameter at breast height (DBH) in excess of twelve inches **OR** (b) a height in excess of twenty feet **OR** (c) a canopy in excess of fifteen feet. *If you are unsure of the boundary of the public right of way, contact San Francisco Public Works' Bureau of Street Use and Mapping. Please note that the public right of way may be wider than the sidewalk*

<input type="checkbox"/> Significant Tree(s) exist on the subject property	A QTY: _____
<input type="checkbox"/> Significant Tree(s) exist on any adjacent property	A QTY: _____
<input type="checkbox"/> Significant Tree(s) proposed for removal	B QTY: _____
<input type="checkbox"/> There are no Significant Trees on or adjacent to the subject property	C : _____
	(A + A) - B

- ❖ **Landmark Trees:** A tree designated as such by the Board of Supervisors owing to particular age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character. *If you have questions about the presence of Landmark Trees, please consult with San Francisco Public Works or visit www.sfpdw.org/trees*

<input type="checkbox"/> Landmark Trees exist on the subject property	A QTY: _____
<input type="checkbox"/> Landmark Trees exist on the adjacent sidewalk	A QTY: _____
<input type="checkbox"/> Landmark Trees exist on the adjacent property	A QTY: _____
<input type="checkbox"/> Landmark Tree(s) proposed for removal	B QTY: _____
<input type="checkbox"/> There are no Landmark Trees on or adjacent to the subject property.	C : _____
	(A + A + A) - B

Total Number of Protected Trees

Total : _____
Add all 'C's

If there are one or more protected trees total, you MUST complete submit a Tree Protection Site Plan along with the \$151 processing fee payable to CCSF-DPW-BUF.

See section Five and refer to code at <http://sfdpw.org/protection-trees-and-landscape-material>

Is the required Tree Protection Site Plan enclosed? Yes _____

Official Use Only - Tree Protection Plan Required _____	Processing Fee Paid _____
---------------------------------------------------------	---------------------------

5. Impact of Project on Existing Protected Sites

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

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

Construction activities would include, but are not limited to the following: (1) Grading or excavation within the dripline of any Significant Tree or Street Tree. (2) Construction staging and/or storage of materials and/or equipment within the dripline of any Significant Tree or Street Tree. (3) Any activity that might necessitate pruning of a Significant Tree or Street Tree. (4) Dumping of trash and/or liquids (such as project waste water) within the basin or dripline of any Significant Tree or Street Tree.

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

Such plan must meet the following minimum standards and be approved by SF Public Works:

- ✓ The Tree Protection Plan must be developed by an International Society of Arboriculture (ISA) Certified Arborist.

Site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan.

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

If you have any existing, remaining trees not proposed for removal a Tree Protection Plan is required and must be approved by San Francisco Public Works Bureau of Urban Forestry prior to the commencement of any construction activity. Refer to minimum standards above.

BOX 3 **Project will not remove or have any other impact on Protected Trees.**

6. Calculation of Number of New Required Street Trees

One street tree is required for each 20 feet of street frontage of the subject property, any additional 10' of frontage will be rounded up, however credit is given for existing street trees. Please complete the table below to determine the number of street trees required for your project. If no street trees are required, please skip to the Applicant's Affidavit at the end of this form and once signed, return it to the Planning Department along with your Building Permit Application or other application.

Combined Length of All Street Frontages	Divided by Tree Spacing Requirement	Gross Number of Trees Required	Minus Number of Existing Trees	Net Street Tree Requirement
25	÷ 20'	= 1 <small>(rounded)</small>	-	= 1

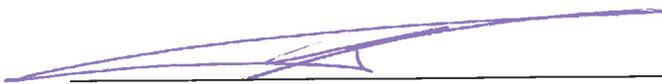
Unless site conditions physically prevent the planting of a street tree, a waiver or modification of street tree requirements is available only under extremely limited circumstances and **only outside of Residential Districts** (i.e. RH, RM, RTO, RED). **Be aware that even when available, an in-kind improvement or in-lieu payment is required for every such waiver.**

7. Applicant's Affidavit

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

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

I understand that should my project be subject to a required Tree Protection Plan, that I will have a plan meeting or exceeding the minimum requirements prepared and submit it to San Francisco Public Works prior to the commencement of any construction activities. Such submittal may be made in person, by mail or via e-mail at urbanforestrypermits@sfdpw.org.



Signature

11-25-51

Date

AHMAD - GARIZADEH

Print Name

Owner

Authorized Agent

415-716-9099

Phone Number

BAMA INC@AOL.COM

E-Mail

Submit this completed checklist to San Francisco Public Works in person, by mail or via e-mail at urbanforestrypermits@sfdpw.org. Contact Urban Forestry at (415) 554-6700 with questions.

APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : Bureau of Urban Forestry, 49 S Van Ness Ave STE 1000, San Francisco, CA 94103

Check payable to: (CSF – 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
facebook.com/sfpublicworks
twitter.com/sfpublicworks

DATE	[REDACTED]	APPLICATION #	[REDACTED]	APPROVED BY	[REDACTED]
# TO REMOVE	[REDACTED]	SPECIES	[REDACTED]		
# TO PLANT	[REDACTED]	SPECIES	[REDACTED]		

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

Street Tree(s)	[REDACTED]	Species	[REDACTED]
Street Tree(s)	[REDACTED]	Species	[REDACTED]
Sig.Tree(s)	[REDACTED]	Species	[REDACTED]

NOT FILED FOR
15 JOY ST

REASON FOR REMOVAL
[REDACTED]

SITE INFORMATION
[REDACTED]

Exhibit 3

APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to: City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

Check payable to: CCSF - DPW - BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



London Breed
Acting Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Manager

Street Use and Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel 415-554-5810

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

DATE _____ APPLICATION # _____ APPROVED BY _____
TO REMOVE 2 SPECIES Platanus x hispanica
TO PLANT _____ SPECIES _____

TREES TO BE REMOVED

Street Tree(s) 2 Species Platanus x hispanica
Street Tree(s) _____ Species _____
Sig. Tree(s) _____ Species _____

REASON FOR REMOVAL

• conflict with construction on Market Street

SITE INFORMATION

Site Address: 1615 Market St (Plumbers Hall) Zip: 94103
Cross Street: Market St & 12th St Block: 3505 Lot: _____
Owner Name: United Association Journeyman & Apprentices of the plumbing
Phone: (805) 358-9031 E-Mail: nkrukowski@straddsf.com

APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: CMG Landscape Architecture
Applicant Name: Michael Hee
Address: 444 Bryant Street
City: San Francisco State: CA Zip: 94107
Phone: (415) 757-2048 E-Mail: mhee@cmgsite.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.

Michael Hee

Signature of Applicant/Authorized Agent

2/12/2020
Date

Property Owner

Authorized Agent

Updated 10/2014

We encourage all applicants to submit plans by e-mail to BSMPermitDivision@sfdpw.org.

Tree Planting and Protection



London N. Breed
Mayor

Mohammed Nuru
Director

Carla Short
Superintendent

Urban Forestry
1155 Market St., 3rd Floor
San Francisco, CA 94103
tel 415-554-6700

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

Pursuant to Public Works Code Article 16, many construction projects trigger requirements for the protection of existing trees and/or the planting of new street trees.

Urban Forestry staff is available to advise you in the preparation of this checklist. Call (415) 554-6700 for further information.

This checklist must be completed for all construction related projects as defined below. You may be required to submit a Tree Protection Plan and Review Fee of \$151.00

What does this checklist do?

This checklist describes applicable tree-related requirements and will help you design a Code-compliant project. Completion of this checklist is a requirement for projects meeting any of the criteria identified below. **No permit will be issued by the City before satisfying all applicable tree-related requirements**, including receiving clearance from the San Francisco Public Works to plant required street trees and/or remove any Protected Trees.

Why are existing trees protected and new trees required?

Trees are a vital component of the City's built and natural environments. They filter and contain storm water, lessen air pollution and greenhouse gases, help save energy, provide wildlife habitat and increase property values. The City is currently home to more than 100,000 street trees.

Instructions

Requirements for new street trees and tree protection apply to the the types of projects identified in the chart below. Please check all boxes which apply to your project. If no boxes are checked, you do not need to complete this form.

Development Features

- Addition of a garage
- Addition of a new dwelling unit
- Addition of a curb cut
- Construction of a new building
- Net addition to an existing building of 500 gross sq. ft or more

An applicant for a project which meets **any** of the criteria identified above must complete this checklist and submit a copy of it to Urban Forestry along with the tree planting, removal and/or protection plan application.

Not all projects meeting the criteria above will be subject to tree protection and/or installation requirements. For example, if at least one street tree already exists for each 20 feet of street frontage, no new street trees will be required. Likewise, only certain trees, such as Street Trees and Significant Trees, must be protected.

1. Applicant Information

Contact Name: Michael Hee
Address: 444 Bryant St, San Francisco, CA 94107
E-Mail Address: mhee@cmgsite.com Phone #: (415) 751-2048

2. Site Information

Site Address: 1615 Market St, SF, CA 94103 (Plumbers Hall)
Cross Street: Market St & 12th St Block: 3505 Lot: _____
Length of All Lot Frontages: 91.5' Building Permit Number: _____

6. Calculation of Number of New Required Street Trees

One street tree is required for each 20 feet of street frontage of the subject property, any additional 10' of frontage will be rounded up, however credit is given for existing street trees. Please complete the table below to determine the number of street trees required for your project. If no street trees are required, please skip to the Applicant's Affidavit at the end of this form and once signed, return it to the Planning Department along with your Building Permit Application or other application.

