

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of

Appeal No. 14-130

WESTWOOD PARK ASSOCIATION,)
Appellant(s))
vs.)
DEPARTMENT OF PUBLIC WORKS)
BUREAU OF URBAN FORESTRY,)
Respondent)

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on July 08, 2014, 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 DENIAL on July 02, 2014, of Tree Removal Permit (denial of request to remove two (2) privately maintained trees in the median) at 500 and 600 block of Miramar Avenue.

ORDER NO. 182740

FOR HEARING ON September 10, 2014

Address of Appellant(s):

Address of Other Parties:

Westwood Park Association, Appellant c/o Anita Theoharis, Agent for Appellant 45 Pizarro Way San Francisco, CA 94112	N/A
---	-----



CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS

Date Filed:

BOARD OF APPEALS

JUL 08 2014

APPEAL # 14-130

PRELIMINARY STATEMENT OF APPEAL

I / We, **Westwood Park Association**, hereby appeal the following departmental action: **DENIAL** of **Tree Removal Permit ORDER NO. 182740** by the **Department of Public Works Bureau of Urban Forestry** which was issued or became effective on: **July 02, 2014**, for the property located at: **500 and 600 block of Miramar Avenue**.

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: **August 21, 2014, (no later than three (3) Thursdays prior to the hearing date)**, up to 12 pages in length, double-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

DPW BUF
Respondent's and Other Parties' Briefs are due on or before: **September 04, 2014, (no later than one (1) Thursday prior to hearing date)**, up to 12 pages in length, doubled-spaced, with unlimited exhibits, with an original and 10 copies delivered to the Board office by 4:30 p.m., and with additional copies delivered to the other parties the same day.

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

Hearing Date: **Wednesday, September 10, 2014, 5:00 p.m., City Hall, Room 416, One Dr. Carlton B. Goodlett Place.**

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 submit an original and 10 copies of all documents of support/opposition no later than one (1) Thursday prior to hearing date by 4:30 p.m. 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 at the Board's office. 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.

If you have any questions please call the Board of Appeals at 415-575-6880

The reasons for this appeal are as follows: see attached.

Appellant or Agent (Circle One):

Signature: Anita Theoharis

Print Name: Anita Theoharis

WESTWOOD PARK



June 7, 2014

City and County of San Francisco
Board of Permit Appeals
1650 Mission Street
San Francisco, CA

BOARD OF APPEALS

JUL 08 2014

APPEAL # 14-130

Re: Appeal of DPW Order No: 182740

Dear Board of Appeals:

The Westwood Park Association is appealing the above referenced order because we have been put on notice by our licensed arborist that the two trees that the DPW denied removal of are a threat to public safety if they are not removed.

Sincerely yours,

A handwritten signature in cursive script that reads "Anita Theoharis".

Anita Theoharis
Board Member
Co-Treasurer

WESTWOOD PARK



July 7, 2014

City and County of San Francisco
Board of Appeals
1650 Mission Street, Room 304
San Francisco, CA 94103

Re: Appeal of DPW Order No: 182740

Dear Board of Appeals:

The Westwood Park Association is appealing the above referenced decision (copy enclosed).

Board of Directors member, Anita Theoharis, is authorized as our agent to file this appeal.

Enclosed is a check in the amount of \$300 for the required filing fee.

Sincerely yours

A handwritten signature in black ink, appearing to read "Kate Favetti", with a stylized flourish at the end.

Kate Favetti
President

Enclosures: as Noted.

BOARD OF APPEALS
JUL 08 2014
APPEAL # 14-130



Edwin M. Lee, Mayor
Mohammed Nuru, Director

GENERAL - DIRECTOR'S OFFICE
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 ■ www.sfdpw.org



JUL 08 2014

DPW Order No: 182740

APPEAL # 14-130

The Director of Public Works held a Public Hearing on Monday, April 28, 2014 commencing at 5:30 PM at City Hall, Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. The hearing was to consider Order No. 182,484 to consider the removal with replacement of two (2) privately maintained street trees on the medians of the 500 & 600 block of Miramar Ave.

Findings:

- Department of Public Works received a tree removal application for the removal of three trees from the Westwood Park Association on 10/7/13 due to co-dominant trunks and declining condition of the trees. Urban forestry staff approved removal of one of the three trees and denied removal of two of the privately maintained median trees on 2/21/14 because the trees are healthy and sustainable. The applicant appealed and requested for a public hearing on 3/4/14.
- At the hearing on 4/28/14, urban forestry staff explained that the denials were based on the existing condition of the trees. The trees are in good condition with no major deficiencies, other than co-dominant trunks. The overall size of the canopies have been reduced over time by the Association and the trees are receiving routine maintenance.
- The applicant testified that \$115K has been spent on tree maintenance over the years and they are concerned about public safety. The Association submitted an arborist report which supported the tree removal. One neighbor supported tree removal. Two neighbors protested against the removal because the large trees are beautiful and take many years to grow, and one suggested polling should take place by members in the Association prior to submitting applications for removal.

Recommendation:

- After consideration of letters, testimonies presented at the hearing and a field visit, the recommendation is to deny the removal of two (2) privately maintained median trees with replacement on the 500 & 600 block of Miramar Avenue. It is recommended that the



Association monitor the trees in the Miramar median and continue to follow the tree care industry and San Francisco tree pruning guidelines on a regular basis.

Appeal:

This Order may be appealed to the Board of Appeals within 15 days of July 2, 2014. ✓

Board of Appeals
1650 Mission, Room 304
San Francisco, CA 94103
(between Van Ness and Duboce Avenues)
Phone: 415.575.6880
Fax: 415.575.6885

BOARD OF APPEALS

JUL 08 2014

APPEAL # 14-130

Regular office hours of the Board of Appeals are Monday through Friday from 8am to 5pm. Appointments may be made for filing an appeal by calling 415-575-6880. All appeals must be filed in person. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://www.sfgov3.org/index.aspx?page=763>

7/1/2014

X Mohammed Nuru

Nuru, Mohammed
Approver 1



WESTWOOD PARK



August 19, 2014

TO: San Francisco Board of Appeals

Re: Appeal 14-130: **Westwood Park Association vs. DPW-BUF**
Removal and Replacement of 2 Privately Maintained Street Trees
Located in the Medians at the 500 and 600 Blocks of Miramar Avenue
Order No. 182740

Appellant's Brief

Introduction

This appeal presents an issue of public safety.

