

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

Appeal of  
3634 - 20TH STREET HOMEOWNERS ASSOCIATION, )  
Appellant(s) )  
vs. )  
DEPARTMENT OF PUBLIC WORKS )  
BUREAU OF URBAN FORESTRY, )  
Respondent

Appeal No. 14-133

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on July 14, 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 03, 2014, of Tree Removal Permit (denial of request to remove two (2) privately maintained street trees without replacement) at 3634 - 20th Street.

**ORDER NO. 182731**

**FOR HEARING ON September 10, 2014**

Address of Appellant(s):

Address of Other Parties:

3634 - 20th Street Homeowner Association, Appellant c/o Greg Gadwood, Agent for Appellant 3634 20th Street, Apt. #3 San Francisco, CA 94110	N/A
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Date Filed:

BOARD OF APPEALS

JUL 14 2014

APPEAL # 14-133

CITY & COUNTY OF SAN FRANCISCO  
BOARD OF APPEALS

**PRELIMINARY STATEMENT OF APPEAL**

I / We, **3634 20th Street Homeowners Association**, hereby appeal the following departmental action: **DENIAL** of **Tree Removal Permit #182731** by the **Department of Public Works Bureau of Urban Forestry** which was issued or became effective on: **July 03, 2014**, for the property located at: **3634 20th 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: **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 attachment to the Preliminary Statement of Appeal.

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

Signature: Greg Gadwood

Print Name: Greg Gadwood

## BOARD OF APPEALS

JUL 14 2014

APPEAL # 14-133

Appellant: 3634 20<sup>th</sup> Street Homeowners Association (HOA) ~~\_\_\_\_\_~~ Date: July 14, 2014

Appellant is requesting the board overturn the denial of a tree removal permit per the decision made by Department of Public Works (DPW) in a letter dated 6/27/14.

We believe the denial did not address the points that the HOA raised at the hearing, which include:

1. The badly degraded condition of the existing wooden containers, requiring their removal or replacement. The existing containers do not contribute to the aesthetics of the sidewalk, nor do they coordinate with the Art Deco motif of the building.
2. An independent arborist's report describing the poor health of the trees, the break down of the potting soil, and the fragile condition of the containers. The report also recommended against attempting to repot the existing trees.
3. Issues and hardships imposed upon the HOA due to unusual conditions inherent in the use of large plant containers, which include: people sleeping on sidewalk between the containers, graffiti and public urination on the containers, and usage of the containers as trash receptacles. Furthermore, these container trees require regular manual watering since the trees have no access to underground water resources.
4. DPW's own publications recommend against street trees in above-ground containers and manual watering of same, due to the trees' stunted growth and limited vigor.

The HOA requested removal for the above reasons. We would be open to planting a street tree in the ground; however, the DPW arborist pointed out that there is insufficient clearance between utility conduits beneath the sidewalk to permit this. Additionally, the so-called "matching" palm referred to in the DPW denial, which is in a container on the adjacent neighbor's property, appears to be dying.

Since the containers are at the end of their useful life, the 3634 20<sup>th</sup> Street HOA requests that they and the trees they contain be removed without replacement.



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

**BOARD OF APPEALS**

JUL 14 2014

APPEAL # 14-133

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



**DPW Order No: 182731**

The Director of Public Works held a Public Hearing on Tuesday, May 27, 2014 commencing at 6:00 PM at City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. The hearing was to consider Order No. 182,570 to consider the removal without replacement of two (2) privately maintained street trees adjacent to the property at 3634 20<sup>th</sup> St.

**Findings:**

- Small palm trees are located in above ground wood containers.
- Trees are in good condition, healthy
- Good amount of public support in favor of keeping the trees
- They match the other palm on the sidewalk
- Maintenance issues are minimal, if properly kept up with

**Recommendation:**

- After consideration of testimony presented at the hearing and a field visit, the recommendation is to deny the removal of the trees.

**Appeal:**

This Order may be appealed to the Board of Appeals within 15 days of July 3rd, 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>





## Appeal # 14-133

### Purpose of Appeal

The 3634 20<sup>th</sup> Street Homeowners' Association is appealing the Department of Public Works' decision to deny removal of two container-bound trees for the following reasons:

- Underground utilities prevent the HOA from planting a replacement tree in the ground.
- Both trees are unhealthy.
- The poor condition of the containers presents a safety concern; container replacement will jeopardize the existing trees' health even further.
- Being contained, the trees have limited vigor; they are dependent upon regular watering and periodic soil replacement to extend their diminishing lifespan.
- Containers in front of our property present many hardships, including: usage as trash receptacles, tagging with graffiti, public urination, and disposal of large garbage items.
- The containers give residents a concern for their safety by encouraging loitering directly at our building entrance.
- Both the trees and containers are aesthetically unpleasing, and present negatively upon both the neighborhood and our property.

The HOA understands that trees can beautify the environment and enhance a neighborhood. We agree with these objectives. However, the wonderful traits that can make a tree an attractive part of a neighborhood – providing a canopy for shade, ameliorating heat islands, providing a habitat for wildlife, enhancing the aesthetic of the neighborhood – are all sorely missing in these two stunted trees. In addition, there are already five trees located on adjacent properties on our side of the street; there is no shortage of trees around our property (see map markers on page 1 of **Exhibit A**). With 23 other street trees visible on our block, removing these two contained trees

will not create the perception of an expanded concrete jungle lacking in greenery (see photos, page 2 of **Exhibit A**).

### **Recent History of Container-Bound Trees and HOA Decisions**

The HOA possesses a Minor Sidewalk Encroachment Permit for two containers with palm trees in front of our building, issued in 2001 (**Exhibit B**); the trees and containers have been located in front of the building for an undetermined length of time before that date. The HOA's consensus has been, for several years, that these trees appeared to be in increasingly poor health and are having a negative impact on the neighborhood and our property for the many reasons presented herein.

In 2012, the HOA investigated the possibility of planting a tree in the ground to replace these two contained trees. Our research with the city concluded that there are too many utilities crowding the space beneath the sidewalk in front of our property, so this was not an option. This conclusion was later confirmed by the DPW/UFB.

In early 2013, the HOA voted to remove the containers and trees. After much communication between the HOA and Urban Forestry Bureau, including the filing of a tree removal permit, the HOA received a letter 1/23/14 stating that these trees are "healthy and sustainable" and the removal was denied (**Exhibit C**). After a hearing held on 5/27/14 to dispute this, the DPW again denied HOA's request for removal without replacement (**Exhibit D**).

The DPW did not respond to our arguments for removal at the hearing, and didn't take into consideration the arborist's report we furnished at that time. The reasons HOA is pursuing removal of the trees and containers, without replacement, are as follows:

## **Poor Health of Trees and Deteriorating Condition of Containers**

The HOA thinks that both the trees and their containers are unsightly, the trees look unhealthy (see pages 5-7, **Exhibit E**), and are negatively impacting the neighborhood's and property's appearance. After the DPW denied the HOA's requested for removal without replacement in January 2014, the HOA hired a certified arborist to assess the health of the trees (as was suggested in the UFB's documentation), and condition of containers. The findings of the arborist (**Exhibit E**) concluded that the trees were neither healthy nor sustainable. Excerpted from page 2:

“These palms are not healthy, the potting mix has broken down and the containers are falling apart. I recommend that these trees and their containers and potting mix be removed ...”

The photos (see pages 5-6, **Exhibit E**) clearly show the deteriorating condition of the wooden containers. These containers have reached the end of their useful life and must be removed or replaced, soon, for both safety and aesthetic reasons. San Francisco Planning Department's document “Better Streets: Final Plan”, Chapter 6 page 185, (**Exhibit F**) states:

“[Planters] should be constructed of durable materials that complement the design aesthetic of the street.”

The HOA investigated replacing these containers and decided that wooden boxes were not in keeping with the tone and style of the building (which is Art Deco, built in 1937). It was pointed out by the independent arborist (see page 2, **Exhibit E**) that boxes built of separate pieces of wood:

“... over-drain and [are] porous around the sides where water tends to accumulate. With containers such as these, drought-stressed trees are to be expected.”

The HOA investigated ceramic and concrete containers with a similar “footprint,” so that they would neither encroach on the walkway nor the “edge zone” required next to the curb. During this investigation, nursery owners and gardeners repeatedly recommended replacing the trees with bushes or other types of plants which would do better and be more attractive in containers of that size.

Even with new containers, the independent arborist’s report recommends against transplanting the existing palm trees due to their poor health and increased risk of dying from transplant shock. This shock would be exacerbated by the fact that the existing potting mix is degraded, and must be replaced. Soil replacement would most likely require pruning the roots of the trees to fit them and the potting soil into new containers of the same size, further challenging the trees’ survival. Additionally, instructions for transplanting palms recommend placing them deeper into the soil so that the root-shoot interface is below the surface of the potting soil, which would require either aggressive pruning of the bottom of the root ball, or using a taller container. A taller container would be both aesthetically unattractive and have an increased likelihood of tipping or being tipped over by raising the center of gravity.

Faced with all of these unknowns, the HOA thought that acquiring new containers was a risky investment, at best, and would actually add to the maintenance problems that we already face. Furthermore, replacing both the containers *and* trees *would not* solve all problems associated with them (outlined below). Since the existing wooden containers are unsafe and unattractive, removing them without replacement is the best option.

## **Watering Requirements due to Unusual Circumstance of Trees Bound Within Containers**

The vast majority of trees in the neighborhood are planted in a tree well, or in exposed ground between the sidewalk and curb. They have access to underground streams and existing water resources that ours do not. Due to their bound state, these two palm trees will never be able to reach the full expression and robustness of a tree planted within the ground. As mentioned above, we do not have the option of planting a tree within the ground to replace these container-bound trees.

The trees require significant consumption of water to maintain their limited vigor, needing watering every 2-3 days. We are in the 3<sup>rd</sup> year of a drought situation in California – the worst on record since the 1970’s (**Exhibit G**). Given the spindly appearance of these two palm trees and their age, we are concerned about expending several gallons of water regularly, when little is gained in return, due to all of the maintenance and hardship issues presented herein. Transplanted trees could require twice as much water for the next 6-9 months. Thus, should the HOA acquire newly transplanted trees to replace the existing palms, they will *require even more hand watering* as they establish themselves.

Due to their bound nature, these trees are a high maintenance burden. San Francisco Planning Department’s document “Better Streets: Final Plan”, Chapter 6 pages 184-185, (**Exhibit F**) states the following:

- a. “Raised planters should be considered an exception [...] because of increased maintenance needs and water requirements.”

- b. “Trees planted in containers require high maintenance, show limited growth and vigor, and are often short lived.”

We are unsure how old these trees are, but it appears to us that they are nearing the end of their lifespan. **Exhibit H** provides a side-by-side comparison of the HOA’s earliest available photo of the trees (from 2006) with a photo of the trees almost 8 years later. As you can see, they have grown little, have far fewer fronds (many are yellowing), and -- in our observations -- are *definitely* in a state of decline.

And finally, “Better Streets” states:

“Piped irrigation should be provided [to trees in containers].”

The HOA has never had irrigation for these trees and does not wish to incur the added expense of incorporating it. The tradeoff to maintain the trees’ diminutive stature and compromised health gives us cause to oppose this extra expense and effort.

### **Hardships due to Unusual Circumstance of Trees Bound Within Containers**

We also must deal with the following ongoing hardships concerning these trees and containers:

1. **Trash receptacles** -- The containers are located in a high traffic area for pedestrians on 20th Street -- a direct pass-through for people travelling between the thriving Valencia Street commercial corridor and popular Dolores Park (**Exhibit I**). Many pedestrians treat them as trash receptacles, frequently dropping items inside them (**Exhibit J**). This results in a daily trash removal task for the HOA. This situation has been exacerbated in recent years when the city (as part of an initiative to remove trash receptacles city-wide – see **Exhibit K**) removed 2 public trash receptacles at the intersection of 20<sup>th</sup> & Valencia

Streets less than half a block away. People need a place to throw their trash and, unfortunately, the size and shape of the containers is perfect for this.

2. **Graffiti** -- The surfaces on the containers are targets for graffiti – one, or both, getting ‘tagged’ about every 3-4 months. This is unsightly and requires regular repainting of the containers to mitigate the problem.
3. **Root trimming/soil replacement** -- Unlike trees in the ground, contained trees become root bound and potting soil degrades. In order to maintain the trees’ limited vigor and prolong what lifespan remains, there will be a recurring requirement every so many years that the trees be removed from the container, the roots trimmed, and the soil replaced – at considerable expense.
4. **Personal Safety and Loitering** -- Due to the size and height of the two containers, and their proximity to one another, they serve as a ‘shelter’ of sorts for people to sit adjacent to, or between them (see photos in **Exhibit L**). They encourage people to linger at the front of the entrance to our property. Particularly at night, this gives residents a concern for our safety. We have also observed people sleeping between the containers. Removing these containers will significantly reduce, if not completely eliminate, this loitering problem associated with these trees. It will also increase our sense of safety when we approach and exit our property.
5. **Large Item Disposal** -- Again, due to the ‘sheltering’ nature of these containers, people in the neighborhood often dump large items (unwanted furniture and appliances, cardboard boxes, etc.) between, or adjacent to, the planter boxes (see photos in **Exhibit M**). These large items can often sit there anywhere from 1-6 days until they are retrieved or disposed of. Meanwhile, their presence imparts an unattractive quality to the neighborhood and our property. Removing the containers would significantly reduce these occurrences.

6. **Public Urination** -- On multiple occasions, several HOA members have observed people urinating on the containers and, occasionally, within them.

### **Responding to DPW's Argument Regarding the "Matching Palm"**

One of DPW's reasons for denying removal of these trees was that "They match the other palm on the sidewalk" (**Exhibit D**). The HOA is puzzled about the reasoning behind this statement.

A neighbor on the western boundary of our property maintains a contained tree in front of their property. Again, the HOA does not claim to be an expert on trees, but this palm tree looks in poorer health than the two in front of our building. Additionally, the container has been modified and bears only a passing resemblance to the containers in front of our property (**Exhibit N**).

There is nothing we can find in the code that requires property owners to coordinate with their neighbors on matching containers and/or trees. We are unclear about how broad DPW's jurisdiction is, but we don't feel that this is a justifiable reason for denying removal of the two trees and containers.