Combined Length of All Street Frontages	Divided by Tree Spacing Requirement	Gross Number of Trees Required	Minus Number of Existing Trees	Net Street Tree Requirement
91.5'	÷ 20'	= 5 (rounded)	- 0	= 5
91.5'	÷ 30' (Market St)	= 3	- 0	= 3

Unless site conditions physically prevent the planting of a street tree, a waiver or modification of street tree requirements is available only under extremely limited circumstances and **only outside of Residential Districts** (i.e. RH, RM, RTO, RED). Be aware that even when available, an in-kind improvement or in-lieu payment is required for every such waiver. Please contact the Planning Department for information regarding the waiver process.

7. Applicant's Affidavit

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

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

I understand that should my project be subject to a required Tree Protection Plan, that I will have a plan meeting or exceeding the minimum requirements prepared and submit it to San Francisco Public Works prior to the commencement of any construction activities. Such submittal may be made in person, by mail or via e-mail at urbanforestrypermits@sfdpw.org.

Michael Hee
Signature

2/12/2020
Date

Michael Hee
Print Name

Owner
 Authorized Agent

(415) 751-2048
Phone Number

mhee@cmgsite.com
E-Mail

Submit this completed checklist to San Francisco Public Works in person, by mail or via e-mail at urbanforestrypermits@sfdpw.org. Contact Urban Forestry at (415) 554-6700 with questions.

5. Impact of Project on Existing Protected Sites

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

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

Construction activities would include, but are not limited to the following: (1) Grading or excavation within the dripline of any Significant Tree or Street Tree. (2) Construction staging and/or storage of materials and/or equipment within the **dripline** of any Significant Tree or Street Tree. (3) Any activity that might necessitate pruning of a Significant Tree or Street Tree. (4) Dumping of trash and/or liquids (such as project waste water) within the basin or dripline of any Significant Tree or Street Tree.

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

Such plan must meet the following minimum standards and be approved by SF Public Works:

- ✓ The Tree Protection Plan must be developed by an International Society of Arboriculture (ISA) Certified Arborist.

Site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan.

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

If you have any existing, remaining trees not proposed for removal a Tree Protection Plan is required and must be approved by San Francisco Public Works Bureau of Urban Forestry prior to the commencement of any construction activity. Refer to minimum standards above.

- BOX 3** **Project will not remove or have any other impact on Protected Trees.**

4. Disclosure of Existing Protected Tree

Only the following specific types of trees require protection under the Public Works Code. These trees are collectively known as "Protected Trees." Please indicate the presence or lack thereof of such on, over, or adjacent to the parcel containing the proposed construction. Check all boxes that apply and indicate quantity of each tree type, if appropriate.

❖ **Street Trees:** A tree growing within the public right of way (e.g. sidewalk) that is not also a Landmark Tree.

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

- | | |
|--------------------------------------------------------------------------------------|---------------------|
| <input type="checkbox"/> Street Trees exist adjacent to the subject property. | A QTY: <u> 2 </u> |
| <input type="checkbox"/> Street Tree(s) proposed for removal | B QTY: <u> 2 </u> |
| <input type="checkbox"/> There are no Street Trees adjacent to the subject property. | C : <u> 0 </u> |
| | (A - B) |

❖ **Significant Trees:** A tree that is planted on the subject property (i.e. outside of the public right-of-way) with any portion of its trunk within 10 feet of the public right-of-way that has (a) a diameter at breast height (DBH) in excess of twelve inches **OR** (b) a height in excess of twenty feet **OR** (c) a canopy in excess of fifteen feet. *If you are unsure of the boundary of the public right of way, contact San Francisco Public Works' Bureau of Street Use and Mapping. Please note that the public right of way may be wider than the sidewalk*

- | | |
|------------------------------------------------------------------------------------------------|---------------------|
| <input type="checkbox"/> Significant Tree(s) exist on the subject property | A QTY: <u> 2 </u> |
| <input type="checkbox"/> Significant Tree(s) exist on any adjacent property | A QTY: <u> 0 </u> |
| <input type="checkbox"/> Significant Tree(s) proposed for removal | B QTY: <u> 2 </u> |
| <input type="checkbox"/> There are no Significant Trees on or adjacent to the subject property | C : <u> 0 </u> |
| | (A + A) - B |

❖ **Landmark Trees:** A tree designated as such by the Board of Supervisors owing to particular age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character. *If you have questions about the presence of Landmark Trees, please consult with San Francisco Public Works or visit www.sfpdw.org/trees*

- | | |
|----------------------------------------------------------------------------------------------|---------------------|
| <input type="checkbox"/> Landmark Trees exist on the subject property | A QTY: <u> 0 </u> |
| <input type="checkbox"/> Landmark Trees exist on the adjacent sidewalk | A QTY: <u> 0 </u> |
| <input type="checkbox"/> Landmark Trees exist on the adjacent property | A QTY: <u> 0 </u> |
| <input type="checkbox"/> Landmark Tree(s) proposed for removal | B QTY: <u> 0 </u> |
| <input type="checkbox"/> There are no Landmark Trees on or adjacent to the subject property. | C : <u> 0 </u> |
| | (A + A + A) - B |

Total Number of Protected Trees

Total : 0
Add all 'C's

If there are one or more protected trees total, you MUST complete submit a Tree Protection Site Plan along with the \$151 processing fee payable to CCSF-DPW-BUF.