As discussed below, appellant, Westwood Park Association ("Westwood Park"), is a planned unit subdivision. Among its responsibilities is the maintenance of common areas, including an urban forest. The Department of Public Works, Bureau of Urban Forestry ("DPW") has acknowledged that Westwood Park has done an admirable job of maintaining these trees.

An essential part of any urban forest maintenance plan is the periodic replacement of trees that pose risk.

Two certified arborists intimately familiar with the massive trees in question have opined that despite extensive pruning and cabling they must now be replaced. The DPW arborist, visiting Westwood Park for the first time in connection with the permit request, inspected the trees and offered his opinion that they could be saved through further remedial steps.

Caught in the middle of these conflicting opinions, Westwood Park found itself in the very same position that this Board now faces: Do these trees pose an unacceptable threat of danger to persons and property? And, at least for Westwood Park, this is not a theoretical question. Just five years ago, while in the process of waiting for a permit to be finalized for another tree in the immediate area --- just as its arborist had predicted -- - a major limb failure came within seconds of injuring or killing a Westwood Park resident. A photo of that failure and letter from the resident affected are attached as Exhibit "A."

Despite its commitment to its trees, Westwood Park chose to value public safety over a further attempt to preserve these two trees. In choosing between the conflicting opinions, it knew that the opinion of the two Westwood Park arborists was based on extensive knowledge of the trees gained through years of inspection and maintenance. Westwood Park knew that one of its arborists, Richard Hill, had specifically predicted a prior major limb failure. Westwood Park also knew that a number of limb failures had occurred in the past in this same area despite extensive inspection, pruning and cabling. It weighed carefully the fact that residents living in the immediate vicinity of the two trees were fearful. And Westwood Park had to acknowledge that any attempt to save the two very old and very large trees would mean a continued risk of personal and property damage while replacement would eliminate all such risk.

In the end, while respectful of the good faith of the DPW's arborist, it simply gave more weight to the issue of public safety and the peace of mind of its residents than to the option of attempting to provide continued life support for these two trees. We ask the Board to arrive at the same conclusion and grant the permit.

Background

Westwood Park is a planned unit development of 684 properties long committed to enhancing and maintaining its portion of San Francisco's urban forest. It maintains a total of 74 street trees located on nine common areas including 60 trees located on the center of the street medians bisecting Miramar Ave. from Ocean Ave. to Monterey Blvd. We believe that a proper and prudent plan to maintain an urban forest includes periodic inspection by a certified arborist, proper pruning, remedial measures such as cabling and, when appropriate, replacement of trees that constitute a danger to residents and property.

The appeal is to request that the Board of Appeals overturn the DPW's decision and grant a permit for the replacement of the two trees.

Westwood Park's Reluctant Decision to Seek Replacement of Two Trees

As part of the urban forest maintenance plan, Westwood Park has sought a permit to replace two Italian Stone Pine median trees with Red Flowering Gum Trees.

It did so when advised by Richard Hill of Davey Tree Company, Westwood Park's almost twenty year certified arborist, who had served on several city advisory boards advised Westwood Park that the trees posed a danger and should be replaced. (See Exhibit "B")

Mr. Hill annually inspected Westwood Park's urban forest and often recommended pruning and cabling of potentially problematic trees and, on some occasions, replacement rather than continued maintenance because of the unacceptable level of risk.

Mr. Hill had intimate knowledge of the problems with the limb failures of the mature Stone Pines located on the Miramar medians. He personally supervised Davey's

pruning and cabling of all Westwood Park trees. The trees in question have been pruned according to industry standards for crown reduction pruning and fine pruning and all recommended pruning, cabling and any required maintenance has been done as needed for more than fifteen years.

In addition to Mr. Hill's evaluation his replacement after Mr. Hill's untimely death, Mr. Nicholas Crawford, a Board Certified Master Arborist with Davey inspected the trees and agreed with Mr. Hill's evaluation. Mr. Crawford's evaluation is contained in the presentation he gave at the DPW hearing. (See Exhibit "C")

Westwood Park requested a hearing to oppose the decision of the DPW to disapprove the permit application to remove and replace the two trees.

The DPW staff testified that the trees are in good condition with no major deficiencies, other than co-dominant trunks. Staff acknowledged that Westwood Park maintains its trees in a proper fashion. Staff felt that there was an acceptable level of risk as to limb failure.

The DPW issued Order No. 182740 that denied WPA's request to allow the replacement of the two trees. (See Exhibit "D")

History of Stone Pine Failures on Miramar Avenue

Over the past several years, some of the more mature stone pines along Miramar Ave. have been failing and large limb failures have occurred despite our best efforts. To date, we are fortunate that the limb failures have only caused property damage and that no one has been injured. Aside from residents living in close proximity to those trees, Miramar Ave. medians also has a daily stream of pedestrians, dog walkers, cars passing through and children playing near or on the trees.

In the past, Mr. Hill had to advise us that a tree was unsafe because of likelihood of limb failure, further remedial efforts such as pruning and cabling were no longer effective and therefore a tree should be replaced because it posed a danger.

The one time his opinion was tested, Mr. Hill was proven correct.

In 2009, the DPW agreed with Mr. Hill and issued an order approving replacement of some large Italian Stone Pines on Miramar Ave that Mr. Hill had determined posed a danger of failing. A few neighbors disagreed and appealed the DPW decision to the Board of Appeals.

While waiting for the hearing date one of the trees had a major limb failure. Ms. Cordova, whose home is adjacent to that tree, was pulling into her garage but fortunately the tree narrowly missed her. The DPW issued an emergency permit for immediate removal of this tree and the Board of Appeals ultimately sided with Westwood Park and permitted replacement of the other dangerous trees. Despite the fact that this tree had been properly maintained, including cabling, the tree had a major limb failure. A copy of Ms. Cordova's letter and photo of the limb failure is contained in Exhibit "A."

Another example of the magnitude of the stone pine tree failures is a tree in front of 620 Miramar Avenue. Despite proper maintenance, including cabling, the tree had a major limb failure. The resident who lives at 620 Miramar was extremely concerned with the serious life and safety hazards these large trees pose. Ms. Feijoo is now once again faced with the fear of limb failure of a tree located near her home. A copy of Ms. Feijoo's letter and photo of the limb failure is attached as Exhibit "E."