### **Conclusion**

In summary, the situation at 3634 20th Street is highly unusual due to the fact that the trees are bound in containers. There is no tree well in the sidewalk, no way to irrigate containers without considerable expense, contained trees are short lived and require substantial maintenance, these trees are unhealthy, and the containers attract trash, graffiti, urination, and encourage loitering. Therefore, this situation should be exempted from the tree replacement requirement.

The HOA has held several meetings to discuss a variety of replacement options to ameliorate the situation. However, replacing the existing trees and containers with *more* trees and containers will not solve the majority of the problems we are facing. The safety concerns, loitering, trash



collection, large object disposal, urination, and graffiti problems will remain. The HOA ultimately decided that the negatives far outweighed the positives and, thus, is pursuing removal without replacement.

### **Acting as Good Neighbors**

However, by their very nature of being contained, these trees are *movable*. Removal of the trees from the front of our property *does not* necessitate their destruction. It is possible that the trees and their containers could find a loving home elsewhere within the city. The HOA's understanding is that the *Trachycarpus Fortunei* palm trees have the capability to grow 10-20 feet in height under the right conditions. If the DPW's assessment that these trees are "healthy and sustainable" is correct (which the HOA disputes), there is the possibility that if the trees are transplanted into the ground, and survive the experience, they may be able to achieve an unprecedented robustness that they will never achieve in the containers.

If the Board of Appeals grants the HOA the right to remove them, and provided it can be done within the timeframe specified by the city and/or board, the HOA is agreeable to removal options such as:

1. donating the palm trees to one or more neighbors who are willing to either plant them in a tree well or risk making the investment in replacement containers.
2. donating them to a local San Francisco organization such as the Friends of the Urban Forest.
3. If there are no parties interested in accepting this donation, we can commit to removing them through a socially and environmentally responsible organization such as EcoHaul, who specializes in reuse, recycling, and donation.

Thank you.

Greg Gadwood

Homeowner in good standing at the 3634 20<sup>th</sup> Street Homeowners' Association,  
acting as agent on behalf of the HOA

# Appeal # 14-133 Exhibits

## Table of Contents

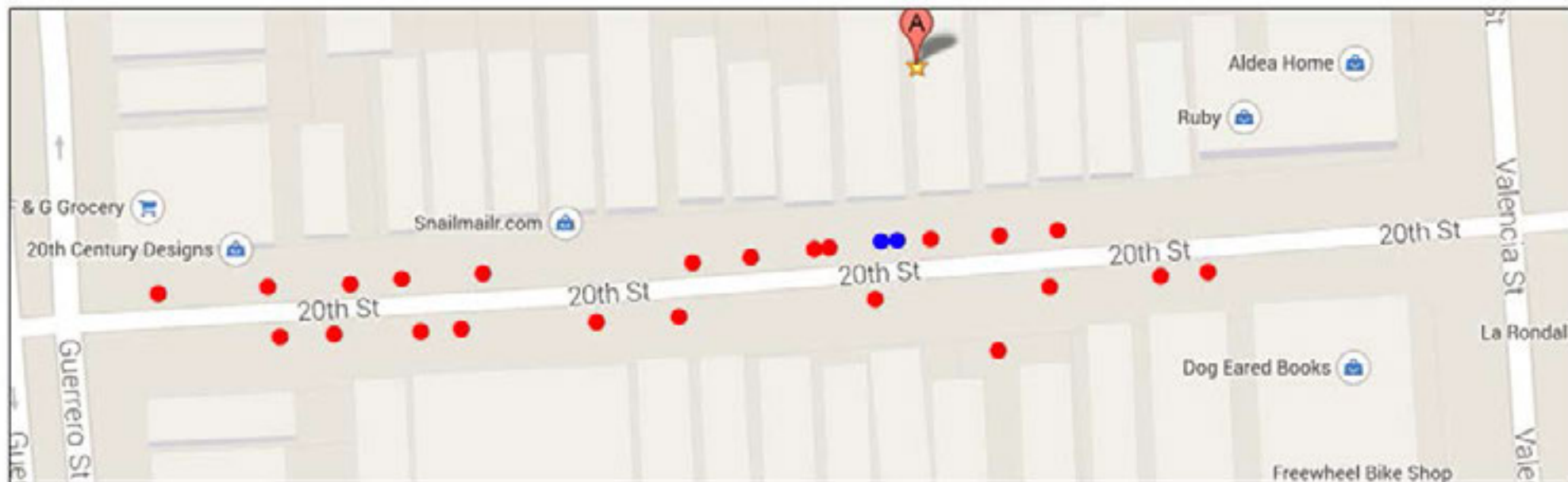
*Note: all exhibits that exceed one page in length are printed double-sided*

Exhibit A.....	Trees in Vicinity of HOA Property (2 pp)
Exhibit B.....	Minor Sidewalk Encroachment Permit (4 pp)
Exhibit C.....	First Denial Letter (1 p)
Exhibit D.....	Second Denial Letter (2 pp)
Exhibit E.....	Arborist Report (7 pp)
Exhibit F.....	Excerpt from “Better Streets” document, pages 184-185 (2 pp)
Exhibit G.....	“California Approves Fines for Water-wasters” article from Associated Press. Date: July 15, 2014 (3 pp)
Exhibit H.....	Tree Aging Comparison - photos (1 p)
Exhibit I.....	Neighborhood Map (1 p)
Exhibit J.....	Trash - photos (1 p)
Exhibit K.....	“SF’s Overflowing Trash Bins are a Public Nuisance” article from Hearst Publications. Date: June 28, 2012 (3 pp)
Exhibit L.....	Loitering photos (1 p)
Exhibit M.....	Large Object Disposal - photos (1 p)
Exhibit N.....	Neighbor’s Container-bound Tree - photos (1 p)

# Trees in Vicinity of 3634 20th Street property

## CURRENT TREE PLACEMENT

(accurate as of 08/09/14)

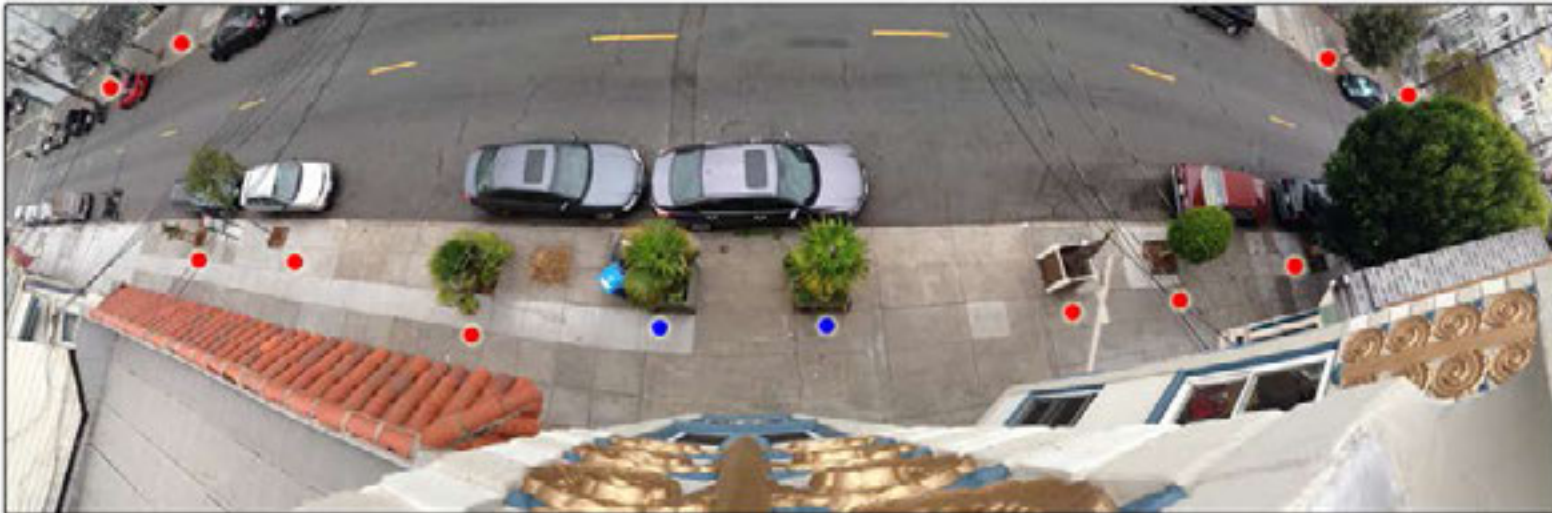


(in red) markers for 23 other trees located on block.  
(in blue) markers for 2 palm trees in front of our property.

## Trees in Vicinity of 3634 20th Street property



view from 3634 20th Street address, of opposite side of street. Trees identified with red dot.



View, from property roofline, of sidewalk area in front of building. Trees identified with red dots; palm trees identified with blue dots.





EXHIBIT "A"

H083284

PERMIT TYPE	Minor Sidewalk Encroachment
PERMIT NO.	01MSE-508
LOCATION	3634 20TH ST
ZIP 94110	BLOCK NO. 3597 LOT 017

Pursuant to Article 15, Section 723.2 of the Public Works Code, permission revocable at the will of the Director of Public Works is granted to:

**PROPERTY OWNER(S) OF RECORD-FULL NAME(S) AS RECORDED:**

Name: Peter E. Borkon, Kathryn Morrison, et al  
 Address: 3634 20th Street  
San Francisco, CA 94110  
 Phone: (415) 647-5436

**APPLICANT, AGENT OF OWNER:**

Name: The 3634 Association  
 Address: 3634 20th Street  
San Francisco, CA 94110  
 Phone: (415) 647-5436

TO OCCUPY, CONSTRUCT AND MAINTAIN THE FOLLOWING ENCROACHMENT(S):  
TWO (2) EXISTING WOOD PLANTERS WITH PALM TREES AT THE CURB SIDE  
FRONTAGE OF THE SUBJECT PROPERTY.

CALL FOR INSPECTION 48 HOURS PRIOR TO STARTING WORK AND POURING CONCRETE: 554-7149

THE PERMITTEE HEREBY AGREES TO COMPLY WITH ALL REQUIREMENTS NOTED ON THIS PERMIT

*Paul M. Ely*  
 Signature of Owner(s) of Record or Authorized Agent of Owner(s) or Record

12/20/01  
 Date

APPROVED:  
 Edwin M. Lee  
 Director of Public Works

**DISTRIBUTION**

**Outside B.S.M.**  
 Dept. of Parking Traffic - H. Quan  
**Inside B.S.M.**  
 1660 Mission - Tania Troyan  
 Inspector - M.E. Casey

By: *A. J. Elmer*  
 Plan Checker NE

Date: 12/19/2001



## EXHIBIT "A"

**REVOCABLE PERMIT IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS**

1. The permittee shall verify the locations of any City or public service utility company facilities and shall assume all responsibility for any damage to such facilities due to the work authorized under this permit.
2. The construction and maintenance shall be where and as shown on the plans submitted, revised and filed in the Department of Public Works.
3. The permittee shall obtain a building permit at the Department of Building Inspection, 1660 Mission Street for the construction or alteration of any building.
4. The permittee shall contact the Street Improvement Inspectors, 554-7149, at least 48 hours prior to starting work to arrange an inspection schedule.
5. The permittee shall submit to the Bureau of Street-Use and Mapping a non-refundable fee of \$200 for investigation and inspection, made payable to the Department of Public Works. All Minor Sidewalk Encroachment Permits shall be notarized and recorded at 875 Stevenson Street, First Floor.
6. The permittee or subsequent owner or owners recognize and understand that this permit may create a possessory interest subject to property taxation and that the permittee or subsequent owner or owners may be subject to the payment of such taxes.
7. The permittee shall acknowledge his obligation to inform subsequent owners or owner of the responsibilities of this permit.
8. The permission granted by this order is merely a revocable license. The Director of Public Works may revoke said permission at will, and upon revocation thereof, the undersigned permittee, subsequent owners, or their heirs and assignees will within 30 days remove or cause to be removed the encroachment and all the materials used in connection with its construction, without expense to the City and County of San Francisco, and restore the area to a condition satisfactory to the Department of Public Works.
9. The permittee or subsequent owner or owners recognize the recordation of this permit.
10. In consideration of this Permit being issued for the work described in the application, Permittee on its behalf and that of any successor or assign, and on behalf of any lessee, promises and agrees to perform all the terms of this Permit and to comply with all applicable laws, ordinances and regulations.
11. Permittee agrees on its behalf and that of any successor or assign to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (hereinafter collectively referred to as the "City") from and against any and all losses, liabilities, expenses, claims, demands, injuries, damages, fines, penalties, costs or judgments including, without limitation, attorneys' fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by this Permit, or while in or about the property subject to this Permit for any reason connected in any way whatsoever with the performance of the work authorized by this Permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facilities or structures authorized under this Permit, (ii) any accident or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by this Permit, or while in or about the property, for any reason connected with the performance of the work authorized by this Permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by this Permit, (iii) injuries or damages to real or personal property, good will, and persons in, upon or in any way allegedly connected with the work authorized by this Permit from any cause or claims arising at any time, and (iv) any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by Permittee in, under, on or about the property subject to this Permit or into the environment. As used herein, "hazardous material" means any substance, waste or material which, because of its quantity, concentration of physical or chemical characteristics is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment.
12. Permittee must hold harmless, indemnify and defend the City regardless of the alleged negligence of the City or any other party, except only for claims resulting directly from the sole negligence or willful misconduct of the City. Permittee specifically acknowledges and agrees that it has an immediate and independent obligation to defend the City from any claim which actually or potentially falls within this indemnity provision, even if the allegations are or may be groundless, false or fraudulent, which obligation arises at the time such claim is tendered to Permittee by the City and continues at all times thereafter. Permittee agrees that the indemnification obligations assumed under this Permit shall survive expiration of the Permit or completion of work.
13. Permittee shall obtain and maintain through the terms of this Permit general liability, automobile liability or workers' compensation insurance as the City deems necessary to protect the City against claims for damages for personal injury, accidental death and property damage allegedly arising from any work done under this Permit. Such insurance shall in no way limit Permittee's indemnity hereunder. Certificates of insurance, in form and with insurers satisfactory to the City, evidencing all coverages above shall be furnished to the City before commencing any operations under this Permit, with complete copies of policies furnished promptly upon City request.
14. The permittee and any permitted successor or assign recognize and understand that this permit may create a possessory interest.