See section Five and refer to code at <http://sfdpw.org/protection-trees-and-landscape-material>

Is the required Tree Protection Site Plan enclosed? Yes X

Official Use Only - Tree Protection Plan Required _____	Processing Fee Paid _____
---------------------------------------------------------	---------------------------

APPLICATION FOR TREE REMOVAL PERMIT

Mail complete applications to : City and County of San Francisco, PO Box 7461, San Francisco, CA 94120-7461

Check payable to: CCSF - DPW - BUF | Telephone: 415-641-2676 | Fax: 415-522-7684



London Breed
Acting Mayor

Mohammed Nuru
Director

Jerry Sanguinetti
Manager

Street Use and Mapping
1155 Market St., 3rd floor
San Francisco, CA 94103
tel 415-554-5810

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

DATE _____ APPLICATION # _____ APPROVED BY _____
TO REMOVE 2 SPECIES Platanus x hispanica
TO PLANT 3 SPECIES Platanus racemosa 'roberts'

TREES TO BE REMOVED

Street Tree(s) 2 Species Platanus x hispanica
Street Tree(s) _____ Species _____
Sig. Tree(s) _____ Species _____

REASON FOR REMOVAL

conflict with construction on Market Street

SITE INFORMATION

Site Address: 1629 Market Street (Bldg B) Zip: 94103
Cross Street: Market St, btw Brady & 12th Block: 3505 Lot: _____
Owner Name: United Association Journeymen & Apprentices of the
Phone: (805) 750-9031 E-Mail: nkrukowski@stradassf.com
^{Plumbing}

APPLICANT/AUTHORIZED AGENT INFORMATION Check here if same as above

Company Name: CNG Landscape Architecture
Applicant Name: Michael Hee
Address: 444 Bryant St
City: San Francisco State: CA Zip: 94107
Phone: (415) 757-2048 E-Mail: mhee@cngsite.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]
Signature of Applicant/Authorized Agent

2/12/2020
Date

Property Owner Authorized Agent

Updated 10/2014

Tree Planting and Protection



London N. Breed
Mayor

Mohammed Nuru
Director

Carla Short
Superintendent

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Trees are a vital component of the City's built and natural environments. They filter and contain storm water, lessen air pollution and greenhouse gases, help save energy, provide wildlife habitat and increase property values. The City is currently home to more than 100,000 street trees.

Instructions

Requirements for new street trees and tree protection apply to the the types of projects identified in the chart below. Please check all boxes which apply to your project. If no boxes are checked, you do not need to complete this form.

Development Features

- Addition of a garage
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1. Applicant Information

Contact Name: Michael Hee
Address: 444 Bryant St, San Francisco, CA 94107
E-Mail Address: mhee@cmgsite.com Phone # (415) 757-2048

2. Site Information

Site Address: 1629 Market St, SF, CA 94103 (Bldg B)
Cross Street: Market St, btw Brady & 12th St. Block: 3505 Lot: _____
Length of All Lot Frontages: 190.25' Building Permit Number: _____

4. Disclosure of Existing Protected Tree

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- ❖ **Street Trees:** A tree growing within the public right of way (e.g. sidewalk) that is not also a Landmark Tree. *Regardless of size, all trees in the public right of way are protected under Article 16 of the Public Works Code.*

<input type="checkbox"/> Street Trees exist adjacent to the subject property.	A QTY: <u> 2 </u>
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<input type="checkbox"/> There are no Street Trees adjacent to the subject property.	C : <u> 0 </u>
	(A - B)

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<input type="checkbox"/> Landmark Trees exist on the adjacent property	A QTY: <u> 0 </u>
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<input type="checkbox"/> There are no Landmark Trees on or adjacent to the subject property.	C : <u> 0 </u>
	(A + A + A) - B

Total Number of Protected Trees

Total : 0
Add all 'C's

If there are one or more protected trees total, you MUST complete submit a Tree Protection Site Plan along with the \$151 processing fee payable to CCSF-DPW-BUF.

See section Five and refer to code at <http://sfdpw.org/protection-trees-and-landscape-material>

Is the required Tree Protection Site Plan enclosed? Yes X

Official Use Only - Tree Protection Plan Required _____	Processing Fee Paid _____
---------------------------------------------------------	---------------------------

5. Impact of Project on Existing Protected Sites

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

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

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Site plans submitted along with the associated construction project must clearly indicate the street, curb, sidewalk, driveway, structure(s), and the locations of all Protected Trees and non-protected trees. Protected Trees must also be shown to include accurate tree height, accurate canopy dripline and trunk and canopy diameters. The plans must graphically depict implementation of all measures called for in the Tree Protection Plan.