These two examples of limb failures show the grave danger these trees pose when cabling and proper pruning efforts no longer provide an acceptable level of risk.

Residents who live directly in front of or in close proximity to the trees in question, are very frightened. They have years of experience witnessing limb failures. A letter from these residents is attached as Exhibit "F."

Westwood Park Treasures It's Urban Forest

Westwood Park's commitment to its portion of San Francisco's urban forest is beyond question.

It is important to note that cost containment is not an issue. Indeed, from 1997 to present, Westwood Park has spent more than \$120,000 of the assessments collected from residents to maintain and preserve trees.

Volunteer residents have also written and received grants from San Francisco Beautiful and the San Francisco Community Challenge Grant Program for a total of \$29,000 to maintain the trees and common areas. That commitment to an appropriate maintenance program has included cabling (where appropriate) and proper pruning.

Many residents have also participated in several street tree planting events in conjunction with Friends of the Urban Forest. Thus far residents have planted and accepted responsibility for more than 500 street trees planted in front of their homes. In 1997, 254 trees were planted - a record for a single neighborhood organization tree planting.

The Permit Should Be Granted

Given our communitywide fondness for a vibrant urban forest, the recommended replacement of any mature tree poses a difficult issue for the members of the Westwood Park Association Board of Directors, just as the replacement of any tree in the city poses a tough choice for the DPW.

We weighed the commitment to our urban forest against the dangers these two trees pose to residents and property. Based on the opinion of our longtime and highly

respected arborist, who had an in-depth knowledge of these trees and had been proven correct in the quite recent past, as well as a second opinion from a highly qualified master arborist, we reluctantly chose replacement over further attempts at retention.

Subsequently confronted with the opinion of the DPW's arborist, we persist in that decision given our faith in Mr. Hill, and his clear love for trees, his in-depth knowledge of our trees, his proven track record and the subsequent confirming opinion of his replacement at Davey, Mr. Nicholas Crawford, Master Certified Arborist as well as Westwood Park's many years of witnessing tree failures.

However one goes about evaluating the conflicting opinions of the arborists --- two recommending replacement and one retention --- one fact is clear to us as laypersons: Replacement removes all doubt and risk.

No individual will ever be harmed if we replace these trees. On the other hand, retention presents a high level of risk even with further attempts at remedial maintenance.

To those Westwood Park residents living in proximity to the trees, this matter reduces to a relatively simple weighing process: safety versus risk. Westwood Park Association chooses safety over risk.

The Westwood Park Association respectfully urges the Board of Appeals to do the same and grant the permit to replace two trees.

BOARD OF DIRECTORS: Kate Favetti, President; Greg Clinton, Vice President; Kathy Beitiks, Secretary; Anita Theoharis and Anne Chen, Co-Treasurers; and Tim Emert and Caryl Ito, Members-at-Large

By Anita Theoharis
Anita Theoharis

EXHIBIT "A"

San Francisco, May 13, 2009

Mr. Greg Clinton
President of the
Westwood Park Association

Dear Mr. Clinton

I would like to inform you about an extreme accident that occurred May 11, 2009 in our neighborhood.

At about 9 pm I was arriving to my house, 410 Miramar Ave, and as soon I was entering my garage I heard my telephone ringing inside the house, so I ran to answer thinking that it could be my children calling but I was surprised to hear my neighbor asking me if I was ok. I was surprised not understanding the situation of why she would ask me that, she then informed me that she saw me entering my garage and at that moment the trees in front of the house fell down in front of my house. She thought it fell on top of my car that was why she had called me to see if I was hurt or not. I missed getting hit by the falling tree by a second.

This is not the only problem I faced with these trees, a few years ago when I left my car park in front of the garage; one large branch fell on top of my car and broke the taillight, which forced the Association to pay for the repair.

I would greatly appreciate it if you kindly expedite the order to cut these trees. When a neighbor's rotten tree falls down onto my property, who is responsible for cleaning up the trees? These trees have done too much damage to my property, not only falling down but with its growing roots under the pavement it is destroying the water sewer and even the street. We can not be so stubborn and be so sentimental with these trees, we have to be realistic and consider that is very dangerous and could fall on top of people or cars parked near by. People that are opposed to cutting these trees are very irresponsible, as they do not live all the problems I have faced with these trees but they should understand that next time an accident like this may occur, they should pay for the damaged incurred.