Recording Requested by and  
When Recorded Return To:

*David McElroy*  
*3634 20th St #3*  
*SAN FRANCISCO, CA 94110*

San Francisco Assessor-Recorder  
Doris M. Ward, Assessor-Recorder  
**DOC- 2002-H083284-00**  
Thursday, JAN 03, 2002 14:47:02  
Ttl Pd \$13.00 Nbr-0001762493  
**REEL I046 IMAGE 0700**  
oar/JL/1-3

DECLARATION OF USE

I/WE *Peter E. Borkon*, OWNER/AUTHORIZED AGENT OF THE  
HEREIN DESCRIBED PROPERTY COMMONLY KNOWN AS:

EXHIBIT B

3634 20TH ST

SAN FRANCISCO, ASSESSOR'S BLOCK 3597, LOT 017  
HEREBY CONSENT TO THE WITHIN DESCRIBED CONDITIONS THAT APPEAR  
ON EXHIBIT "A" ATTACHED:

**Minor Sidewalk Encroachment** **Permit # 01MSE-508**

(SIGNED) *Peter E. Borkon*  
OWNER/AUTHORIZED AGENT

DATE OF EXECUTION: 12/21/01  
STATE OF CALIFORNIA )

)  
) SS.  
COUNTY OF SAN FRANCISCO )

On December 21, 2001 before me, *Aline Y. Stoller-Lee* Notary Public in and  
for said County and State, personally appeared *Peter E. Borkon*  
personally known to me (or proved to me on the basis of satisfactory evidence) to be  
the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official seal

Signature *Aline Y. Stoller-Lee*

(Seal)







Gavin Newsom, Mayor  
Fred V. Abadi, Ph.D., Director



(415) 554-5810  
FAX (415) 554-5843  
<http://www.sfdpw.org>

Department of Public Works  
Bureau of Street-Use and Mapping  
875 Stevenson Street, Room 460  
San Francisco, CA 94103-0942

Barbara L. Moy, Bureau Manager

## EXHIBIT B

JUNE 8, 2006

Subject: Minor Encroachment Assessment – Possible Changes in the Amount Owed to the City and County of San Francisco

Dear Property Owner/Permit Holder:

Thank you for remitting your payment for the assessment associated with your existing Minor Sidewalk Encroachment Permit OIMSE-508. Effective March 31, 2006, the Board of Supervisors amended the legislation authorizing the collection of assessment fees associated with these permits. I have attached a copy of the new Ordinance for your convenience. Previously all encroachments were subject to an annual assessment fees. The new Ordinance limited the types of encroachments that would be subject to these assessment fees.

Based upon our analysis, your encroachment ~~will~~ will not be subject to the assessment fee. However, I wish to point out that Section 2.m.3 of the Ordinance exempts all historic or architecturally significant building as defined within Article 10 of the Planning Code or so designated by the Planning Department. In addition, Section 2.m.(a) exempts buildings that reside in a Neighborhood Commercial District but have been converted from a commercial, industrial, or mixed use building into a building containing only residential use. If you believe your building meets either of these two exemptions and we have incorrectly applied an assessment please contact us immediately.

Your assessment bill in the amount of \$ 0 is due immediately. If payment is not received by June 30, 2006 the Department will forward the outstanding balance to delinquent collection.

If you should have any questions please contact the Department at (415) 554-5763.

Thank you for your prompt attention to this matter.



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

EXHIBIT C



Jerry Sanguinetti, Manager

January 23, 2014

ROBERT MINTZ  
3634 20<sup>TH</sup> STREET  
SAN FRANCISCO, CA 94110

**Re: Denial letter regarding tree removal application for 3634 20<sup>th</sup> Street**

Dear Mr. Mintz:

We have received your application requesting the removal of two (2) Palm trees adjacent to **3634 20<sup>th</sup> St.** Based on our evaluation, your removal application has been denied for the following reason(s):

- The trees are healthy and sustainable.

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,

John Hawkrige  
Urban Forestry Inspector  
(415) -5548380 ph  
(415) 552-7684 fax  
john.hawkrige@sfdpw.org

cc: *r\_mintz@pacbell.net; brian.asa.carr@gmail.com*





## EXHIBIT D



**Edwin M. Lee, Mayor**  
**Mohammed Nuru, Director**

### DPW Order No: 182731

The Director of Public Works held a Public Hearing on Tuesday, May 27, 2014 commencing at 6:00 PM at City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. The hearing was to consider Order No. 182,570 to consider the removal without replacement of two (2) privately maintained street trees adjacent to the property at 3634 20<sup>th</sup> St.

#### Findings:

- Small palm trees are located in above ground wood containers.
- Trees are in good condition, healthy
- Good amount of public support in favor of keeping the trees
- They match the other palm on the sidewalk
- Maintenance issues are minimal, if properly kept up with

#### Recommendation:

- After consideration of testimony presented at the hearing and a field visit, the recommendation is to deny the removal of the trees.

#### Appeal:

This Order may be appealed to the Board of Appeals within 15 days of July 3rd, 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>



# EXHIBIT D

6/27/2014

**X** Mohammed Nuru

---

Nuru, Mohammed  
Approver 1



# Tree Management Experts

## Consulting Arborists

3109 Sacramento Street  
San Francisco, CA 94115

Member, American Society of Consulting Arborists  
Certified Arborists, Certified Tree Risk Assessors

cell/voicemail 415.606.3610

office 415.921.3610

fax 415.921.7711

email [RCL3@mindspring.com](mailto:RCL3@mindspring.com)

EXHIBIT E



**3634 20<sup>th</sup> Street HOA**  
**c/o: Greg Gadwood**  
**3634 20<sup>th</sup> Street, Unit 3**  
**San Francisco, CA 94110**

**RE: Tree Removal Permit Application**  
**2 containerized palm trees**

**Date: 3/9/14**

## ARBORIST REPORT

### Assignment

- Provide a site and tree inspection on 2/25/14.
- Evaluate the condition of two windmill palm (*Trachycarpus fortunei*) street trees.
- Evaluate the containers and potting mix where the trees are growing.
- Provide an Arborist Report with findings and recommendations.

### Background

Mr. Gadwood contacted me for professional advice and an arborist report after this 4-unit condominium building had applied for a tree removal permit. Although they had determined that they wanted the trees removed and replaced, I heard a variety of reasons and possible outcomes. It became my understanding that these 4 owners had a lot of creative ideas, and professional advice would be most helpful in settling down their direction.

Mr. Gadwood requested that I write this arborist report to accompany their tree removal permit application and to aid the HOA in completing their project.

### Findings

The two windmill palm street trees are installed in containers made of wooden slats, and are filled with potting mix. Each of these factors has an issue that needs to be addressed.

#### Tree Health

These trees are both drought-stressed and nutrient deficient. The fronds are undersized and yellowed and browned toward the tips. Although "viable", these trees are not healthy.

#### Containers

The containers are made of 2-inch thick lumber set on edge and nailed together at the corners, then decorated with some vertical covering boards at the corners and painted. The containers are beginning to age and decompose, and a car has hit the west container



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causing it to have a twist. Because of all the separate pieces of wood used to build these containers, they are not a long-lasting design and they are over-drained and porous around the sides where water tends to accumulate. With containers such as these, drought-stressed trees are to be expected.

### Potting Mix

Potting mix or planting mix is any of a variety of growing media used for containerized plants. Although often referred to as “dirt”, potting mix is not soil but instead are normally comprised of a porous material to maintain air space, a slow breakdown organic material, composted organic material, and sand. When palms are planted, pure sand is sometimes used instead of potting mix.

In this case instead of sand, a potting mix was used. As time goes by, the organic material in a potting mix breaks down into finer and finer particles, and the properties of the potting mix changes. These finer organic particles either wash out of the pot with irrigation, or become dense and dry without any remaining nutrient value. The properties of potting mix typically change to become inhospitable to plants after a few years have gone by. At that point, potting soil must be removed and replaced or the plant will begin to die.

### Transplanting

Salvaging palm trees for transplanting is not recommended when a tree is in poor health. Because palms can be easily transplanted at any size, new palms are available for tree replacement. Contractors who install trees will not offer a warranty for transplanted trees that are either unhealthy or are not from a nursery.

## Recommendations

These palms are not healthy, the potting mix has broken down and the containers are falling apart. I recommend that these trees and their containers and potting mix be removed because:

1. The potting mix and containers must be replaced.
2. To replace the potting mix and containers, the trees must be removed.
3. New healthy trees should be used when trees are replanted into new containers.

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### Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

### Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

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Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

### Certification of Performance

I, Roy C. Leggitt, III, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am a member in good standing of the American Society of Consulting Arborists and a member and Certified Arborist with the International Society of Arboriculture.

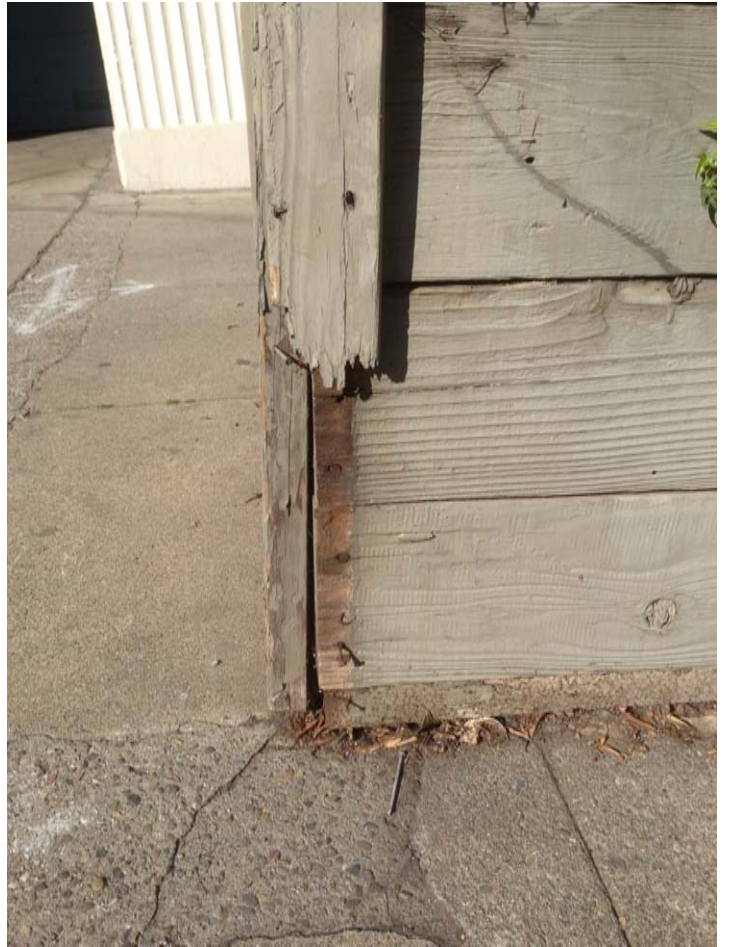
I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Plant Science, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and arboriculture for more than 20 years.

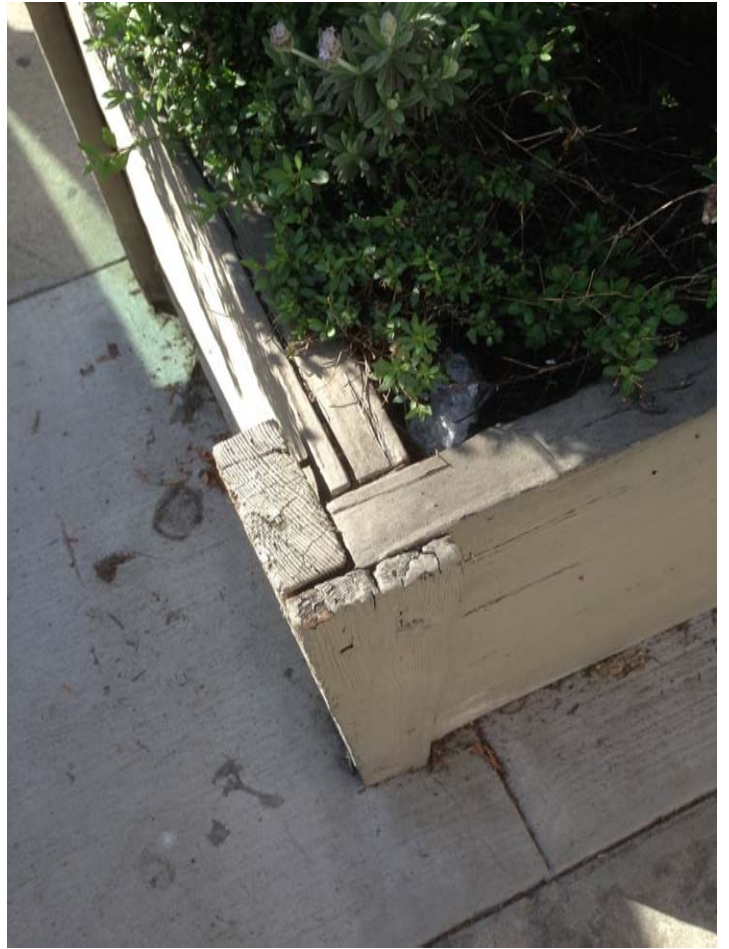
Signed: \_\_\_\_\_

Date: 3/9/14













## Above-Ground Landscaping

Above-ground planters include potted planters, raised planter beds, hanging baskets, and other containerized bodies for trees and landscaping. Continuous and more substantial plantings in extended planter boxes can provide a buffer between the roadway and sidewalks, creating a more quiet and comfortable pedestrian environment. However, above-ground planters often present challenges for maintenance.

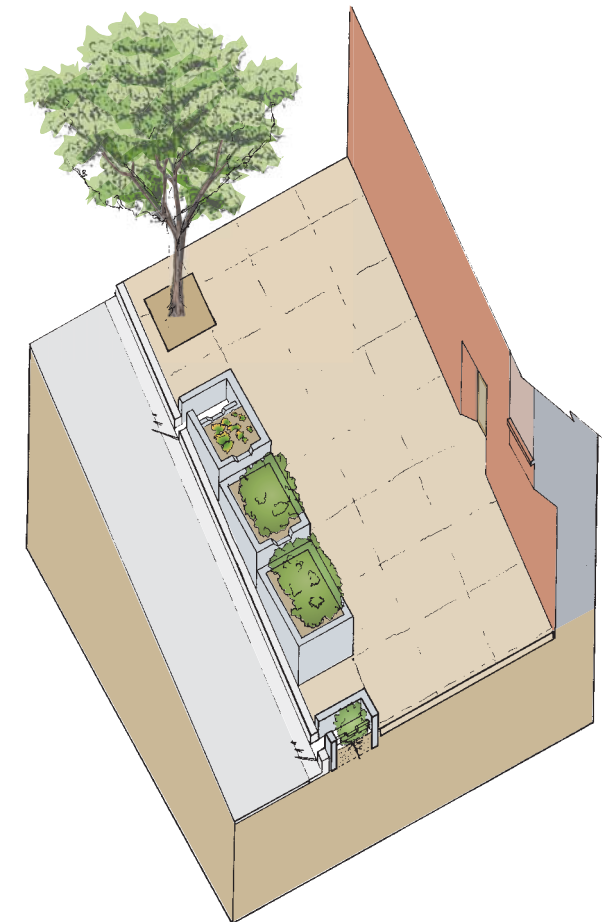
### ➔ PLACEMENT

Above ground planters are appropriate for locations where existing sidewalk space or soil conditions do not allow for planting in the ground, such as where major utilities or basements beneath the sidewalk exist.