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

If you have any existing, remaining trees not proposed for removal a Tree Protection Plan is required and must be approved by San Francisco Public Works Bureau of Urban Forestry prior to the commencement of any construction activity. Refer to minimum standards above.

- BOX 3** **Project will not remove or have any other impact on Protected Trees.**

6. Calculation of Number of New Required Street Trees

One street tree is required for each 20 feet of street frontage of the subject property, any additional 10' of frontage will be rounded up, however credit is given for existing street trees. Please complete the table below to determine the number of street trees required for your project. If no street trees are required, please skip to the Applicant's Affidavit at the end of this form and once signed, return it to the Planning Department along with your Building Permit Application or other application.

Combined Length of All Street Frontages	Divided by Tree Spacing Requirement	Gross Number of Trees Required	Minus Number of Existing Trees	Net Street Tree Requirement
100,5'	÷ 20'	= 5	- 0	= 5
100,5'	÷ 30'	= 3 (rounded)	- 0	= 3

Unless site conditions physically prevent the planting of a street tree, a waiver or modification of street tree requirements is available only under extremely limited circumstances and **only outside of Residential Districts** (i.e. RH, RM, RTO, RED). Be aware that even when available, an in-kind improvement or in-lieu payment is required for every such waiver. Please contact the Planning Department for information regarding the waiver process.

7. Applicant's Affidavit

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

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

I understand that should my project be subject to a required Tree Protection Plan, that I will have a plan meeting or exceeding the minimum requirements prepared and submit it to San Francisco Public Works prior to the commencement of any construction activities. Such submittal may be made in person, by mail or via e-mail at urbanforestrypermits@sfdpw.org.



Signature

2/12/2020

Date

Michael Hee

Print Name

Owner
 Authorized Agent

(415) - 751 - 2048

Phone Number

mhee@cmg site . com

E-Mail

Submit this completed checklist to San Francisco Public Works in person, by mail or via e-mail at urbanforestrypermits@sfdpw.org. Contact Urban Forestry at (415) 554-6700 with questions.

Exhibit 4



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

Public Works Order No: 203175

Notice is hereby given that the Director of Public Works will hold a remote public hearing via teleconference to consider the item(s) listed below and that said public hearing will be held as follows:

DATE: Monday, June 1, 2020
Time: 4:00 P.M.
Location: REMOTE MEETING VIA VIDEOCONFERENCE
View at: Microsoft Teams link (<https://bit.ly/2yE1OdD>)
Public comment call-in: 888-204-5984 / Access Code 9927045

**Removal and replacement of four (4) street trees
adjacent to 15 Joy St.**

Staff has approved the removals and the public has protested.

This order supersedes order #203082 for a May 11, 2020 tree hearing, which was continued to June 1, 2020.

In accordance with Gov. Gavin Newsom’s statewide order for all residents to shelter in place – and the numerous local and state proclamations, orders and supplemental directions – aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus. Therefore, Public Works hearings that are held through videoconferencing will allow remote public comment.

As the COVID-19 disease progresses, please visit the Public Works website (sfpublicworks.org) regularly to be updated on the current situation as it affects public hearings and the department.

Persons unable to participate in the videoconference may submit written comments regarding the subject matter to the BUREAU OF URBAN FORESTRY at 1680 Mission St. 1st floor, San Francisco, CA 94103 or URBANFORESTRY@SFDPW.ORG. Comments received before the hearing will be brought to the attention of the hearing officer and made a part of the official public record. Individuals

who wish to speak at the hearing and who want to use materials such as PowerPoint files, documents and photo images in their presentations must send the materials to the BUREAU OF URBAN FORESTRY via email at URBANFORESTRY@SFPD.WA.GOV by 5 p.m. the day before the hearing. To participate in the hearing using the public comment call-in line, dial 888-204-5984 and enter access code 9927045.

Further information, if desired, on this matter may be obtained prior to the hearing by contacting the BUREAU OF URBAN FORESTRY at URBANFORESTRY@SFPD.WA.GOV.

X

DocuSigned by:



Steinberg, David

Executive Assistant to the Director

NO BRIEF WAS SUBMITTED BY DETERMINATION HOLDER(S)

DEPARTMENT'S BRIEF



Appeal No. 20-043 15 Joy Street

Permit Application 784908 | Public Works Order No. 203269

RE: Removal of three (3) street trees adjacent to 15 Joy Street

London N. Breed
Mayor

Alaric Degrafinried
Acting Director

DiJaida Durden
Acting Superintendent

Urban Forestry
1155 Market St., 3rd Floor
San Francisco, CA 94103
tel 415-554-6700

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

August 6, 2020

The Director of Public Works held a remote Public Hearing on Monday, June 1, 2020, via teleconference to consider proposed tree removals. In accordance with Governor 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. This agenda item was previously scheduled for a May 11, 2020, hearing. Due to a clerical error, those items were continued to June 1, 2020. The agenda item was also scheduled to be heard in March, and the trees were posted and the hearing information posted on the website, but that hearing was cancelled due to the shelter in place requirements.

