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

Appeal of		Appeal No. <b>23-052</b>
ANTHONY DINTCHO and DEMETRIUS [	DINTCHO,	)
	Appellant(s)	)
		)
VS.		)
		)
SAN FRANCISCO PUBLIC WORKS		, )
BUREAU OF URBAN FORESTRY,		, )
	Respondent	•

### **NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN THAT** on November 3, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on November 3, 2023, of a Public Works Order (Denial of an application to remove one street tree from the subject property; the property owner applied to remove the tree because of interference with PG&E underground utility lines; the structure of the tree and its vigor are in fair condition) at 1208 Stanyan Street.

### **ORDER NO. 208818**

### FOR HEARING ON December 6, 2023

Address of Appellant(s):	Address of Other Parties:			
Anthony Dintcho and Demetrius Dintcho, Appellant(s) 3136 Laguna Street San Francisco, CA 94123	N/A			



Date Filed: November 3, 2023

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

### PRELIMINARY STATEMENT FOR APPEAL NO. 23-052

I / We, **Anthony Dintcho and Demetrius Dintcho**, hereby appeal the following departmental action: **ISSUANCE** of **Public Works Order No. 208818** (denial of a tree removal application) by the **San Francisco Public Works**, **B** which was issued or became effective on: **November 3, 2023**, for the property located at: **1208 Stanyan Street**.

### **BRIEFING SCHEDULE:**

Appellants' Brief is due on or before: 4:30 p.m. on **November 16, 2023**, **(no later than three Thursdays prior to the hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: <a href="mailto:boardofappeals@sfgov.org">boardofappeals@sfgov.org</a>, <a href="mailto:julie.rosenberg@sfgov.org">julie.rosenberg@sfgov.org</a>, and <a href="mailto:chris.buck@sfdpw.org">chris.buck@sfdpw.org</a>.

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **November 30, 2023**, **(no later than one Thursday prior to hearing date)**. The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: <a href="mailto:boardofappeals@sfgov.org">boardofappeals@sfgov.org</a>, <a href="mailto:julie.rosenberg@sfgov.org">julie.rosenberg@sfgov.org</a>, <a href="mailto:drinkless: drinkless: drinkless

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: Wednesday, December 6, 2023, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place. The parties may also attend remotely via Zoom. Information for access to the hearing will be provided before the hearing date.

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

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

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

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

See attachment to the preliminary Statement of Appeal.

**Appellant or Agent:** 

Signature: Via Email

Print Name: Stephanie Dintcho, agent for appellant

November 2, 2023

Regarding: Reconsider and Overturn Order No. 208660 / Permit Application no. 793028- removal of (1)

London-Plane Street Tree located at 1208 Stanyon Street.

Dear Members of The Board of Appeals:

My name is Anthony Dintcho and I am 85 years old. My brother Stanley Dintcho died 2 months ago at

the age of 81. He and I placed our life's savings into a project we started in September of 2019 at 1208

Stanyon Street. We have had many costly setbacks due to Covid, PG&E Permit, and now a tree.

Our building has sat empty for the last 18 months (still is empty) causing financial hardship. It's costing

us thousands of dollars every month we are not living in it.

PG&E will not bore a 4-inch hole under a root system from the street to the house. This London-Plane

Tree has caused severe sidewalk buckling damage and is preventing us from completing this 5-year

Odyssey. We are more than happy to do the following:

Relocate the tree.

Plant a new tree away from the PG&E Electric Ground Box.

Donate a tree to the DWP.

This has become a catch 22. We need to live in our house, but without electricity we cannot get a

permit of occupancy.

PG&E states the electric ground box must be installed where the tree exists.

Please reconsider your decision and reverse Order No. 208660.

Respectfully,

Anthony SXDintch



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

#### Public Works Order No: 208818

The Director of Public Works held a Public Hearing on Wednesday, October 4th, 2023, commencing at 10:00 AM via teleconference to consider items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 208660 (tree removal permit application no. 793028) regarding the removal of one (1) street tree with replacement adjacent to 1208 Stanyan St. The subject tree is a Londonplane; *Platanus x hispanica* street tree. The property owner applied to remove the tree because of interference with PG&E underground utility lines. Staff denied the removal and the applicant appealed.

#### Findings:

Public Works staff reviewed the condition of the tree, and noted it is a mature tree in fair condition. The structure of the tree is considered fair and the vigor is also fair.

Applicant did not show up to the hearing. No explanation was therefore provided as to why the project could not be re-designed around the tree or why removal was necessary given current conditions.

Public comments are supportive of the general concept that all the trees are important to the residents/City and should not be removed if we hope to meet climate pledges and improve the green infrastructure of the city which is currently lacking compared with other major metropolitan areas.

Essential stance from BUF is that no healthy tree can be removed without good cause. Such cause requires letters of support from utilities such as PG&E, or other relevant construction or arborist report that justifies why the project cannot be redesigned around the tree.