On downtown, commercial, and mixed-use streets, above ground planters may be appropriate (or required) to delineate the edge of sidewalk seating areas or outdoor displays. Many businesses and larger developments on all street types may include planters at street level as an architectural element, especially when integrating seating into the planter edge.

Above ground planters should also be used as dividers at the edge of outdoor seating areas to provide a cane detectable edge. See Section 6.5.

Raised planters should be considered an exception rather than a rule because of increased maintenance needs and water requirements.



▲ Terraced planters should be used on sloping sites over 10% grade.



### ➔ Best Practice: 12th Avenue Green Street

Portland, Oregon

This project, in downtown Portland and completed in 2005, involved converting the previously underutilized landscaped area between the sidewalk path of travel and the curb into a series of planters designed to slow, capture, cleanse and allow for infiltration of stormwater runoff. The project manages the street's stormwater runoff on site instead of discharging it into the storm drain system, which feeds directly into the Willamette River, creating environmental benefits and an urban amenity.

Runoff from 8,000 square feet of the street flows downhill along the curb until it reaches the first of four planters. The runoff is channeled into the planter through a 12 inch cut in the curb. In the planter, the water infiltrates into the soil. If the water in the planter reaches capacity, it exits through another curb cut, flows back into the street and enters the second planter downstream.

The runoff continues its downhill movement from planter to planter until all are at capacity. At that point, the water exits the last planter and enters the storm-drain system. The planters are able to manage nearly all of the street's annual street runoff, estimated at 180,000 gallons.

**GUIDELINES**

Above ground planters should generally be a secondary alternative to in-sidewalk plantings.

Container planting of trees

Trees planted in containers require high maintenance, show limited growth and vigor, and are often short lived. Container planting of trees is appropriate where trees are desired and where sub-grade conditions would otherwise preclude a tree.

Container plantings should follow the same spacing requirements for street trees discussed earlier in this section. Piped irrigation should be provided. Planters should not be smaller than 16 cubic feet and should be constructed of durable materials that complement the design aesthetic of the street. Materials should be resistant to vandalism and damage from motor vehicles. Opportunities for incorporating seating into the planter are encouraged.

▶ Hanging baskets are generally discouraged but may be used on key corridors where a plan for maintenance exists.



Raised planter beds

Raised planter beds can be incorporated into larger sidewalk elements such as seating areas. Planter edges may be used as seating walls. Raised planters should meet all sidewalk clearances in Section 4.2.

Hanging baskets

Hanging baskets can be added to a number of streetscape elements to add unique urban design detail and identity to a street or neighborhood. Use of drought tolerant perennials such as succulents is highly encouraged. Because hanging baskets are maintenance and resource intensive, they are not a preferred landscaping method. However, hanging baskets might be appropriate in some instances, such as where funded by community benefit districts (CBDs) or at important civic or ceremonial locations.

Rain Screens/Living Walls

Rain screens are plantings on the exterior walls of buildings. They are an emerging technology which can remediate water pollution and attenuate peak stormwater runoff. See the San Francisco Stormwater Design Guidelines for more information.

▶ Raised planting beds create opportunities to integrate seating walls







## 5 Signs You'll Get Cancer

[Click Here](#)

# The Big Story

## California approves fines for water-wasters

By [DON THOMPSON](#)

— Jul. 15, 2014 10:42 PM EDT

[Home](#) » [Sacramento](#) » California approves fines for water-wasters



Eighi Hiastake, of the San Francisco Dept. of Public Works, retracts a hose onto his truck after washing a city sidewalk with a mixture of water and disinfectant on Tuesday, July 15, 2014, in San Francisco. In one of the most drastic responses yet California's drought, state regulators on Tuesday will consider fines of up to \$500 a day for people who waste water on landscaping, fountains, washing vehicles and other outdoor uses. The rules would prohibit watering of landscaping to the point that runoff spills onto sidewalks or streets. Hosing down sidewalks, driveways and other hard surfaces would be prohibited, as would washing vehicles without a shut-off nozzle. (AP Photo/Marcio Jose Sanchez)

- [Prev](#)
- [1 of 9](#)
- [Next](#)

## EXHIBIT G

SACRAMENTO, Calif. (AP) — California water regulators voted Tuesday to approve fines up to \$500 a day for residents who waste water on lawns, landscaping and car washing, as a report showed that consumption throughout the state has actually risen amid the worst drought in nearly four decades.

The action by the State Water Resources Control Board came after its own survey showed that conservation measures to date have failed to achieve the 20 percent reduction in water use sought by Gov. Jerry Brown.

Survey results released before the 4-0 vote showed water consumption throughout California had actually jumped by 1 percent this past May compared with the same month in previous years.

The fines will apply only to wasteful outdoor watering, including watering landscaping to the point that runoff flows onto sidewalks, washing a vehicle without a nozzle on the hose, or hosing down sidewalks and driveways.

"Our goal here is to light a fire under those who aren't yet taking the drought seriously," water board Chairwoman Felicia Marcus said in an interview after the vote.

She called the vote historic, not only because the steps are unprecedented in California but because the board is trying to spread the burden of the drought beyond farmers and agencies that are trying to protect wildlife.

She said city and suburban residents are not fully aware of the seriousness of the three-year drought — the worst in California since the mid-1970s.

"We're all in this together," Marcus said. "This is our attempt to say ... this is the least that urban Californians can do."

The board estimates the restrictions, which take effect in early August, could save enough water statewide to supply more than 3.5 million people for a year.

Cities and water districts were given wide latitude on how the fines will be implemented. The full \$500-a-day fine, considered an infraction, could be reserved for repeat violators, for example. Others might receive warnings or smaller fines based on a sliding scale.

The rules include exemptions for public health and safety, such as allowing cities to power-wash alleyways to get rid of human waste left by homeless people, to scrub away graffiti, and to remove oil and grease from parking structure floors.

If fines fail to promote conservation, Marcus said the board would consider other steps such as requiring water districts to stop leaks in their pipes, which account for an estimated 10 percent of water use, stricter landscape restrictions and encouraging water agencies to boost rates for consumers who use more than their share of water.

Even with the leeway granted to local governments and water districts, some managers were unhappy with the board's action.

Mark Madison, general manager of the Elk Grove Water District south of Sacramento, said the steps will unnecessarily punish customers who already have reduced consumption. Residents in his district have cut water use by more than 18 percent since last year.

"What you're asking me to do right now is to thank them with a sledgehammer," he told the board.

The increased usage noted in the report is attributable to two regions of the state: Southern California coastal communities and the far northeastern slice of the state. It was not immediately clear why consumption had increased in those areas.

## EXHIBIT G

No region of California met Brown's request for a 20 percent reduction, but some came closer than others. Communities that draw from the Sacramento River reduced consumption the most, by 13 percent, while those along the North Coast reduced consumption by 12 percent.

San Francisco Bay Area and Southern California cities that draw from the Colorado River decreased water use by 5 percent.

Cities and suburbs use about 20 percent of the state's water, with about half going outdoors. Agriculture is by far the greatest water user, accounting for 75 percent of consumption in the state.

California farmers are just as guilty of using too much water as their urban neighbors, according to a separate report released Tuesday. The study by the University of California, Davis, found that some farmers could see their wells run dry next year unless the state sees a wet winter.

## READ MORE



Water flows uphill? Maybe, in California drought [Associated Press](#)



Some California cities seek water independence [Associated Press](#)



California can't say if it's meeting drought goal [Associated Press](#)



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## Comments



EXHIBIT H



date: December 14, 2006



date: July 28, 2014

Changes in 8 years to note: Slight height increase. Diminishing number of palm fronds. Increased yellowing/browning on existing fronds that have not been removed or fallen off.

EXHIBIT I

**Valencia Street  
commercial corridor**

**Dolores  
Park**

**tree/container location**

**high foot traffic**



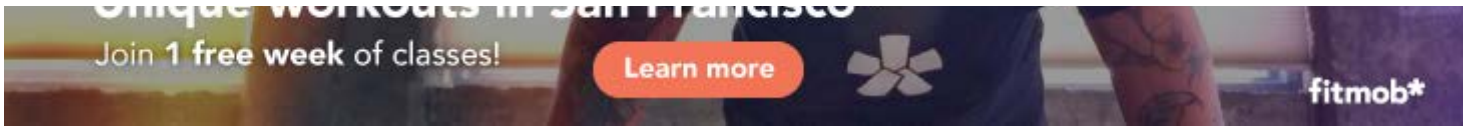


## EXHIBIT J



recent photos taken in July 2014 or thereafter.

Although an effort has been made to grow bushy greenery around the base of these trees, people are still determined to drop trash in them.



68°F San Francisco

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## S.F.'s overflowing trash bins are public nuisance

Vivian Ho

Updated 3:02 am, Thursday, June 28, 2012

### Eco Friendly Junk Removal

[greenhauling.com](http://greenhauling.com)

Full Service Trash &amp; Junk Hauling. Get Rid of All Your Trash Today!

Something about San Francisco's public trash cans doesn't smell right.

Forget about the trash that makes it inside. In many of the city's neighborhoods, the cans are overflowing with garbage. They're not emptied frequently enough by the city's sanitation workers, who are overwhelmed by residents illegally dumping waste that doesn't fit inside their household bins.

The result: refuse wafting around some neighborhoods and extra piles of trash bags leaned against some of the city's 3,000 public garbage cans.

Vilma Celis, 64, said the filth surrounding the public receptacles near her Excelsior district home is often unbearable.

### \$38 House Cleaning Deal

[homejoy.com/SanFrancisco](http://homejoy.com/SanFrancisco)

2.5hr of Professional Home Cleaning  
Insured, Bonded, 100% Guaranteed.

"If you go up Mission all the way to Brazil Avenue, you can see all the garbage on the sidewalk," she

said. "It's just dumped there, sometimes for a few days."

## EXHIBIT K

A recent Chronicle Watch afternoon sojourn found four filled trash bags placed alongside an overflowing can outside the 16th Street Mission BART Station. A few other receptacles along Mission Street were also nearing the brim. Pigeons pecked at an almost empty plastic trash bag that had blown into the road by 23rd Street.

### Going on a long time

This isn't a new problem. In 2007, then-Mayor Gavin Newsom ordered workers to remove nearly half of the city's trash cans, which then numbered around 5,000. He said the action would ensure the bins were only used for the occasional coffee cup or food wrapper.

At the time, residents protested the move, arguing that fewer cans would only exacerbate the illegal dumping problem.

Whether the trash problem has gotten worse is debatable. But it certainly still exists, and city officials can't keep up.

Mohammed Nuru, director of the city's Department of Public Works, said his department works with garbage contractor Recology to empty many public cans on a near-daily basis. Some are emptied twice a day.

But there's not much they can do when somebody crams computers or electronics into the public cans and takes up most of the space.

City law requires residents and businesses to pay for garbage service. But the Recology-issued bins fit only so much trash, and big bins cost extra, so some prolific trash accumulators take their overflow to public bins, in violation of city law. Electronics and other items may require special disposal.

### Difficult to catch

Public Works enforces misuse of public trash cans. Dishonest dumpers can face fines up to \$300, but catching them is quite difficult.

"People don't leave the evidence," Nuru said. "If somebody leaves a microwave, you can't figure out who left it."

In general, anybody who spots an overflowing can should report it to 311, the city's tip line, or to public works directly, and they will respond as quickly as possible to empty the cans, public works spokesman Greg Crump said. The department received about 1,400 reports last year of overflowing bins.

Nuru said his agency tracks problem cans, and the department's solution is similar to what Newsom did in 2007: remove the suspiciously fuller receptacles to force offenders to do without their overflow option. Nuru said most offenders dump at locations that are close to them, so forcing

them to go across the street to the other receptacle is enough to discourage them.

But Celis, who has lived on Brazil Avenue for 35 years and frequents the Brazil and Mission Muni stop, said that since one of the cans was removed, the situation has worsened. She said sometimes it's so bad, she has to "skip around a few steps" to avoid the overflow.

### What's not working

Issue: People are filling public trash cans with household garbage, causing them to spill over with trash, which isn't cleared as often as it should be in some neighborhoods.

What's been done: Department of Public Works employees have removed public cans in areas where people frequently use them to dispose of household waste, but many residents say that only moves the problem to other cans. City officials say they also try to empty the cans as often as necessary - even if that means more than daily trips.

Who's responsible: Mohammed Nuru, director of the Department of Public Works, [mohammed.nuru@sfdpw.org](mailto:mohammed.nuru@sfdpw.org), (415) 554-6920

### Chronicle Watch

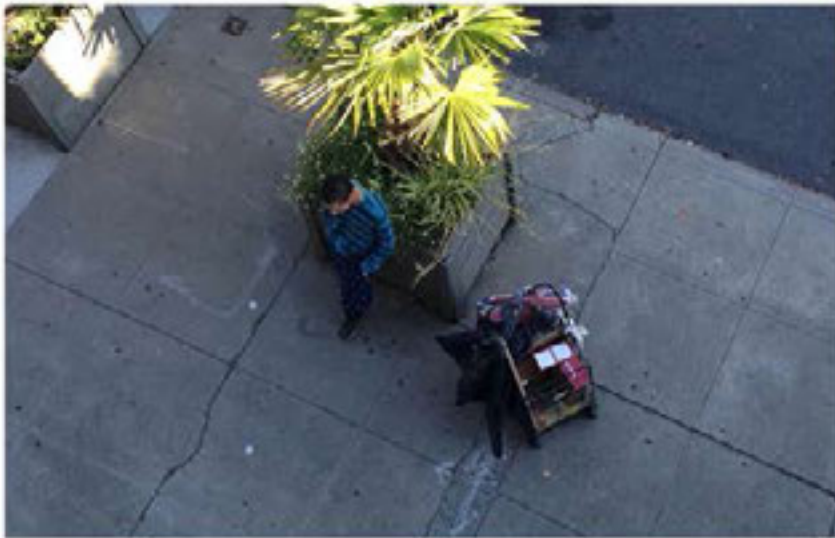
If you know of something that needs fixing, the Chronicle Watch team wants to hear from you. E-mail [chroniclewatch@sfchronicle.com](mailto:chroniclewatch@sfchronicle.com), or reach us on Twitter at [@sfchronwatch](https://twitter.com/sfchronwatch) and [facebook.com/sfchronwatch](https://facebook.com/sfchronwatch).