Sincerely,
Ximena Cordova - Clark

Limb failure 5-11-09 in front of
410 Miramar

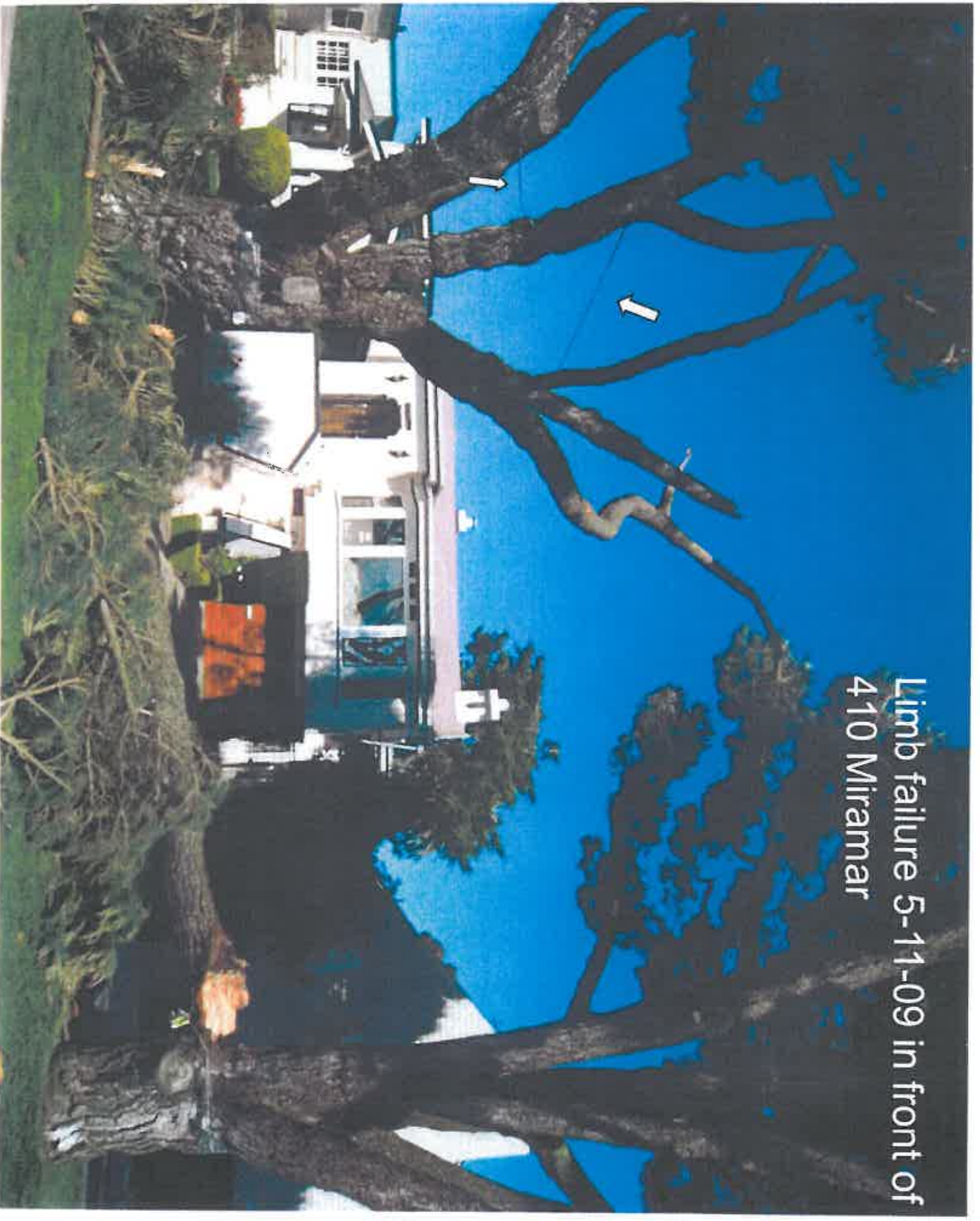


EXHIBIT "B"

9/16/2013

Davey Tree Expert Company
131 Industrial Way
Brisbane, CA 94005

Westwood Park Association
PO Box 27901 #770
San Francisco, CA 94127

Attention: Anne Chen
Re: Removal of 3 Pines

Dear Ms. Chen.

This letter will confirm your request that I provide recommendations for tree removals.

Specifically I am recommending 3 Pines on the Miramar islands for removal:

- 1) Miramar median D. (no cross st./ Wildwood Dr.)
Remove Italian Stone Pine with flexible cable opposite 574 Miramar (white paint spot on referenced address side of tree. 48 inch DBH (diameter @ 4.5 feet above grade). Co-dominant trunks.
Remove tree and grind out stump.
- 2) Miramar median G. (no cross st./ Westwood- Eastwood)
Remove Monterey Pine opposite 660 Miramar. 49 inch DBH
Bark Beetle infestation, declining condition. (white paint on referenced address side of tree)
Remove tree and grind out stump.
- 3) Miramar median G. Opposite 664 Miramar
Remove 60 inch DBH Italian Stone Pine. Co-dominant trunks, declining condition. (white paint spot on referenced address side of tree)
Remove tree and grind out stump.

Thank you for the opportunity to be of service. If you have any questions or would like to schedule the work, I can be reached at (415) 468-9180.

Sincerely,

Richard Hill
District Manager
Certified Arborist WC 0398

EXHIBIT "C"



Westwood Park
Association
Tree Removal
Hearing
April 28, 2014



Arborist Qualifications

- Board Certified Master Arborist
- Nicholas Crawford, WI-0562B
- Local office of The Davey Tree Expert Company, serving Westwood Park Association for 15 years.

Westwood Park Association



Background

HISTORY OF WPA EFFORTS TO MAINTAIN TREES

Appellants argue at length for the importance of urban forests. On this, we are in total agreement. The WPA is an organization that is deeply committed to maintaining it's portion of San Francisco's urban forest.

During the early 1990's many of the stone pines were falling. Rather than simply removing those trees, and at great expense, the WPA had the trees evaluated and was able to save most of them.

WPA retains a certified arborist who inspects all trees maintained by the WPA located on the common area medians on an annual basis and all recommended pruning, cabling and any other required maintenance has been done. From 1997 – 2009 the

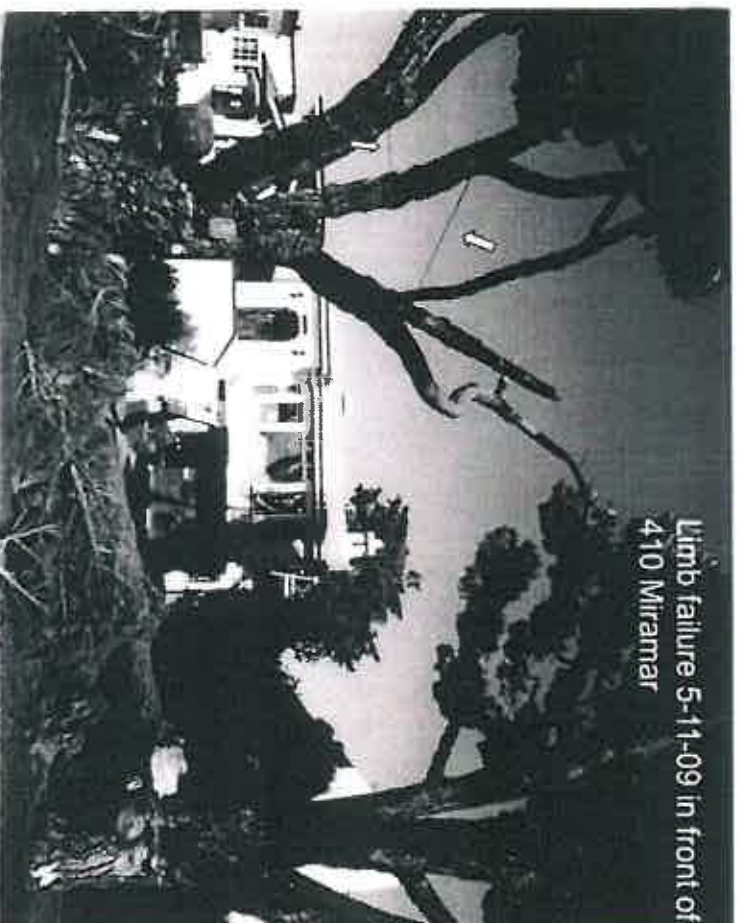
WPA has spent \$86,470.00 to maintain and preserve the trees owned by WPA and that



Risk Profile



Limb Failure Pattern



Cause of Failures

- o Italian Stone Pine trees form canopies with the foliage heavily concentrated at the tips or ends of the branches.
- o This species has a very high center of gravity which stresses the branch and stem attachment points.
- o Pine trees as a family shade out inner foliage and leave few pruning options.