The June 1st hearing was to consider Order No. 203175 for the removal of four (4) street trees adjacent to 15 Joy St, permit no. 784908. Staff approved the removal and the public protested.

The application for tree removal was submitted by the property owner due to the proposed construction of housing on an undeveloped lot. At the hearing it was noted that under the proposal, two large Hollywood juniper shrubs/trees that

are crowded together would be replaced by at least one large-stature tree at maturity.

Following the hearing, BUF staff confirmed that there was a grouping of two junipers and one stand-alone tree, for a total of three trees set for removal. Staff also reviewed the postings for this item and determined that proper notification and posting requirements were met.

Assertion by appellant that our Bureau treated the applicant favorably:

On October 10, 2019 our Urban Forestry Inspector, Stephen Keller sent an email to staff with Public Works, Bureau of Street Use & Mapping to pre-emptively place a hold on four (4) building permits, associated with this developer, at 5, 9, 15 and 21 Joy Street. Urban Forestry Inspector Stephen Keller saw that this project would require tree protection and likely tree removal permits. As is standard practice, our staff did not want the DBI addendum to be released until the tree hearing notification/hearing process could occur. The hold has been placed on the subject address at 15 Joy Street, and the other sites for 10 months now. Our Department does not believe this qualifies as “treating the applicants favorably,” as asserted by the appellant.

Trees or shrubs, and are there three, or four?

The subject trees are Hollywood juniper trees. To the public they may look like large bushes or shrubs, but our Urban Forestry Ordinance defines a tree as a large woody plant, so we consider the subject trees, to be trees, not shrubs or bushes. Following the hearing, due to repeated questions raised at the hearing, we returned to the site at the request of our hearing officer, to triple check the total number of Hollywood Juniper trees adjacent to the property. Urban Forester Chris Buck visited the site

and confirmed that there are a total of three juniper trees. One juniper tree stands alone uphill, and two separate junipers bunched closely together, on the downhill side of the PROW. The applicant did not know how our Bureau would determine the exact quantity of trees or shrubs on the site so they did not state the number on the original submittal. At the staff level, we erred on the side of over-estimating the total number.

The appellant asserts that we treated the applicant favorably by “approving” their application, but a permit to remove trees adjacent to the property has not been issued. Holds were placed with Bureau of Street Use & Mapping (Public Works) and with DBI, and the required application fee was paid well before the trees were posted for removal.

Assertion that the four (three) subject trees were not property posted:

The appellant incorrectly asserts that we only posted one of the four juniper trees (now confirmed to be three, total) during the original posting period of 12/18/19 through 1/16/20. This is incorrect. We properly posted all four trees with removal notices, and posted notices on nearby utility poles, which is our standard practice. This was verified by our Urban Forestry Inspector, Stephen Keller.

We also posted removal notices for other trees associated with the additional properties, at 5 and 9 Joy St., on the trunks of those trees, and included that information on the website. In fact, all of the trees were also posted with notices prior to the March hearing that was cancelled due to the state of emergency declared in San Francisco, the trees were all posted again in May, but that hearing was

cancelled due to a clerical issue (our clerk was working for the Medical Examiners Office at the time), and all of the trees were posted yet again, prior to the June 1st hearing.

All of the street trees within the public right-of-way adjacent to these three properties were properly posted, and proposed removals at all three properties were listed on the website. There was a typo or clerical error, on our website which showed the proposed removal of one tree adjacent to 15 Joy Street (not three or four), during the website notification in December. However, this error does not mean that we have not met our requirement to properly post notices on the trees, nor was this error repeated in the tree removal hearing notices, which were also placed on all of the required trees, and our tree removal notice on our website in the hearing announcements, referenced the correct number of trees associated with the Joy Street properties, every time this item appeared on the agenda.

The website notification page alerted the public to proposed removals at 5, 9 and 15 Joy Street and the public protested during the 30-day public notification period. Additionally, the tree hearing for 15 Joy St. was publicized on the Public Works website two times (March and May hearings were announced but cancelled), prior to the June Hearing. The prior hearings were cancelled due to administrative issues caused by COVID. Each time the agenda was published, it correctly stated that four trees were proposed for removal, and removal notices were posted on all of the trees, once again.

Questions raised about why the agenda items were split from a single agenda item (in March and May hearings) into three agenda items at the June hearing:

A couple of months ago, the appellant filed an appeal against St. Francis Wood Homeowners Association asserting that that HOA should have filed multiple permit applications for each parcel of property involved. However, those trees are legally represented by a single entity, the association, which has the legal maintenance responsibility for all the trees within St. Francis Wood.