Vivian Ho writes for Chronicle Watch, a weekly feature that investigates stubborn problems. E-mail: [vho@sfchronicle.com](mailto:vho@sfchronicle.com), [chroniclewatch@sfchronicle.com](mailto:chroniclewatch@sfchronicle.com) Twitter: [@VivianHo](https://twitter.com/VivianHo), [@SFChronWatch](https://twitter.com/SFChronWatch)



Taken July 14th, 2014 from lobby. Person sitting next to container with several containers of alcohol. Although only one person is visible, this varied from between 1-4 people congregating in that location around time period this photo was taken.

This occurs more frequently on weekends.



Taken July 30th, 2014. This person stood in facing the building, leaning against or pacing the planter box, for at least 20 minutes.





Photos taken on various occasions during the past 5 months.

People often deposit items between the boxes, adjacent to boxes, or leaning against them.

These items may sit there for days until a member of the community, an HOA member, or trash services, picks them up.





Contained tree on adjacent neighbor's property.

Health of tree is questionable?

Container has been altered and does not "match" the containers in front of 3634 20th Street property.

Note: all photos taken in July 2014.





Edwin M. Lee, Mayor  
Mohammed Nuru, Director



Jerry Sanguinetti, Manager

BOARD OF APPEALS

SEP 04 2014

APPEAL # 14-133

Board of Appeals Case 14-133

September 3, 2014

3634 20<sup>th</sup> St.

**Respondent's Brief**

The appellant seeks to remove two windmill palm trees *Trachycarpus fortuneii* in above ground containers adjacent to 3634 20<sup>th</sup> St. The two existing palm trees were approved for placement within the public right-of-way (RoW) in 2001 through the issuance of a Minor Sidewalk Encroachment permit. San Francisco's Urban Forestry Ordinance, Article 16 of the Public Works Code, requires that property owners obtain a tree removal permit prior to removing street trees. Trees in containers or planters within the right-of-way are considered street trees.

The application to remove the two trees was denied by Urban Forestry staff because the trees are healthy and sustainable. The applicant appealed this denial and the item was heard at a DPW Tree Hearing on May 27<sup>th</sup>, 2014. The resulting DPW Order No. 182731 denied the removal and referenced that the two palm trees are in good condition, there is public support to keep the trees and the maintenance issues are relatively routine.

The containers are composed of wood and are in need of repair. The containers can be repaired or replaced with wood or other materials. Because the palms are containerized, there should be very little impact to the root system of the palm trees while the containers are being repaired or replaced.



Due to the location of the sewer line and water line, there is no room to plant trees in the ground adjacent to the property. Street trees that are planted in the ground also require routine maintenance. Many of the concerns raised in the appellants brief about the challenges of maintaining these two palm trees in the planters in our urban environment, are identical to what property owners and DPW face when maintaining street trees planted in the ground.

Property owners with trees planted in the ground are expected to repair the sidewalk around the trees if that is possible without damaging the trees, and that can be much more costly than maintaining these planters.

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: 180734
- D) Photos of trees



# 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 1/23/2014    INSPECTOR: J.H.

TODAY'S DATE: 12/31/13    LENGTH OF POSTING PERIOD: \_\_\_\_\_    FROM: \_\_\_\_\_    THRU: \_\_\_\_\_

LOCATION: 3634 20th St.

CROSS STREET: Valencia    Tree Order: 1 of 2

SPECIES NAME/TYPE: Windmill palm / Trachycarpus fortunei

NUMBER OF SPECIES: \_\_\_\_\_    HEIGHT: 10-12'    DBH: 10" (INCHES)

TREE (S) CONDITION:     GOOD     FAIR     POOR

DEFICIENCIES OR CONCERNS: Palm tree in raised planter. No problems with palm tree.

Planter is a little worn - could use some renovation or replacement, but is still fair - holding together.

SIDEWALK WIDTH OR # OF FLAGS: 5    <sup>planter</sup> SIZE OF TREE BASIN (S): \_\_\_\_\_    BASIN (S) ENLARGED (?) \_\_\_\_\_    \*PROPERTY SETBACK: \_\_\_\_\_

SIDEWALK CONDITION: Good     Fair     Hazardous    # OF DAMAGE SQUARES: \_\_\_\_\_

# OF TREE (S) TO BE REMOVED: \_\_\_\_\_    # OF TREES TO BE REPLACED: <sup>NO</sup> Room to plant tree in ground.

PROXIMITY OF INFRASTRUCTURE:  
SEWER 3    UTILITY POLE \_\_\_\_\_    STOP SIGN \_\_\_\_\_    OVERHEAD ELECTRICAL WIRES \_\_\_\_\_  
WATER \_\_\_\_\_    STREETLIGHT \_\_\_\_\_    GAS \_\_\_\_\_    HI/LOW VOLT. \_\_\_\_\_

COMMENTS: Can't plant "real" tree in ground - has only 3' from sewer, we need at least 5' minimum.

RECOMMENDATIONS: Reviewed w/c. BUC at later date. We'll deny.

SIGNATURE AND DATE: J.H.

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 1/23/2014    INSPECTOR: J. H.

TODAY'S DATE: 12/31/13    LENGTH OF POSTING PERIOD: \_\_\_\_\_ FROM: \_\_\_\_\_ THRU: \_\_\_\_\_

LOCATION: 3634 20th St.

CROSS STREET: Valencia St.    Tree Order: 2 of 2.

SPECIES NAME/TYPE: Windmill palm / Trachycarpus fortunei

NUMBER OF SPECIES: \_\_\_\_\_ HEIGHT: 8-10' DBH: 10" (INCHES)

TREE (S) CONDITION:  GOOD     FAIR     POOR  
5' actual

DEFICIENCIES OR CONCERNS: Palm tree in raised planter. Palm tree condition is fine. Planter is worn - beginning to break apart along a couple of the corners - typical for wooden planter.

"Renovate" planter - make repairs or figure out how to replace w/new planter.

SIDEWALK WIDTH OR # OF FLAGS: 15    planter is approx! SIZE OF TREE BASIN (S): 3x3x3    BASIN (S) ENLARGED (?) \_\_\_\_\_    \*PROPERTY SETBACK: \_\_\_\_\_

SIDEWALK CONDITION:  Good     Fair cracks.     Hazardous    # OF DAMAGE SQUARES: \_\_\_\_\_

# OF TREE (S) TO BE REMOVED: \_\_\_\_\_    # OF TREES TO BE REPLACED: No room to replant with tree in ground.

PROXIMITY OF INFRASTRUCTURE:  
 SEWER \_\_\_\_\_ UTILITY POLE \_\_\_\_\_ STOP SIGN \_\_\_\_\_ OVERHEAD ELECTRICAL WIRES \_\_\_\_\_  
 WATER on top of water line. - reason the planters is used    STREETLIGHT \_\_\_\_\_ GAS \_\_\_\_\_ HI/LOW VOLT. \_\_\_\_\_

COMMENTS: Planter on top of water line - reason a tree cant be planted in-ground.

RECOMMENDATIONS: Reasons for removal by applicant outlined on removal app.  
 Why the 18 month request to consider options?

SIGNATURE AND DATE: J.H.

OTHER SPECIES ON THE BLOCK: \_\_\_\_\_

SPECIES SUGGESTIONS FOR LOCATION: \_\_\_\_\_



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

Exhibit B

San Francisco Department of Public Works  
Office of the Deputy Director & City Engineer, Fuad Sweiss  
Bureau of Street Use and Mapping  
Urban Forestry Permits and Policy Group  
1680 Mission St., 1st floor  
San Francisco, CA 94103  
(415) 554-6700 \* www.sfdpw.org

COPY

#770722



Jerry Sanguinetti, Manager

January 23, 2014

ROBERT MINTZ  
3634 20<sup>TH</sup> STREET  
SAN FRANCISCO, CA 94110

Re: Denial letter regarding tree removal application for 3634 20<sup>th</sup> Street

Dear Mr. Mintz:

We have received your application requesting the removal of two (2) Palm trees adjacent to 3634 20<sup>th</sup> St. Based on our evaluation, your removal application has been denied for the following reason(s):

- The trees are healthy and sustainable.

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,

John Hawkrige  
Urban Forestry Inspector  
(415) -5548380 ph  
(415) 552-7684 fax  
john.hawkrige@sfdpw.org

cc: r\_mintz@pacbell.net; brian.asa.carr@gmail.com

#770722





## Exhibit C

City and County of San Francisco

San Francisco Department of Public Works



**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](http://www.sfdpw.org)



### DPW Order No: 182731

The Director of Public Works held a Public Hearing on Tuesday, May 27, 2014 commencing at 6:00 PM at City Hall, Room 400, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. The hearing was to consider Order No. 182,570 to consider the removal without replacement of two (2) privately maintained street trees adjacent to the property at 3634 20<sup>th</sup> St.

#### Findings:

- Small palm trees are located in above ground wood containers.
- Trees are in good condition, healthy
- Good amount of public support in favor of keeping the trees
- They match the other palm on the sidewalk
- Maintenance issues are minimal, if properly kept up with

#### Recommendation:

- After consideration of testimony presented at the hearing and a field visit, the recommendation is to deny the removal of the trees.

#### Appeal:

This Order may be appealed to the Board of Appeals within 15 days of July 3rd, 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>.



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

**Exhibit D**

**12/31/2013**





Robert Mintz here. I reside at 3634 20th Street Unit 2 with Maxine Bauer. The trees belong to the building we live in. We're the tree lovers in the building. We support DPW's Denial of the Application to the Remove the Two Palm Trees without Replacement. If removed, the trees should be replaced. It is important to maintain the presence of street trees as they are an asset to the building and the neighborhood. Reasons are summarized as follows:

**The Palm Trees in Planter Boxes have been there for over 27 years** A former resident of our building noted the palm trees and planter boxes were installed when she lived here 27 years ago. Having street trees at the front of the building has become part of the urban fabric of the neighborhood. (Attachment 1)

**The Trees are Healthy and Sustainable** At each stage of the effort to remove the palm trees, the trees were healthy:

- A. They are healthy now at the time of this BOA Hearing.
- B. They were healthy on May 26, 2014 at the time of the DPW Appeal Hearing.
- C. They were healthy in July of 2013 when the application to remove them was first submitted. (Attachments 2, 3, & 4)
- D. There is currently new growth sprouting from each Palm Tree. (Attachment 5)
- E. The findings by the Hearing Officer at the DPW Appeal Hearing was "The Trees are in good condition. healthy". (Attachment 6)
- F. The Bureau of Urban Forestry evaluated the trees as "healthy and sustainable" . when the original removal application was denied. (Attachment 7)



**The Boxes are Repairable**      We have quotes to repair & reinforce the corners of the boxes ranging from \$250 to \$540 (Attachments 8, 9, & 10). The western most planter box was bumped by a truck several years ago and the 1x4 vertical board was damaged at the boxes southwest corner. The 2x8 horizontal boards at the sides are in serviceable condition. If the vertical corner boards were replaced with 2x6s and the boxes repainted the planter boxes could last for many more years and they would continue to be an asset to the building and the neighborhood. (Attachment 11)

**The Northeast Stretch of 20th Street near Valencia is mostly Void of Street Trees**

The northeast stretch of 20th Street near Valencia is mostly void of street trees. As one approaches our grouping of palm trees it's as if one is approaching a small oasis.

(Attachment 12)

**Enhance the Pedestrian Experience at the Valencia Street - Dolores Park Corridor**

Versus barren concrete, the presence of the street trees in planter boxes make for a more liveable & visually appealing experience as one walks through the neighborhood.

(Attachment 13)

**Buffer from the Street Traffic and Parked Cars**      The trees in planter boxes provide a visual and physical buffer from the street traffic and parked cars. Parents in the neighborhood appreciate that. (Attachment 14)

**Presence of Street Trees Reduce Crime** According to numerous studies and also reported by Friends of the Urban Forest in an article entitled Benefits of Urban Greening, “The greener a building’s surroundings, the fewer reported crimes. Apartment buildings with high levels of greenery had 52% fewer crimes than those without any trees.” <http://www.fuf.net/benefits-of-urban-greening/>

**The Trees and Planter Boxes Cause No Harm** They don’t interfere with power lines, harm the sidewalk, or damage buried utility lines.

**Maintenance Cost of the Trees is Minimal** In the almost 15 years Maxine has owned her unit in the building, other than watering and periodically painting the boxes, Maxine does not recall any costs associated with maintenance. Maxine and I have responsibility for maintaining the palm trees for the building. We use a watering can to hand water them. In the future, if need be, we will periodically provide nutrients similar to Jobe's Palm Tree Fertilizer Food Spikes. There is no real cost to the building for this effort. We also pick up any items placed in the planter boxes and remove any graffiti as soon as it is noticed. For more than 99 percent of the time during the year the planter boxes are graffiti free.

**Maintenance Cost of the Planter Boxes is Minimal** It’s our understanding that it is DPW’s policy to require homeowners to repair or replace a sidewalk three times before damage to the sidewalk by the tree’s roots can be used as a legitimate reason to

remove an otherwise healthy tree. We believe these two palm trees are an asset to the neighborhood and are asking similar consideration be given to the repair and replacement of the boxes. These two healthy trees and planter boxes have been in situ since 1987 (27 years). If you consider the cost to repair the boxes \$250, or even replace the boxes, divided over 27 years the annualized cost is quite minimal.

We support the decision to deny of the application to remove the two trees without replacement. We believe that if removed, the trees should be replaced. It is important to maintain the presence of street trees. They are an asset to the building and the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Maxine Bauer" followed by a stylized flourish that extends to the right.