Cause of Failures (cont)

- Not all Italian Stone Pine trees form codominant stems, but those that do are at a much higher risk of failure.
- At maturity, this species is most likely to have limb and stem failures.
- San Francisco has a micro climate that includes periodic storm events with high winds.

Failure Risks Specific to the Trees in Question



- Very high center of gravity.
- Already pruned to the limit for end weight reduction.
- Massive codominant stems originating very low.



574 Miramar Ave

Tree was pruned repeatedly to limit end weight.



574 Miramar Ave



574 Miramar Ave

Codominant stems.

As they grow, they push each other away.

574 Miramar Ave



574 Miramar Ave





660 Miramar Ave
Monterey Pine Tree
– Approved for
Removal

Note the foliage spread throughout versus concentrated at the very top along the tips (contested Italian Stone Pine tree is in background).



664 Miramar Ave





664 Miramar Ave





664 Miramar Ave



664 Miramar Ave



574 & 664 Miramar Ave

- Both trees exhibit very high risk qualities that we look for when assessing trees
- The foliage is concentrated at the ends, high in the canopy despite having received end-weight reduction focused pruning over the last 15 years.
- The tree structures possess low forking codominant stems instead of stronger, more stable branch attachments.

EXHIBIT "D"



Edwin M. Lee, Mayor
Mohammed Nuru, Director

GENERAL - DIRECTOR'S OFFICE
City Hall, Room 348
1 Dr. Carlton B. Goodlett Place, S.F., CA 94102
(415) 554-6920 • www.sfdpw.org



JUL 08 2014

DPW Order No: 182740

APPEAL # 14-130

The Director of Public Works held a Public Hearing on Monday, April 28, 2014 commencing at 5:30 PM at City Hall, Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. The hearing was to consider Order No. 182,484 to consider the removal with replacement of two (2) privately maintained street trees on the medians of the 500 & 600 block of Miramar Ave.

Findings:

- Department of Public Works received a tree removal application for the removal of three trees from the Westwood Park Association on 10/7/13 due to co-dominant trunks and declining condition of the trees. Urban forestry staff approved removal of one of the three trees and denied removal of two of the privately maintained median trees on 2/21/14 because the trees are healthy and sustainable. The applicant appealed and requested for a public hearing on 3/4/14.
- At the hearing on 4/28/14, urban forestry staff explained that the denials were based on the existing condition of the trees. The trees are in good condition with no major deficiencies, other than co-dominant trunks. The overall size of the canopies have been reduced over time by the Association and the trees are receiving routine maintenance.
- The applicant testified that \$115K has been spent on tree maintenance over the years and they are concerned about public safety. The Association submitted an arborist report which supported the tree removal. One neighbor supported tree removal. Two neighbors protested against the removal because the large trees are beautiful and take many years to grow, and one suggested polling should take place by members in the Association prior to submitting applications for removal.

Recommendation:

- After consideration of letters, testimonies presented at the hearing and a field visit, the recommendation is to deny the removal of two (2) privately maintained median trees with replacement on the 500 & 600 block of Miramar Avenue. It is recommended that the



Association monitor the trees in the Miramar median and continue to follow the tree care industry and San Francisco tree pruning guidelines on a regular basis.

Appeal:

This Order may be appealed to the Board of Appeals within 15 days of July 2, 2014. ✓

Board of Appeals
1650 Mission, Room 304
San Francisco, CA 94103
(between Van Ness and Duboce Avenues)
Phone: 415.575.6880
Fax: 415.575.6885

BOARD OF APPEALS

JUL 08 2014

APPEAL # 14-130

Regular office hours of the Board of Appeals are Monday through Friday from 8am to 5pm. Appointments may be made for filing an appeal by calling 415-575-6880. All appeals must be filed in person. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://www.sfgov3.org/index.aspx?page=763>

7/1/2014

X Mohammed Nuru

Nuru, Mohammed
Approver 1



EXHIBIT "E"

Miguel & Becky Feijoo

620 Miramar Ave.

San Francisco, Ca 94112

(415) 823-7890 Mobile

Email: bfeijoo@earthlink.net

February 27, 2009 - Page 1 of 4

Re: Dangerous Tree In Front of 620 Miramar Ave., San Francisco, Ca
Serious Life & Safety Hazard & Danger

To: Westwood Park Association

Ladies / Gentlemen:

The tree in front of 620 Miramar is a serious and significant life and safety hazard that poses real, and serious, life and safety issues on a daily basis, to my children, my husband, me, our family, friends, the many residents that stroll by, that walk by, that walk their dogs, and that drive past our property. Also to our home and to our cars. This statement is supported with evidence, pictures and facts.

Please forward this letter to the appropriate San Francisco City and County Governmental agencies. It will provide them with legal constructive notice that this tree is a real and imminent danger to human life and that the tree in front of 620 Miramar Ave. needs to be removed for the sake of safety of human lives.

Some evidence examples and facts are as follows:

1. Aged Tree -

The tree in front of 620 Miramar is one of the largest, widest and tallest trees in all of San Francisco. It is definitely the largest tree on Miramar Ave. and in Westwood Park. The tree shows the signs of age, internal oak disease, and imminent failure.

2. Tree Limbs Leaning Dangerously Towards Our Home -

Any observer can visually confirm that these very large, heavy and sizeable tree limbs are leaning in the direction of our home. When they fall, these heavy tree limbs will come crashing through our home, our cars, and kill any members of our family or community that happen to be standing or sitting in front of our home. When it comes to human lives, this is an unnecessary risk that should NOT be taken.

Continued on Page 2 of 4

Re: Dangerous Tree In Front of 620 Miramar Ave., San Francisco, Ca
Serious Life & Safety Hazard & Danger
To: Westwood Park Association

3. The Tree Is Being Artificially Supported –

The heavy tree limbs are already being supported with wires and rods (from tree limb to tree limb). The tree is NOT able to stand on its own. Consider this: If a tree already needs to be propped up and supported with wires; it is already constructive notice to the City and County of San Francisco of a pending an imminent danger. If one of those support wires break, the heavy tree limbs will fall. A simple visual inspection easily confirms this fact and provides visual constructive notice.