At that hearing, our Bureau testified that individual property owners who seek the removal of trees adjacent to their property, are required to submit individual tree removal permit applications. This has never been disputed. We obtained individual tree removal permit applications for each of the three separate properties, on Joy Street, prior to posting any trees for removal. In preparation for the St. Francis Wood appeal, we observed that we needed to separate these permit applications into their own agenda items, as they would ultimately, all be subject to individual appeal. Just because the three properties are all in a row and owned by the same property owner, does not relieve the property owner of filing individual permits, which is what the appellant was advocating for at the St. Francis Wood appeal. In May, during public comment to announce that we were cancelling that hearing due to a clerical error, member of the public Joe Butler asked that all the trees adjacent to Joy Street be posted on site with notices for each individual parcel of property (5, 9 and 15 Joy Street), and we stated that we would do that for the rescheduled hearing. Additionally, we separated the permits into their own agenda items, to be consistent with how we handle similar cases.

We ask the commissioners to uphold tree removal permit application no. 784908, for the removal of three (3) Hollywood juniper trees with the same conditions outlined in Public Works Order No. 203269: on the basis that the applicant agrees to retain the trees as long as possible to mitigate disruption during construction, as requested by the public, and on the condition that the trees be

replaced with two (2) 24" box size coast live oak trees, and that the tree protection plan shall be reviewed by staff and all tree protection measures shall be installed prior to the start of construction.

Respectfully,

Chris Buck

Chris Buck

Urban Forester

NOTICE OF TREE REMOVAL
San Francisco Public Works Bureau of Urban Forestry
Removal by Property Owner

中文砍樹協助電話： 五五四 - 六九二八

NOTIFICACIÓN DE LA REMOCIÓN DE ÁRBOLES POR EL PROPIETARIO

Para información, llame al **(415) 554-5810**

LOCATION: 15 Joy St # OF TREES: four (4)

POSTING PERIOD (30 days) From: 12/18/19 Through: 1/16/2020

The property owner has requested to remove the tree(s) at the above address in accordance with Article 16 of the Public Works Code.

Members of the public objecting to this action must protest in writing to the Director of Public Works. Protests must be made within the posting period, or postmarked no later than last date of the posting period.

Protests can be sent to the following:

San Francisco Public Works - Bureau of Urban Forestry
1155 Market St 3rd Floor, San Francisco, CA 94103
Fax: (415) 554-6700 - Email: urbanforestry@sfdpw.org

If the tree removal is protested within the posting period, a public hearing will be schedule
Permit Application No: 784908

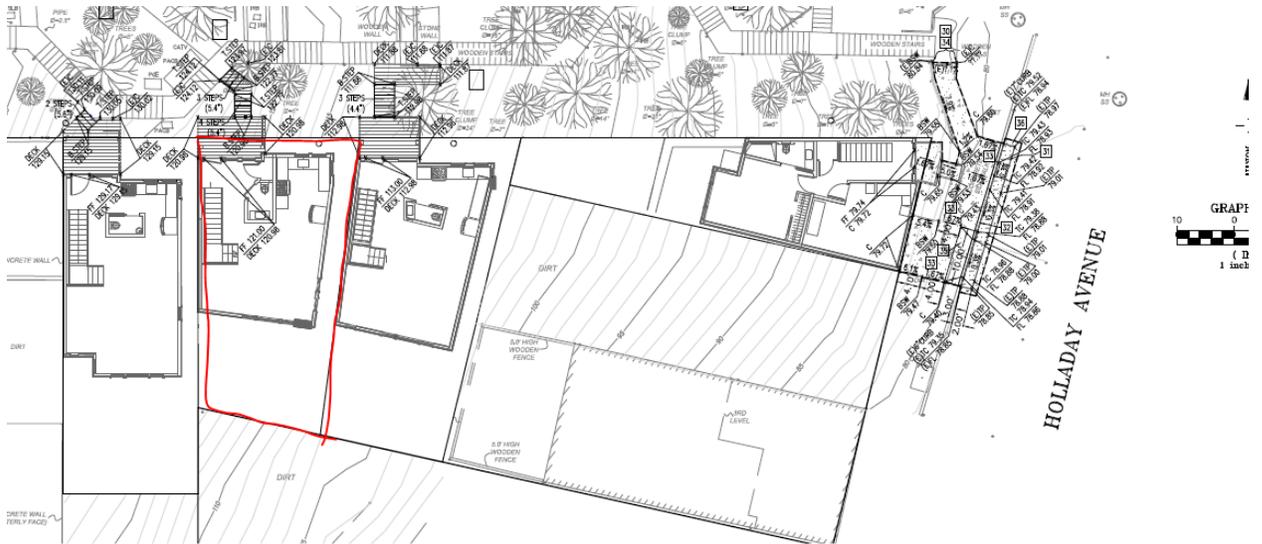
Property Owner's Reason(s) for Removal	<input checked="" type="checkbox"/> Construction of new building and front landing <input type="checkbox"/> Other:
Bureau of Urban Forestry Reason(s) for Removal	<input checked="" type="checkbox"/> Removal needed for construction of front landing. All of the proposed removals are small stature shrub like trees. At the end of construction new landscaping and large stature trees will be planted to restore the area <input checked="" type="checkbox"/> Other:
Replacement Tree	<input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No replacement tree <input type="checkbox"/> Other:



This is the single, uphill Hollywood juniper



This is the cluster of two, not three, Hollywood juniper trees



GRADING NOTES

XISTING (E). SEE ABBREVIATIONS ON SHEET C-1.

[30] LIMIT OF IMPROVEMENT. CONTRACTOR SHALL CONFORM NEW PAVEMENT ELEVATION TO EXISTING ELEVATION WITH A SMOOTH TRANSITION AND PROVIDE POSITIVE

October 10th, 2019 BUF sent an email to PW-BSM staff to pre-emptively put a hold on four (4) building permits, associated with this developer. BUF saw that this project would require tree protection and possibly tree removal. BUF did not want the DBI addendum to be released until the tree hearing notification/hearing process could occur.



Fri 10/4/2019 11:28 AM

Keller, Stephen (DPW)

RE: 5, 9, 15, 21 Joy Street: For review and comment BUF HOLD

To Lam, Eric (DPW); Choy, Clinton (DPW); Dennis, Rassendyll (DPW)

Hello,

BUF needs a hold on these permits. I need to start discussions about tree removal and protection.

Do you have an applicant contact?

- 5 Joy Street 19IE-00388 BPA: 201506229594
- 9 Joy Street 19mse-00592 BPA: 201506229589
- 15 Joy Street 19mse-00593 BPA: 201506229593
- 21 Joy Street 19mse-00591 BPA: 201506229594

Thanks

From: DPW, Urban Forestry Permits (DPW) <urbanforestrypermits@sfdpw.org>

Sent: Wednesday, October 2, 2019 2:37 PM

To: Keller, Stephen (DPW) <Stephen.Keller@sfdpw.org>

Subject: FW: 5, 9, 15, 21 Joy Street: For review and comment



On 11/19/2019, BUF staff met the developer on site to discuss construction logistics, and inspect the trees for the first time. Afterwhich, BUF instrctued the applicant to submit the necessary paperwork

 Tue 11/19/2019 2:13 PM
Keller, Stephen (DPW)
RE: Joy St--tree removal permits

To: gemma@cullinaneconstruction.com; Hellen Molloy
[This is the most recent version, but you made changes to another copy. Click here to see the other versions.](#)

 Checklist for Tree Planting and Protection.pdf 459 KB	 Planting Application 2018-2019.pdf 2 MB	 Tree Removal Application 2019-2020.pdf 2 MB	 Sample tree protection STREET TREE.pdf 108 KB
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Hello,

I met Joe this site today. Please submit the following permit

5 Joy Street 19IE-00388 BPA: 201506229594 REMOVAL PERMIT, CHECKLIST, SITE PLAN with tree protection

9 Joy Street 19mse-00592 BPA: 201506229589 REMOVAL PERMIT, CHECKLIST, SITE PLAN with tree protection

15 Joy Street 19mse-00593 BPA: 201506229593 REMOVAL PERMIT, CHECKLIST, SITE PLAN with tree protection

21 Joy Street 19mse-00591 BPA: 201506229594 Planting PERMIT, CHECKLIST, SITE PLAN with tree protection

Thanks

Using the contact information provided by the applicant a Tree Removal Permit Record was created for 15 Joy St.

Screenshot of permit record for 15 Joys -784908

Permit / Agreement		Permit #	784908	Permit Type	Removals
Tree/Action Summary				Status:	To Hearing
				Approved:	Pending
Basic Info		Processing Info	Invoices	Tree/Actions	Photos/Documents
Received Date	11/25/2019	Issued Date		Revised Date	
External Org		Ending Date		Final Inspection	
Contact Information:				Denial Letter	
Prefix		*Last	larizadeh	*First	ahmad
Organization					
Telephone	4157169099	Email Address	banainc@aol.com		
Location Information:				Located On Map	
*Street#	15	*Street	Joy St	Apt/Suite	
Cross Street	Holladay Ave	Cross Street 2			
Location Notes					
Owner Information:		Same As Location/Contact			
Prefix		*Last		*First	
Organization	Joy Peak LLC				
*Street#	1875	*Street	Mission St	Apt/Suite	103
*City / State / Zip	San Francisco	CA	94131	Phone	4157169099

Record of paid Tree removal permit invoice fo 15 Joy St.