Maxine Bauer and Robert Mintz

3634 20th Street, Unit 2

## ATTACHMENTS

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1	Email Re: The Palm Trees and Planter Boxes have been in place for 27 years	
2	Trees & Planter Boxes at Time of BOA Appeal Hearing - Photo	8/30/14
3	Trees & Planter Boxes at Time of DPW Appeal Hearing - Photo	5/26/14
4	Trees & Planter Boxes at Time of Original Application - Photo	7/13
5	New Growth at Existing Trees - Photo	8/29/14
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9	Quote to Repair Planter Boxes Ken Smith Construction	8/27/14
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13	Enhance the Livability at the Level of the Pedestrian - Photo	5/26/14
14	Buffer from the Street Traffic and Parked Cars - Photo	8/30/14



**From:** Mary Gassen [mary@sflaunch.com](mailto:mary@sflaunch.com)   
**Subject:** 3634 20th Street  
**Date:** August 25, 2014 at 1:50 PM  
**To:** Robert Mintz [r\\_mintz@pacbell.net](mailto:r_mintz@pacbell.net)  
**Cc:** maxine [maxinebauer@mindspring.com](mailto:maxinebauer@mindspring.com)

---

Dear Robert and Maxine,

I lived at 3634 20th Street on the top floor in the front apartment in 1987 and 1988. The owners of the building were a very nice couple that lived on the bottom floor in the back unit. I think her name was Arlene, but I don't remember her husband's name.

While I lived there, they installed the beautiful palm trees out front of the building. Prior to the palm trees, there was nothing on the sidewalk and it was very plain. I very much enjoyed the greening of the sidewalk and thought it added much needed green to the neighborhood.

-Mary

Mary Gassen

**E-MAIL:** [mary@sflaunch.com](mailto:mary@sflaunch.com)  
**VISIT:** <http://sflaunch.com/>  
**CALL:** [\(415\) 716-9310](tel:(415)716-9310)

Delivering Culinary Business Solutions from an Owner's Perspective







Palm Trees and Planter Boxes  
August 30th, 2014  
Current Condition at this Board of Permit Appeals Hearing





Palm Trees and Planter Boxes  
May 26th, 2014  
Condition at DPW Appeal Hearing



TYPICAL PLANTER BOX NOTES

- ① PLANTER BOX 33" HIGH
- ② FOUR (4) 2x8 HORIZ BDS AT EACH SIDE
- ③ 2x4 & 1x4 VERT BDS OVERLAP AT CORNERS
- ④ 3x12 PRESSURE TREATED SLEEPERS



Palm Trees and Planter Boxes  
July 2013

Condition at Time of Original Application to Remove Palm Trees





NEW  
GROWTH

NEW  
GROWTH

NEW  
GROWTH

New Growth Typical at Both Palm Trees  
August 29th, 2014

City and County of San Francisco

San Francisco Department of Public Works



Edwin M. Lee, Mayor  
Mohammed Nuru, Director

GENERAL - DIRECTOR'S OFFICE  
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- Trees are in good condition, healthy
- Good amount of public support in favor of keeping the trees
- They match the other palm on the sidewalk
- Maintenance issues are minimal, if properly kept up with

#### Recommendation:

- After consideration of testimony presented at the hearing and a field visit, the recommendation is to deny the removal of the trees.

#### Appeal:

This Order may be appealed to the Board of Appeals within 15 days of July 3rd, 2014.

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6/27/2014

X Mohammed Nuru

---

Nuru, Mohammed  
Approver 1





Edwin M. Lee, Mayor  
Mohammed Nuru, Director



Jerry Sanguinetti, Manager

January 23, 2014

ROBERT MINTZ  
3634 20<sup>TH</sup> STREET  
SAN FRANCISCO, CA 94110

**Re: Denial letter regarding tree removal application for 3634 20<sup>th</sup> Street**

Dear Mr. Mintz:

We have received your application requesting the removal of two (2) Palm trees adjacent to **3634 20<sup>th</sup> St.** Based on our evaluation, your removal application has been denied for the following reason(s):

- The trees are healthy and sustainable.

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,

John Hawkrige  
Urban Forestry Inspector  
(415) -5548380 ph  
(415) 552-7684 fax  
john.hawkrige@sfdpw.org

cc: [r\\_mintz@pacbell.net](mailto:r_mintz@pacbell.net); [brian.asa.carr@gmail.com](mailto:brian.asa.carr@gmail.com)





**From:** vicente alvarez vicente.alvarez16@yahoo.com  
**Subject:** Quote to repair planter boxes at 3634 20th Street  
**Date:** August 7, 2014 at 8:30 PM  
**To:** r\_mintz@pacbell.net

---

Dear Robert,

I can repair the planter boxes at 3634 20th Street for \$250.


The repair will be as follows:

Remove existing vertical 1x4 and 2x4 corner boards.  
Install new stainless steel screws at overlapping corner joints of horizontal 2x8 planks.  
Install new vertical corner boards with overlapping 2x6 redwood boards.  
Paint the boards to match the rest of the planter boxes.  
Paint to be provided by owner.

This will be done at both planter boxes, so they will match.  
Please let me know when you would like the repair done.

Sincerely,

Vicente Alvarez  
Alvarez Tree Service  
(415) 531-0982

**From:** Kenneth Smith kensnet@hotmail.com   
**Subject:** Proposal to repair planter boxes  
**Date:** August 27, 2014 at 3:41 PM  
**To:** robert mintz design studio r\_mintz@pacbell.net

---

Robert

Attached is the proposal to repair the planter boxes.

Ken

Ken Smith Construction  
Lic 885942

---

## KEN SMITH CONSTRUCTION

### PROPOSAL

(415) 505-8185  
kensnet@hotmail.com

1419 Golden Gate Ave.  
San Francisco, CA  
94115

Attention: Robert Mintz

Date: August 27, 2014

DESCRIPTION: REPAIR 2 PLANTER BOXES AT 3634 20TH STREET

Replace vertical corner boards with 2x6  
Reinforce corners with steel screws and/or connectors  
Painting not included.

\$150 to start work  
Balance due at completion

Description	Cost
Labor	\$350
Materials	\$150
	\$500

We look forward to completing your project.

Kenneth M. Smith III  
Cont. Lic. #885942

**From:** Mathew Ringhofer <mring1970@gmail.com>  
**Subject:** **Re: thank you so much**  
**Date:** April 4, 2014 9:24:30 AM PDT  
**To:** Maxine Bauer <maxinebauerphotography@gmail.com>

---

Hi Ya Maxine, just wanted to shoot you over some #'s for your flower planters....

Option 1

The repair of 1 box  
-replace old verticle trim 2x4 and 1x4's with new primed pine  
Labor and Material  
\$270.00 for 1 box

Option 2

Rebuilding planters from scratch  
- Construct new planters with new 2x12 pressure treated Lumber  
, along with new verticle trim, 2x4 and 1x4, primed pine  
Labor and Material  
\$1015 for 2 boxes

Not included

-Painting  
- removal and replanting of soil and trees from boxes

Best, Matt



Photo Illustrating if Planter Boxes are Repaired & Painted to Match the Building



3634 20TH STREET  
PALM TREE ROW



The Northeast Stretch of 20th Street  
near Valencia is mostly Void of Street Trees





Pedestrian Experience Enhanced at the  
Valencia Street - Dolores Park Corridor





The Planter Boxes and Palm Trees Provide a Buffer from the Street Traffic and Parked Cars

BOARD OF APPEALS

SEP 04 2014

APPEAL # 14-133

September 3, 2014

Hello:

I am writing regarding the Appeal # 14-133 regarding trees in planter boxes in front of 3634 20<sup>th</sup> Street. As in the original hearing, I am commenting against the appeal.

The trees are reasonably healthy, not root bound. Their planter boxes are reasonably in good condition. That part of the block on the sunny side of the street has a lot of concrete and heat absorption and reflection already.

I have no opposition to the trees being replaced. I am opposed to them being removed, not replaced and that the appellants also don't want to pay a penalty for the trees' removal.

Thank you for considering my comments.

Sincerely,



Bill Schwalb  
3680 1/2 20<sup>th</sup> Street  
San Francisco, CA 94110

Dear Board of Appeals:

My name is Robert Bailey and I am the owner of 3630-32 20th Street which is the house directly to the east of 3634 20th Street. I support the denial of the request to remove the two palm trees at 3634 20th Street without replacement.

I planted my palm tree to complement the two palm trees at my neighbor's building. I wish they would have told me they wanted to get rid of them as I might have planted a different kind of tree.

I've spent money and resources trying to be a good neighbor to match their tree and extend the presence of palm trees on our part of the block, which doesn't have a lot of greenery. The addition of my palm tree helped create a unique stretch on our block where we now have four palm trees in a row fronting three adjacent properties.

I also appreciate that the palm trees are low maintenance and don't shed leaves.

The trees next door are well cared for and look healthy and have been there at least since I moved to the neighborhood in 1990.

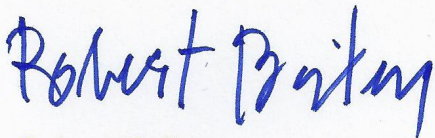
I support keeping the palm trees next door as they make the empty sidewalk more pleasant and enjoyable for the neighborhood. If they are removed, they should be replaced in-kind, or with something of equal value and stature.



We have a diverse mix of people on our block of varying ages, walks of life, and cultural backgrounds. Most of the neighbors support keeping or replacing the trees, but not getting rid of them altogether.

Attached is a map showing the neighborhood support to keep or replace the trees and also attached is a neighborhood petition supporting keeping trees at 3634 20th Street.

Sincerely,



Robert Bailey

3632 20th Street

San Francisco, California 94110

Attachment 1: Photo of my Palm Tree at 3630-32 20th Street

Attachment 2: Photo of 4 Palm Trees Fronting 3 Adjacent Properties

Attachment 3: Map of Neighborhood Support to Deny the Application to Remove the Two Palm Trees at 3634 20th Street without Replacement

Attachment 4: Petition signed by Neighbors Supporting the Denial of the Application to Remove the Two Palm Trees at 3634 20th Street without Replacement





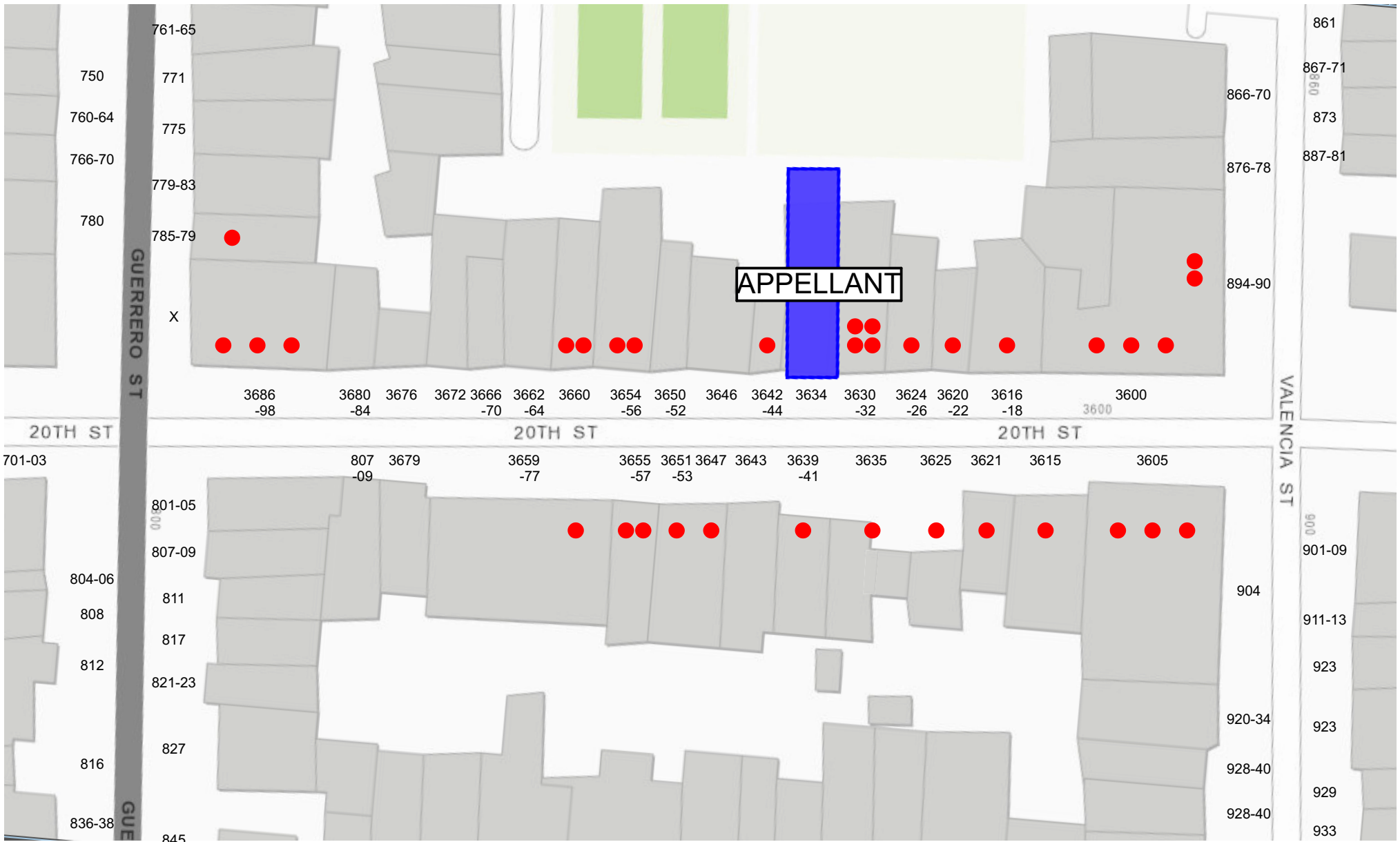
Attachment 1: Photo of my Palm Tree at 3630-32 20th Street





Attachment 2: Photo of 4 Palm Trees Fronting 3 Adjacent Properties



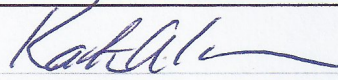
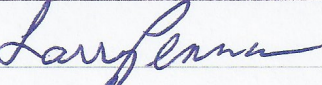


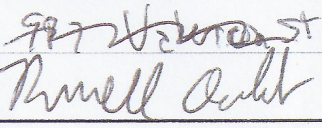

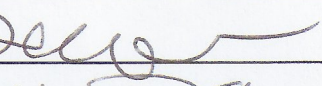

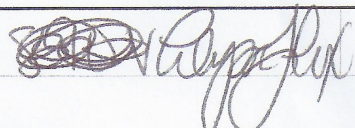
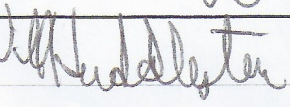