4. Contiguous Tree Fell Last Year –

In March 2008, another large tree fell next door, on Miramar Ave. It was smaller than the tree in front of 620 Miramar Ave.; yet when it fell it closed, the entire Miramar Ave. street on both sides. That's right. It closed all of Miramar Ave, on both sides of the street due to the tree's limbs span size. At the time, prior to its falling, the tree also gave the false appearance on the outside of it being a healthy tree. That was not the case. (The oak disease that these trees suffer from is NOT normally visible on the outside). Had anyone been walking or driving by when the tree fell; they would have been instantly killed. The attached pictures speak for themselves.

Why take the chance with human lives, of someone being killed? Why run that unnecessary risk?

The tree that fell last March 2008 was located next to the tree in front of 620 Miramar. That tree was smaller than the tree in front of 620 Miramar Ave. When the tree fell; it fell in exactly the same direction that it was leaning (when it was still standing). So any observer can independently conclude in advance, that the tree in front of 620 Miramar will fall in the direction of our home, cars, and our family.

5. Imminent Life and Property Danger –

If the tree is not removed; when it falls, (and it will); it will cause significant real property damage, personal property damage (e.g. cars parked in front) and more importantly the heavy tree limbs will kill anyone walking, driving, standing or sitting in front of our home and the general vicinity.

Is the citizen opposed to the removal of the tree willing to take on and assume this legal responsibility?

6. I Love Trees –

I love trees and nature, that is why I purchased this home 21 years ago with my husband. I have raised my 2 children here. This is the only home my daughter knows. I love the tree lined street and the feel of the trees; However, I cannot put my family in jeopardy by having trees that could fall any moment onto my children, husband, me, other innocent human beings, our home, cars, etc.

Re: Dangerous Tree In Front of 620 Miramar Ave., San Francisco, Ca
Serious Life & Safety Hazard & Danger
To: Westwood Park Association

7. Aesthetics Should Not Be Given Priority Over Life & Safety Issues –

It is easy for a non affected neighbor to talk about the aesthetics and beauty of trees when the life and safety issue poses no danger to them. Any selfish citizen can complain about the removal of a tree when it poses no looming danger over their home or their family. I also love trees and the beauty they bring, but NOT at the sake of another human being's life.

8. Remember: The Dangerous Tree Being Removed IS Being Replaced –

It is important to point out and re-emphasize that the dangerous tree being removed will be replaced with a new and safer tree. All responsible parties that have observed the dangerous trees situation, including the Friends of the Urban Forest (who are pro trees and plant trees) have concluded that the tree in front of 620 Miramar Ave. is a danger and needs to be removed.

It is easy for an unaffected citizen, to talk from a "safe" living room window about why trees should not be removed. Think about it...If the tree falls it has no effect on them. Any citizen opposed to the removal of a dangerous tree, is only thinking of themselves (selfish), is in a position that when the trees fall it will not affect their family, their home, nor their personal property, and has a complete disregard for other human beings. Using the potential camouflage of beauty and aesthetics should NOT supersede the value of human lives; especially in this "real" and "dangerous" life threatening tree situation.

Summary:

- A. The attached pictures are simply examples (there are more) of the imminent life and safety danger that the dangerous tree in front of 620 Miramar Ave. poses to human lives.
- B. A visual inspection by any independent third party will clearly confirm that the tree in question is already unsafe. Is being artificially supported, with wires and rods, and dangerously leaning towards our home. It is just a matter of time before it falls and causes life and property damage, or worse kills someone.
- C. Is the City of San Francisco, or the Westwood Park Association, or the opposing citizen going to pay for all the damages when this happens? Are these entities / individuals willing to take on that responsibility?
- D. One person's opinion of beauty from a "safe" living room chair, should not supersede the life and safety of many, including our family, other Westwood Park residents and the many citizens that drive and walk by our property. We are on a major thoroughfare and we are talking about "People's Lives".

February 27, 2009 – Page 4 of 4

Re: Dangerous Tree In Front of 620 Miramar Ave., San Francisco, Ca
Serious Life & Safety Hazard & Danger
To: Westwood Park Association

Summary (Continued):

E. Let's err on the side of safety and let common sense rule the day. The dangerous tree in front of 620 Miramar Ave. needs to be removed. It is being replaced with a new safe tree; supported by the Friends of the Urban Forest.

Sincerely,

Rebeca O. Feijoo
620 Miramar Ave.
San Francisco, Ca 94112
(415) 823-7890

620 MIRAMAR
MARCH 2008

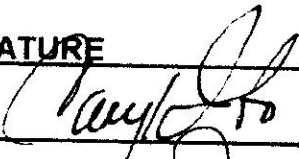
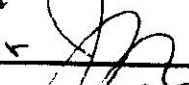
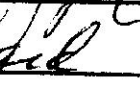
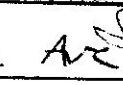
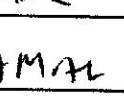


EXHIBIT "F"

TO: The Board of Appeals - Case #14-130 - DPW Order 182740
Removal/Replacement of two trees on Miramar Avenue

The undersigned respectfully request that the Board of Appeal allow the two trees located on the 500 and 600 blocks of Miramar Avenue to be replaced because two qualified arborists who have maintained the trees on Miramar on a regular basis believe that these trees are dangerous.

As someone living in close proximity, I am very concerned that these massive trees, which in the case of limb failure could cause serious personal injury, if not death, as well substantial property damage, pose a serious threat to public safety and, specifically, to the safety and well being of me, my family and my neighbors.

NAME AND SIGNATURE	ADDRESS	DATE
CARYL Ito 	676 Miramar	7/23/14
James W. Shearer 	670 Miramar	7/23/14
Leudert Bruns 	677 MIRAMAR	7/23/14
Angelita Titus Watts	665 Miramar SF	7-23-14
Diana Leonida	664 Miramar SF	7/23/14
Nancy Perse	682 Miramar SF	7/23/14
Josephine Liu	660 MIRAMAR SF	7/24/14
Dolly Hughes	671 MIRAMAR AVE	7/24/14
Janet Quinn 	652 Miramar Ave SF	8/17/14
Seben O'Neil 	650 MIRAMAR AVE SF	8-18-14

TO: The Board of Appeals - Case #14-130 - DPW Order 182740
 Removal/Replacement of two trees on Miramar Avenue

The undersigned respectfully request that the Board of Appeal allow the two trees located on the 500 and 600 blocks of Miramar Avenue to be replaced because two qualified arborists who have maintained the trees on Miramar on a regular basis believe that these trees are dangerous.