# NEIGHBORHOOD MAP

- NEIGHBORING SIGNATORIES ON THE BLOCK WHO SUPPORT DENYING THE APPLICATION TO REMOVE THE TWO PALM TREES AT 3634 20TH STREET WITHOUT REPLACEMENT

# Mission Neighborhood Residents for Street Trees

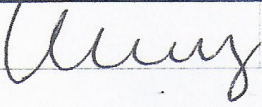
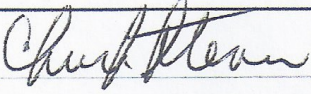
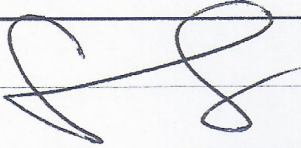
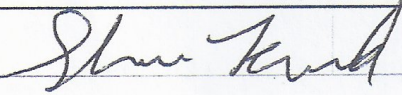
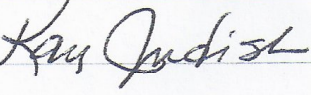

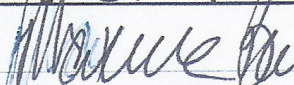
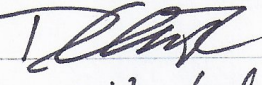
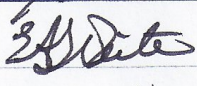
We the undersigned Mission Neighborhood Residents wish to express our support for the Department of Public Work's Denial to the Application requesting the Removal without Replacement of the Two (2) Palm Trees adjacent to 3634 20th Street. (Tree Removal Hearing Notice attached)

Printed Name	Signature	Address	Contact
KATHERINE A LAWSON Comments optional I WANT TREES		3410 18 <sup>th</sup> ST	KATY124@Aol.com
LARRY PENMAN Comments optional SAVE THE TREES OR REPLACE		2208 MISSION ST	LAPENMAN@AOL.COM
SCOTT SORIANO Comments optional YES FOR TREES!		3600 20 <sup>th</sup> ST	SVLCS@Yahoo.com
JOHN GALBRAITH Comments optional TREES ARE GREAT		3600 20 <sup>th</sup> ST 305	
Russell Onoff Comments optional Russell Onoff		<del>997 Valencia St.</del> 987 Valencia St., SF CA 94110	
Daniel Weiss Comments optional		975 Valencia St #2 SF, CA 94110	
RUPERTO ANGULO Comments optional Ruperto Angulo		3620 - ST SF CA 94110	
DAVE HAMILTON Comments optional		890 VALENCIA SF CA 94110	
MARK J. STUPI Comments optional		4125 24 <sup>th</sup> ST. APT. #1	MARKJSTUPI@Yahoo.com
Alyssa Cox Comments optional		890 Valencia St	alyssacox@gmail.com
William Huddleston Comments optional		3626 20 <sup>th</sup> Street	whudd@comcast.net



# Mission Neighborhood Residents for Street Trees

We the undersigned Mission Neighborhood Residents wish to express our support for the Department of Public Work's Denial to the Application requesting the Removal without Replacement of the Two (2) Palm Trees adjacent to 3634 20th Street. (Tree Removal Hearing Notice attached)

Printed Name	Signature	Address	Contact
Kimberly Conley Comments optional		937 Valencia	khconley@gmail.com
Chuck STEVENS Comments optional		1270 Mission St	ARTBOUDE 2204240
STEVE LEMAY Comments optional		3676B 20TH ST	INFO @ RETROFIT/OUR WORLD.CA
Shawn Kneel Comments optional		2079 market st	SF CA 94114
Kay Judish Comments optional		3694 20th ST	SF CA 94110 Keep our street leafy!!
Robert Murtz Comments optional		3634 20th st #2	r.murtz@peachall.net Trees please. No barren landscapes.
MAXINE BAUER Comments optional		3634 20th st #2	maxinebauerphotos@gmail.com Please maintain the presence of street trees on our block
Darrik Clayton Comments optional		3654 B 20th ST	act@gmail.com Please keep the neighborhood green!
Edwin Waite Comments optional		3641 20th St.	SF edwin.waite@comcast.net Residents since 3/86, the trees have been part of neighborhood for yr
Comments optional			
Comments optional			



# Mission Neighborhood Residents for Street Trees

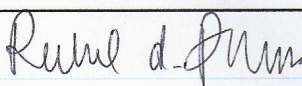
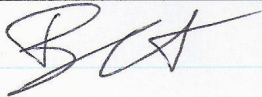

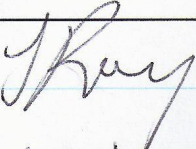
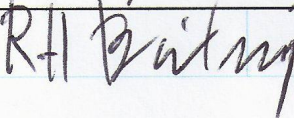
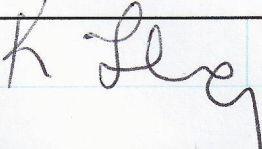
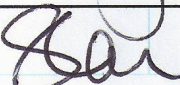
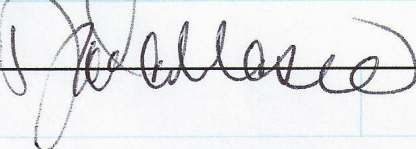
We the undersigned Mission Neighborhood Residents wish to express our support for the Department of Public Work's Denial to the Application requesting the Removal without Replacement of the Two (2) Palm Trees adjacent to 3634 20th Street. (Tree Removal Hearing Notice attached)

Printed Name	Signature	Address	Contact
R. MARGARITA REYNOLDS Comments optional	<i>R. Margarita Reynolds</i>	349 Hayes St., SF. CA	
	<i>Replacement allows continuation of neighborhood identification</i>		
Julio Hernandez Comments optional	<i>Julio Hernandez</i>	1855 15 <sup>th</sup> St. SF. CA. 94103	
	<i>Not being Fair to the environment!</i>		
Jim Schmitz Comments optional	<i>Jim Schmitz</i>	3605 20 <sup>th</sup> St #9	
ROBERT OLIVO Comments optional		3600 20 <sup>th</sup> St 94110	
LESLIE BRADY Comments optional	<i>Leslie Brady</i>	3630 20 <sup>th</sup> St. 94110	
JOHN LEHR Comments optional	<i>John Lehr</i>	3694 20 <sup>th</sup> St. 94110	
Molly Craft Comments optional	<i>Molly Craft</i>	781 A Guerrero 94110	
	<i>Neighborhoods need trees!!</i>		
GABRIEL TURNER Comments optional	<i>Gabriel Turner</i>	3690A 20 <sup>th</sup> St. 94110	
	<i>People leave trash w/out trees; at least w/ trees our streets beautiful!</i>		
Joseph Graw Comments optional	<i>Joseph Graw</i>	SAN FRANCISCO 94114	
Comments optional			
Comments optional			



# Mission Neighborhood Residents for Street Trees

We the undersigned Mission Neighborhood Residents wish to express our support for the Department of Public Work's Denial to the Application requesting the Removal without Replacement of the Two (2) Palm Trees adjacent to 3634 20th Street. (Tree Removal Hearing Notice attached)

Printed Name	Signature	Address	Contact
Rachel Pascua Comments optional		3630 20th St.	917-714-1756
Brandi Carter Comments optional		3630 20th St	415-626-2488
John Downing Comments optional		3657 20th St	415 385-5263
Jennifer Roy Comments optional		3625 20th	415-706-7644
ROB BAILEY Comments optional		3632 20th St	415-824 9756
Kateyner Whay Comments optional		3605 20th	415 2793906
SANDRA HERRERA Comments optional		3605 20th	415-8469578
DIANA CARRASCO Comments optional		818 DOLORES ST	415 971 5826
Comments optional			
Comments optional			
Comments optional			



# Mission Neighborhood Residents for Street Trees

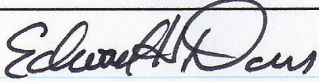
We the undersigned Mission Neighborhood Residents wish to express our support for the Department of Public Work's Denial to the Application requesting the Removal without Replacement of the Two (2) Palm Trees adjacent to 3634 20th Street. (Tree Removal Hearing Notice attached)

Printed Name	Signature	Address	Contact
Henry Palacios Comments optional	Henry P. Save the trees	3660 20th St.	
FRANK GERHEIM Comments optional	FRC	3647 20th St	
Kristen Tate Comments optional trees are good!	3644 20th St Kt		
Comments optional M. J. Tep	<del>Signature</del>	3660 20th St	
Sara Witt & Andy Charmatz Comments optional		3635 20th St.	
Comments optional	Trees on the street are great - any kind is good.		
James Kwo Comments optional	Key tree beautiful	3615 20th	
Penny Schoner Comments optional		3663 20th St	94110
Virendra Shukya Comments optional Palm trees are beautiful		3653 20th street, CA	94110 415-656-9711
Michael Lopez Comments optional		3655 20th St. Apt. 1 SF. CA	94110
Elizabeth Keith Comments optional		63 B Manchester SF, CA	94110
ROBERT S WEEKEY Comments optional	Robert Sweeney I love trees.	3621 20th St #2 SF CA 94110	(415) 826-1133



# Mission Neighborhood Residents for Street Trees

We the undersigned Mission Neighborhood Residents wish to express our support for the Department of Public Work's Denial to the Application requesting the Removal without Replacement of the Two (2) Palm Trees adjacent to 3634 20th Street. (Tree Removal Hearing Notice attached)

Printed Name	Signature	Address	Contact
<i>Edward H Davis</i>		<i>3616 - 20th</i>	<i>415-533-8312</i>
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			
Comments optional			





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: 182570**

## TREE REMOVAL HEARING NOTICE

The Director of Public Works will hold a public hearing on Tuesday May 27, 2014 commencing at 6 p.m. in Room 400 of City Hall, located at 1 Dr. Carlton B. Goodlett Place, San Francisco, to consider the following:

(2)

Removal of ~~one (1)~~ privately maintained street tree without replacement adjacent to the property at 3634 20th St.

(Staff has denied the removal and the applicant has appealed.)

Interested parties are encouraged to attend. Persons unable to attend the public hearing may submit written comments regarding the subject matter to the Bureau of Urban Forestry, 1680 Mission Street, 1st floor, San Francisco, CA 94103. These comments will be brought to the attention of the hearing officer and made a part of the official public record.

Further information, if desired, on this matter may be obtained prior to the hearing by phoning the Bureau of Urban Forestry at (415) 554-6700.



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



BOARD OF APPEALS

Michael Fowler  
Property owner 3600 block of 20<sup>th</sup> street  
San Francisco, CA 94110

SEP 02 2014

APPEAL # 14-133

Board of Appeal

City and County of San Francisco

1650 Mission Street, Room 304

San Francisco CA 94103

Appeal: 14-133; 3634 20<sup>th</sup> Street.

To the members of the board:

I am writing this letter to express my support for the request for the HOA and homeowners of 3634 20<sup>th</sup> street to remove the plants/containers in front of their property.

As a resident on 20<sup>th</sup> street we are accustomed to the heavy foot traffic for people travelling between the thriving Valencia Street commercial corridor and popular Dolores Park. As such, people treat these containers and plants as trash receptacles, frequently dropping items inside them. People also use them as urinals and the surfaces on the containers are targets for graffiti.

Due to the size and height of the two planter boxes, and their proximity to one another, they serve as a 'sheltered' area for people to sit or sleep adjacent to, or between them. They also provided people in the neighborhood a place to dump larger items (unwanted furniture, cardboard boxes, etc.) between the planter boxes.

The planters create safety concerns for the neighborhood as they also provide a place for people to stop and gather to continue their parting en-route to their destination leaving their empty bottles, cigarette butts and at times whatever is left from their drug use either in the planters or around them. There are times when I walk our dogs at night that I am concerned with the activities that the planters provide to people passing by. Adding to safety concerns the planter boxes are in bad shape and look as if they are about ready to collapse at any time not an ideal situation when they used as a "resting place" by inebriated people needing a place to hang out or sleep.

These planters and plants do nothing to enhance the neighborhood, nor do they enhance the beautiful Art Deco at 3634 20<sup>th</sup> street. The palms are not healthy and are not suited to be in planters, you just have to look at the beautiful palms we have along Dolores Street to see how this type of tree can thrive in our area if they are planted in the ground as they should be.

Given the state of these planters it is also worth noting that we are in the 3<sup>rd</sup> year of a drought situation in California given the appearance of these trees, as a resident of San Francisco I am concerned that it appears that someone is expending several gallons of water on a daily basis when so little is gained in return for maintaining them, I regularly see moisture seeping out of the planters onto the sidewalk.

The HOA have had a certified arborist provide a report on the state of the palms and that report indicated that the trees are drying and that the containers do not provide the correct living environment for this type of foliage. It should also be noted that this block of 20<sup>th</sup> street has a large number of trees planted in ground that are perfectly healthy and add to the charm of the neighborhood the planters and palms in question are the only ones in planters and not in the ground, if in-ground planting was available the palms would not be in their current state and the containers would not be available to be used as receptacles for peoples trash and a place to hangout.

I fully support the homeowners request to permanently remove the planter boxes and their contents, and respectfully request the Board approve the appeal.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Fowler", written in a cursive style.

Michael Fowler

30 August 2014

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

BOARD OF APPEALS  
SEP 02 2014  
APPEAL 14-133

Appeal#: 14-133  
RE: 3634 20<sup>th</sup> Street, San Francisco, CA

Dear Members of the Board,

I am writing this letter to support the residence of 3634 20<sup>th</sup> street's request to remove the planters in front of their condominium.

The planters' design has absolutely nothing in common with the structure they are in front of. While the building is an attractive building with clean lines; the planters are wooden and look more like a style that would be better suited to a farmhouse. However, the design is neither the only nor most important reason for their needed removal.

I have seen trash such as liquor containers, plastic, paper, furniture, old clothing, etc. in and around the planters. Also, I have witnessed homeless and others hanging around, sitting on and urinating at the planters.

Furthermore, the planters are in horrible shape. They seem to be falling apart. I can tell by looking at them that their sturdiness is questionable, at best. Additionally, the trees in them are sickly. Not to mention that palm trees do not seem to fit the aesthetics of the street.

For these reasons, as a resident of the Mission Dolores area, I fully support the removal of the planters and trees.

Regards,



Dimitrios Poulos



30 August 2014

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

BOARD OF APPEALS

SEP 02 2014

APPEAL # 14-133

RE: 3634 20<sup>th</sup> Street, San Francisco, CA

Appeal#: 14-133

To the Members of the Board,

This letter is in full support of the HOA's request to remove the planters in front of their residence.

I live only a few blocks away and often walk by the residence. I support their request for the following reasons:

- The planters are in disrepair. They are an eyesore and are so dilapidated they are practically falling apart
- The planters are a haven for homeless and others that loiter by sitting on them while, sometimes, consuming alcohol
- The planters are a receptacle for trash, liquor containers and drug paraphernalia
- The planters have become a dumping space for larger items such as furniture and other household items.
- The planters are housing trees that look as if they are at least sick, if not dying.

In addition, the planters offer absolutely no redeeming value to the look of the property. Their dilapidated status aside, their style is ill fitted for such a beautiful art-deco building. The 20<sup>th</sup> street corridor has come a long way in past few years. On the whole, the street is a beautiful place to take a walk. However, those planters are an eyesore that needs to go.

Sincerely,



Sandy Hinojosa  
Mission District Resident

September 1, 2014

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

BOARD OF APPEALS

SEP 02 2014

APPEAL # 14-133

Appeal#: 14-133

RE: 3634 20<sup>th</sup> Street, San Francisco, CA

Dear Board Members,

This letter is to passionately support the HOA's request to remove planters in front of their residence at 3634 20<sup>th</sup> street. As a property owner in the Mission Dolores area I have a vested interest in properties in the area being both attractive and not enabling litter and loitering. The planters in question are a blot on the landscape of my neighborhood.

My biggest concern is that they seem to be an unsafe haven for loitering and litter. Personally, I have witnessed people sitting on and around the planters in question. While there, they have urinated in and on them. They have consumed alcohol and marijuana. They have left behind rubbish such as bottles, cans, soiled clothing, drug paraphernalia and other unseemly items. One of the residents told me they have had to remove used syringes. This creates a health and safety issue. The issue is even more worrisome since there are toddlers and children in the immediate area. Also, I have seen many homeless people using the area between the planters as a place to sleep.

When I walk past the planters I am concerned that the space between and the height of the planters offer a place for a potential attacker to hide. The sidewalk on 20<sup>th</sup> street is extremely busy with foot traffic at night. The potential for criminal activity after bars close on the weekends is noteworthy. It is also worth mentioning, that given the size of the planters, it cramps foot traffic, which is a nuisance.

Apart from the trash that is accumulated from the loiterers, the planters have become an unofficial and unwelcomed drop off point for all kinds of trash. I've seen chairs, ironing boards, irons, stereo equipment, computers, clothes, wood planks, mattresses and other items dropped off there. It is a nuisance and unfair to expect the residents to dispose of this litter. I believe this is unique to this property as I've not seen such trash accumulate at any other properties on the street.

Next I want to address that the planters offer absolutely no redeeming visual value to the property or the street. The planters are in extreme disrepair. The trees housed in the planters appear to be stunted in growth and very sick. My understanding is that the palm trees are years old. I know from experience that this variety of palm tree flourishes in the ground and in the correct weather environment. When I lived in Florida I had many on my property and am familiar how they should grow. It's my understanding that the residence hired a certified arborist who concurs with my opinion

Furthermore, the style of planters is completely out of synch with the art deco style of the building.

So I plead with The Board, for the sake of health, safety and beauty, let the residents remove these planters!

Sincerely,

A handwritten signature in black ink that reads "William Strange". The signature is written in a cursive, slightly slanted style.

William Strange  
Mission Dolores Property Owner



BOARD OF APPEALS

SEP 02 2014

APPEAL # 14-133

Board of Appeal

City and County of San Francisco

1650 Mission Street, Room 304

SF CA 94103

Regarding: 3634 20th Street, SF

Appeal #: 14-133

To the Members of the Board:

I am writing this letter to express my support for the request for the homeowners of the above residence to remove the plants/containers in front of their home.

I am a resident in the surrounding neighborhood of 3634 20th Street; I live a block and half away on Cumberland St, across from Dolores Park. I have lived here for over 20 years and while I love my neighborhood, I have seen many changes which have impacted more of the "aesthetic " nature of the neighborhood. The surrounding streets, including mine and 20th Street , have become main paths for pedestrians to and from the Park. The neighborhood is also very populated with many restaurants, bars, cafes. Foot traffic, along with car traffic, has become very heavy, especially on the weekends. While some respect the surroundings, others take advantage. One of the more common problems with things like planters/vases/garden beds that are along the sidewalk is that they become used for other intentions, none for which they are meant.

They have become used as trash receptacles and thus become messy, smelly; whatever plant life is there slowly succumbs and dies. I have seen neighbors constantly cleaning out trash, watering, protecting planters with netting or some coverage but to no avail. On very busy weekends when the Park hosts events (during Pride weekend for example ) many of these garden like items become used as urinals. Needless to say, the disrespect this act creates should not be tolerated.

The planters in front of 3634 are much larger than many around and take up a lot of space. 20th Street can become very narrow when there are cars parked all along the street and there are people walking about and the planters just seem to be more of an obstacle. They also become used as a "rest stop" of sorts, especially at night for those who might be inebriated and need a place to sleep or rest. There have been times when I have walked down the street during the day and there will be some who use the planters to recline against, creating even a greater obstacle. While it might not be a concern to some, and while one can walk around, it still does create a safety issue.

Because of the size of these containers, much more trash can be stored in there and it seems that whenever I walk by there is some fair amount of trash. The outside of the boxes become the canvas for a variety of graffiti artists/taggers as well. They are also made of shoddy wood, crumbling in some spots. The trees in said containers look sickly; they do not seem to have grown or flourished in any way. They do nothing to enhance the beauty of the street, which has cool Art Deco style buildings (like 3634) or Victorians. The trees certainly don't mimic the beautiful palms along Dolores Street and it has been noted by the homeowners that a certified arborist has indicated that the trees are dying and that the containers do not provide the correct living environment for such foliage.

The homeowners have gone through great lengths to try and make these planters work but despite various measures, none have worked. It appears that at this point in time perhaps the better option would be to remove the planters. There are many other features along this block of 20th Street, including other healthy trees (that are planted in the sidewalk, not in a container), that add to the charm of the neighborhood. The containers would not be missed!

I thank you for your time and consideration for the homeowner's request to permanently remove the planter boxes.

Sincerely,



Anna Franco

SEP 02 2014

APPEAL # 14-133

**Date:** September 1, 2014

**Regarding:** Appeal # 14-133

**Attention:** please redact our address from this letter if it is made available to the public

To whom it may concern at the Board of Appeals,

We are neighbors who live within one block of the 3634 20<sup>th</sup> Street Property. We have been residents in this neighborhood for 11 years. We walk by these trees a few days every week, and have had many opportunities to experience the two palm trees in the planter boxes during the years we've lived here.

In the 11 years that we've lived here, we've noticed that these trees look less and less healthy as time goes by. Also, the planter boxes in which these trees are housed look very worn, deteriorating, and falling apart in places. The planter boxes are bulky, whereas the trees inside these big boxes have only a few leaves at the top and are mostly just trunks. Because of this, the planter boxes are actually more noticeable than the trees. Of the leaves that remain, the tips of several of them are yellowing. Although we aren't experts, the trees look like they are dying.

We think that the neighborhood's vibrancy would be improved if these two trees and planters were removed from the front of this property. It's quite a nice block of 20th Street and there are already a lot of trees planted in the ground in spots along the sidewalk; these two trees are not needed to keep this block looking great.

Also, on several occasions, we've seen people urinating on the planter boxes. We've also seen: graffiti on the boxes several times over the years; people dropping trash inside these containers; piles of trash sitting inside the containers as if they were garbage cans; people hanging out (loitering) around these containers; people hanging out around the containers with open bottles and cans of alcohol; people sleeping between the containers; and we've seen cardboard boxes, appliances, and other furniture dropped off and left to sit, sometimes for several days, around these containers.

We love living in this neighborhood, and it's disheartening to see the things listed above in the area of these planter boxes when we walk by the property. We support the 3634 20<sup>th</sup> Street Homeowners' Association's efforts to remove these trees, without replacing them, from the front of their property. The trees and containers are an eyesore and a nuisance, and their removal will improve the appearance of the block.

Thank you,



A handwritten signature in black ink, consisting of a large, stylized initial 'J' followed by a horizontal line extending to the right.

Tara and Jeff Hunt  
3549 20<sup>th</sup> Street  
San Francisco, CA 94110

Marina Franco  
P.O. Box 14391  
San Francisco, CA 94110

BOARD OF APPEALS

AUG 27 2014

APPEAL # 14-133

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

August 26, 2014

**RE: 3634 20th Street, San Francisco**  
**Appeal #14-133— ALLOW HOMEOWNERS TO**  
**PERMANENTLY REMOVE PLANTER BOXES**

Dear Honorable Members of the Board of Appeal:

I am writing to express my support to the appeal in this matter so that the City will allow the homeowners to permanently remove the unsightly planter boxes in front of their home at 3634 20th Street ("Subject Premises"). The planters have turned into nothing more than a nuisance and should be permanently removed.

I live approximately a block and a half from the Subject Premises. I have lived in my home near Dolores Park for 20 years, and have witnessed the changes in the general neighborhood, architecture, population, and traffic. It is fair to say that the Dolores Park/Valencia Corridor area has experienced great growth and popularity over the last years, with more foot traffic and visitors than ever before.

The Subject Premises is two blocks from Dolores Park, and half a block from Valencia Street. On any given day (and multiply that amount tenfold on a weekend), there are thousands of pedestrians walking to/from Dolores Park and Valencia Street, using 20<sup>th</sup> Street as their corridor. An unfortunate result of the popularity of the area is that many visitors do not respect the area, and simply use it as their playground. Trash is strewn every where, and people's property become urinals and marks for graffiti.

I became aware of my neighbor's problems with the planters in front of the Subject Premises when I was walking my dogs down 20<sup>th</sup> Street, something I do daily. Many times as I walked by, there were always people loitering near the boxes, using them as makeshift benches while they drank alcohol or smoked. Moreover, the boxes were always filled with empty liquor

bottles and cigarette butts and other trash. Because of their location—mid block—they also seemed to attract the dumping of large items which would be carelessly propped up against them. The Subject Premises is a beautiful Art Deco masterpiece. It always seemed tragic to me that these decaying, tagged wooden structures were in front of such a lovely building. They are an eyesore.

One day I noticed my neighbor standing in front of the planter box with a pair of tongs, carefully removing a used needle someone had carelessly tossed in one of the planters. Then he continued to remove all the trash. This horrified me that he was responsible for cleaning up the hazardous debris left by others. He mentioned to me that he and his neighbors had to check the boxes on almost a daily basis to make sure they were clean and no one would get hurt. They were concerned about their liability, as the boxes had basically become an attraction for people to dump their hazardous trash.

The planters themselves look terrible, which wood rotting out and what remains crumbling away. Moreover, the plants inside them are sadly pathetic and sickly. All the efforts of the homeowners cannot save the health of the plants. My understanding is that a certified arborist has determined that the plants are, in fact, dying. This probably contributes to why the passerby treats the planters like trash receptacles.

Change is not always a bad thing. The rise in parklets and the investment in the remodeling/renovation of Dolores Park have beautified this neighborhood. More people are taking pride in their homes and investments, and a simple drive by this neighborhood shows pride of ownership. Allowing the Subject Premises to remove and not replace the planter boxes will not be a detriment to the neighborhood. There are numerous other trees planted in the ground on 20<sup>th</sup> Street which give the block character and charm, and do not invite the presence of trash or the dumping of furniture. The removal of these boxes would actually improve the neighborhood, as they are dilapidated eyesores and a nuisance. Removing the boxes will absolve the owners of liability should someone get injured or hurt from the decrepit boxes, and improve the look of their property.

I fully support the homeowner's request permanently remove the planter boxes, and respectfully request the Board to grant the appeal. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Marina Franco". The signature is written in a cursive, flowing style with a long, sweeping tail on the final letter.

Marina Franco



August 28, 2014

To the Appeals Board of the San Francisco Department of Public Works:

I am writing in reference to Appeal No. 14-133, 3634 20th Street, denial of a request to remove two street trees without replacement. I request that the denial be overturned.

The trees in question are unique, in that they are in poorly designed containers, and are stunted and unsightly. The overturn of this denial should not be based on the health of the trees, it should be based on the inappropriateness of the plantings.

I strongly recommend that the board approve the removal of the trees and containers, for the following reasons:

1. Since the trees are confined to containers they require hand watering, involving multiple gallons of water, every other day. This watering is a serious waste of scarce resources during the current extreme drought, and will probably have to be increased to maintain either repotted or new trees in containers. (See photo showing water leaking out of the containers in the last couple of weeks.)



2. The containers, themselves, are rotting and falling apart, posing a public hazard, and would have to be replaced if the trees are not approved for removal. I have substantial experience as a home gardener, and given the size of the containers and the trees, I seriously doubt that the trees will survive transplanting, since the roots will have to be cut back to 6-8 inches in length to make room for fresh potting soil in similarly sized replacement containers. Larger containers would give the trees a better chance of survival, but would

encroach on the public walkway and easements.

3. Should the trees die, the chance of which I calculate to be more than 75% for one or both, the homeowners at 3634 20th St will be faced with the problem of having to repeat the process of applying to DPW to deal with removal or replacement of both trees (so that they match) after having had to invest several thousand dollars in new containers and soil. This is not a reasonable burden to place on the homeowners, especially since they are attempting to work within the DPW system.

4. The presence of large containers on the sidewalk encourage inappropriate public behavior. I have seen late night passers-by urinating on or in the containers and had to avoid unsavory looking men hanging out beside or between the containers when I was walking down the street. It is fortunate that the homeowners leave lights on in their entryway; otherwise that area would be an extremely scary place to walk past after dark.

Should the board decide to deny this appeal, forcing the homeowners to invest in replacing the containers, please, PLEASE, modify the original denial to grant the homeowners permission to replace the existing palm trees with new, smaller, drought-tolerant trees, bushes, or other plantings appropriate to the containers' size and location without their having to apply for another permit.

Please seriously consider the fact that trees in containers are completely inappropriate in San Francisco residential districts, overturn the permit denial, and grant the request to remove the trees and containers without replacement.

Thank you for your consideration,

Rebecca Burgess

Property owner on the 3600 block of 20th Street, San Francisco.

\*\*Please do not publish my personal contact data.\*\*