As someone living in close proximity, I am very concerned that these massive trees, which in the case of limb failure could cause serious personal injury, if not death, as well substantial property damage, pose a serious threat to public safety and, specifically, to the safety and well being of me, my family and my neighbors.

NAME AND SIGNATURE ADDRESS DATE

Miramar

DAVID GREENBAUM 591 MIRAMAR AVE 7-23-14
 D.M.G. SF, CA 94112

TIM EMERT 598 MIRAMAR AVE
 SF 94112

JOHN GOEPEL John Goepel 574 MIRAMAR AVE 94112

MARC BALISTIERI Marc Balistieri 575 MIRAMAR AVE

JOSEPH A ROMAN Joseph A Roman 534 MIRAMAR AVE 94112

MARGARET ROMAN Margaret Roman 534 Miramar Ave 94112

DAVID P. KNOX David P. Knox 545 Miramar

Melanie Hunt Melanie Hunt 525 Miramar Ave 94112

LEROY HUNT Leroy Hunt 525 MIRAMAR AVE 94112



Edwin M. Lee, Mayor
Mohammed Nuru, Director

BOARD OF APPEALS

SEP 04 2014

APPEAL # 14-130



Jerry Sanguinetti, Manager

Board of Appeals Case 14-130

September 3, 2014

500 & 600 block of Miramar Ave.

Respondent's Brief

The appellant applied to remove three trees located within the median along the 500 & 600 blocks of Miramar Ave. Unlike most medians in the City which are the maintenance responsibility of DPW, this median is the maintenance responsibility of the Westwood Park Association. DPW approved the removal of a large Monterey pine tree (*Pinus radiata*), in the median opposite 660 Miramar Ave. The tree was very large, much taller than the other two pine trees and had several codominant stems with included bark. The staff decision to approve this tree for removal was based on the tree's problematic structure, the presence of early bark beetle activity, and the species' susceptibility to pitch canker disease. The tree was posted for 30-days and no protests were received.

The two subject Italian stone pine trees (*Pinus pinea*) that were denied for removal at the staff level and again through DPW Order No. 182740, were denied for removal because the trees show good vigor and have been well-maintained. Both of the Italian stone pine trees in the median adjacent to 574 and 664 Miramar Ave. do have codominant stems with included bark, but the overall size of the trees' canopies has been repeatedly reduced, decreasing the overall end weight of the multiple stems.



There are no signs of decay in the trunks or main stems of both trees and the species is generally free of insect pests or disease.

Trees that have codominant stems are a structural concern because they have weaker points of attachment than trees with a strong, apical dominance that have smaller, well-spaced lateral branches. Codominant stems often form what is referred to as “included bark,” which is the woody and vascular tissues of the tree that are growing each year but have no room to expand. These tissues push out to the sides and the stems slowly grow against each other, which makes them prone to split, crack or form pockets of decay.

When trees grow in forests they develop a single trunk as they search and compete for light. When grown in the open, they receive light on all sides and if not vigilantly pruned to enhance structure from a very early age, often develop competing stems.

As arborists we can't predict when a failure will occur, but we can identify what part of the tree is most likely to fail. Italian stone pines are known for developing codominant stems and as a species, they do have a pattern of failure within the tree structure, where the codominant stems are formed. However, both of the subject trees have received consistent, routine maintenance, and the reduction of the size of the canopies helps reduce the likelihood of failure. Urban Forestry staff recommended that the application for removal of these two trees be denied because the overall condition of the trees did not rise to the level of approval. DPW supports this denial with the issuance of Order No. 182740.

Maintaining public safety is a critical element of service that DPW provides to the people of San Francisco. We work hard to balance the desire of the community to hold onto large, mature trees with the need to maintain a safe public right-of-way. The large trees in the medians along Miramar Ave. create the park-like impression that the name Westwood Park implies.



We request that you uphold DPW's permit.



Chris Buck

Acting Urban Forester

Department of Public Works

List of Exhibits

- A) DPW Tree evaluation sheets
- B) DPW Denial letter regarding tree removal application
- C) DPW Order No: 182740



CCSF - DPW - BUF TREE EVALUATION SHEET

City Maintained Tree (s)
 Privately Maintained Tree (s)
 Emergency
 Significant Tree (s)
 Article 16 Violation
 Rec Park
 SFUSD
 SF PORT
 Street Cleaning Date & Time _____

Application is: APPROVED or DENIED INSPECTOR: Steve Keller

TODAY'S DATE: 2, 13, 14 LENGTH OF POSTING PERIOD: _____ FROM: _____ THRU: _____

LOCATION: A/F 574 Miramar in Median
 CROSS STREET: 550x Miramar Tree Order: 5 Tree ID 99459

SPECIES NAME/TYPE: Italian Stone Pine

NUMBER OF SPECIES: 1 HEIGHT: 60 DBH: 40 (INCHES)

TREE (S) CONDITION: GOOD FAIR POOR

DEFICIENCIES OR CONCERNS: At 7' the trunk splits into 2 Codominant trunks

SIDEWALK WIDTH OR # OF FLAGS: _____ SIZE OF TREE BASIN (S): _____ BASIN (S) ENLARGED (?) _____ *PROPERTY SETBACK: _____

SIDEWALK CONDITION: Good Fair Hazardous # OF DAMAGE SQUARES: _____

OF TREE (S) TO BE REMOVED: 1 # OF TREES TO BE REPLACED: 1

PROXIMITY OF INFRASTRUCTURE:
 SEWER _____ UTILITY POLE _____ STOP SIGN _____ OVERHEAD ELECTRICAL WIRES _____
 WATER _____ STREETLIGHT _____ GAS _____ HI/LOW VOLT. _____

COMMENTS: It is the largest tree on the block. It has been properly pruned over its lifetime. No single branch is supporting too much weight. There are no signs of disease, rot, or insects. The canopy shows good vigour, and 6"-1' growth last year

RECOMMENDATIONS: Delay removal - Have an arborist annually adjust rope brace, remove small plant growing in catch, remove all dirt in catch

SIGNATURE AND DATE: SKK 2/13/14

OTHER SPECIES ON THE BLOCK: _____

SPECIES SUGGESTIONS FOR LOCATION: _____

CCSF - DPW - BUF TREE EVALUATION SHEET

City Maintained Tree (s) Privately Maintained Tree (s) Emergency Significant Tree (s)

Article 16 Violation Rec Park SFUSD SF PORT Street Cleaning Date & Time _____

Application is: APPROVED or DENIED

INSPECTOR: Steve Keller

TODAY'S DATE: 2, 13, 14 LENGTH OF POSTING PERIOD: _____ FROM: _____ THRU: _____

LOCATION: 650 x Miramar Ave # 2 (A/F 664/665)

CROSS STREET: _____ Tree Order: 2

SPECIES NAME/TYPE: I.S. Pine

NUMBER OF SPECIES: 1 HEIGHT: 40 DBH: 50 (INCHES)

TREE (S) CONDITION: GOOD FAIR POOR

DEFICIENCIES OR CONCERNS: 4 Codominant trunks, and many of the large branches reach far out over the road.

SIDEWALK WIDTH OR # OF FLAGS: _____ SIZE OF TREE BASIN (S): _____ BASIN (S) ENLARGED (?) _____ *PROPERTY SETBACK: _____

SIDEWALK CONDITION: Good Fair Hazardous # OF DAMAGE SQUARES: _____

OF TREE (S) TO BE REMOVED: 1 # OF TREES TO BE REPLACED: 1

PROXIMITY OF INFRASTRUCTURE:
SEWER _____ UTILITY POLE _____ STOP SIGN _____ OVERHEAD ELECTRICAL WIRES _____
WATER _____ STREETLIGHT _____ GAS _____ HI/LOW VOLT. _____

COMMENTS: Pine appears healthy. There are no signs of rot, insects, or disease. The tree has been well pruned and all past cuts have healed well.

RECOMMENDATIONS: Remove 3 eastern most branches that grow over the road.

SIGNATURE AND DATE: SKH 2/13/14

OTHER SPECIES ON THE BLOCK: _____

SPECIES SUGGESTIONS FOR LOCATION: _____



Edwin M. Lee, Mayor
Mohammed Nuru, Director

Exhibit B



Jerry Sanguinetti, Manager

COPY

February, 21 2014

WESTWOOD PARK ASSOC.
C/O ANNE CHEN
PO BOX 2790 #770
SAN FRANCISCO, CA 94127

Re: Partial Denial letter regarding tree removal application for Miramar Medians.

Dear Property Owner:

We have received your application requesting the removal of three (3) street trees (*Pinus spp.*) along **The Miramar Medians**. Based on our evaluation, your removal application has been partially denied for the following reason:

- The Monterey Pine opposite 660 Miramar Ave. has been **APPROVED** for removal. The 30 day public notice of removal has been posted on the tree from 2/20/14 – 3/20/14. If no written protest is received within the 30 days, we will issue you the removal and replacement permit.
- The Italian Stone Pines across from 574 & 664 Miramar Ave. have been **DEINED** for removal. Both trees are healthy, and sustainable. However, I would suggest trimming some of the large branches off of the East side of the pine across from 664 Miramar. Also, both Italian Stone Pines have small shrubs growing in the crotches, it would be best if these shrubs were removed.

You have **30 days** from the date of this letter to protest this decision. If you decide to protest this decision (in writing, mailed, faxed or emailed), there will be a public hearing scheduled, usually held on the fourth Monday of the following month.

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

Sincerely,



Steve Keller
Urban Forestry Inspector
(415) 554-8240 ph
(415) 522-7684 fax
Stephen.keller@sfdpw.org



(Exhibit C)

City and County of San Francisco

San Francisco Department of Public Works



GENERAL - DIRECTOR'S OFFICE

City Hall, Room 348

1 Dr. Carlton B. Goodlett Place, S.F., CA 94102

(415) 554-6920 www.sfdpw.org



Edwin M. Lee, Mayor
Mohammed Nuru, Director

DPW Order No: 182740

The Director of Public Works held a Public Hearing on Monday, April 28, 2014 commencing at 5:30 PM at City Hall, Room 416, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. The hearing was to consider Order No. 182,484 to consider the removal with replacement of two (2) privately maintained street trees on the medians of the 500 & 600 block of Miramar Ave.

Findings:

- Department of Public Works received a tree removal application for the removal of three trees from the Westwood Park Association on 10/7/13 due to co-dominant trunks and declining condition of the trees. Urban forestry staff approved removal of one of the three trees and denied removal of two of the privately maintained median trees on 2/21/14 because the trees are healthy and sustainable. The applicant appealed and requested for a public hearing on 3/4/14.
- At the hearing on 4/28/14, urban forestry staff explained that the denials were based on the existing condition of the trees. The trees are in good condition with no major deficiencies, other than co-dominant trunks. The overall size of the canopies have been reduced over time by the Association and the trees are receiving routine maintenance.
- The applicant testified that \$115K has been spent on tree maintenance over the years and they are concerned about public safety. The Association submitted an arborist report which supported the tree removal. One neighbor supported tree removal. Two neighbors protested against the removal because the large trees are beautiful and take many years to grow, and one suggested polling should take place by members in the Association prior to submitting applications for removal.

Recommendation:

- After consideration of letters, testimonies presented at the hearing and a field visit, the recommendation is to deny the removal of two (2) privately maintained median trees with replacement on the 500 & 600 block of Miramar Avenue. It is recommended that the



San Francisco Department of Public Works
Making San Francisco a beautiful, livable, vibrant, and sustainable city.

Association monitor the trees in the Miramar median and continue to follow the tree care industry and San Francisco tree pruning guidelines on a regular basis.

Appeal:

This Order may be appealed to the Board of Appeals within 15 days of July 2, 2014.

Board of Appeals
1650 Mission, Room 304
San Francisco, CA 94103
(between Van Ness and Duboce Avenues)
Phone: 415.575.6880
Fax: 415.575.6885

Regular office hours of the Board of Appeals are Monday through Friday from 8am to 5pm. Appointments may be made for filing an appeal by calling 415-575-6880. All appeals must be filed in person. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://www.sfgov3.org/index.aspx?page=763>

7/1/2014

X Mohammed Nuru

Nuru, Mohammed
Approver 1