Hearing Officer asked whether BUF had guidance on location options if relocating or replacement are the likely best options. BUF noted that the guidelines for planting are available through the BUF website, as Order 187,246.

#### Recommendation:

Uphold Urban Forestry's denial of the tree removal.

Appeal: This Order may be appealed to the Board of Appeals within 15 days of November 3rd, 2023.

Board of Appeals 49 South Van Ness Ave. suite 1475 (14th Floor) San Francisco, CA 94103

Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

NOTE: Office visits by appointment only.

More information about how to file an appeal can be obtained by calling 628-652-1150 or by emailing the Board of Appeals at <a href="mailto:Boardofappeals@sfgov.org">Boardofappeals@sfgov.org</a>. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <a href="http://sfgov.org/bdappeal/">http://sfgov.org/bdappeal/</a>

DocuSigned by

Short, Carla 073CF73A4EA6486...

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Interim Director

### BRIEF SUBMITTED BY THE APPELLANT(S)

## Dear Members of the City & County of San Francisco Board of Appeals,

In our Preliminary Statement we requested to please Reconsider and Overturn Order
No. 208660/ Permit Application No. 793028- Removal (1) London-Plane Tree
located at 1208 Stanyon Street.

Our first hearing was denied to remove the tree because no one was present for the hearing.

First, I'd like to apologize for wasting the Boards time for not being present at the hearing on October 4<sup>th</sup>, 2023. My son nor I had any knowledge of the hearing due to most correspondence with said property was went through my late brother's office and email address.

My brother passed away on August 23, 2023, leaving me and my son the legal owners of 1208 Stanyon. Due to his death, it was extremely difficult to navigate his business affairs because we had to wait on his Death Certificate to arrive to show proof of his Death. We also had to wait for the Will & Trust from the Lawyer to declare me the Appointed Successor Trustee of 2015 Staney Dintcho Revocable Trust.

<u>Exhibit A-</u> Death Certificate and Successor Trustee of 2015 Staney Dintcho Revocable Trust.

Once we established that I had legal rights and that I am the Successor of my brothers Revocable Trust, we were confronted with resistance from non-family members who disregarded the legal documents creating more problems and delayed entrance to his place of business.

My brother had several LLC's. His main location of business (umbrella for all his businesses) was his Dental Practice office, which we needed to gain access to but were

met with resistance from the Office Manager and my brother's girlfriend. It wasn't till the last week of September 2023 that myself and who I appointed as my Trustee Assistants gained access to his office and emails. It took another 2-3 weeks of sorting through and organizing hundreds of documents and files.

During one of those days, I was sorting a pile of documents the office manager had placed on the desk when I came across a Public Works Order No: 208818 Document stating we were denied the permit to remove a tree, because we were not present at the hearing. What hearing I thought?

I sat there at the age of 85 years old in disbelief, mentally tired, physically in pain, and financially in ruins staring down at document of defeat. I never received the hearing document with a date to appear. My heart sank and a pit formed in my stomach begging me to throw in the towel but knew I couldn't for the sake of my children.

To help you better understand how I never received the notice of the hearing lets back up a few months. Also, the mailbox is constantly getting broken into.

My brother was diagnosed with Stage 4 Cancer in May of 2023 and was hospitalized from June until he passed away on August 23rd, 2023. Me and my children went into survival mode. You must understand we poured our life savings into a project that should of taken no more than 2-1/2 years to complete. Covid hit delaying the project and inflation caused financial setbacks. The project was completed over 18 months ago and sat empty for 13 of months waiting for PG&E to inspect the job.

We spent millions buying, gutting, and renovating 1208 Stanyon turning it from a 3-bedroom home into 2 beautiful townhouses.

Currently it sits vacant because PG&E will not Permit the job to run power from the street to the house. Without power we are unable to obtain an Occupancy Permit.

Exhibit B- is a 2-page email from Copple, Shirley with PG&E to Kodor Baalbaki

(Architect of Project), dated July 12, 2023 at 12:14pm.

(I can only assume she is emailing for the technician who inspected the property, because she references "He throughout the email".)

She states: "He discovered the service line was already offset. Adding another offset is in direct violation of Greenbook Requirements. You have so much going on in such a small section. The only option he sees is to come from the main straight into your riser location.

### The challenges are:

- The water is right there.
- You will need to provide the clearance required between the gas and water.
- Any utility parallel to gas will require 3' separation.
- Any utility that crosses the gas service line will require 1.5' separation.
- You have a tree right there according to your plan that will need to be 5' from the
   PG&E main box.

PG&E will not bore a 4" hole under or through a tree root system nor within 5' from the tree. The tree must be removed to comply with Greenbook Regulations and for us to proceed with the gas line installation. We have no other options but to remove the tree. That is when we applied for a permit to have the tree removed. Granted this was at a time when my brother was in and out of lucidness and he began telling his office staff to do bizarre things (medications made him loopy and 3 malignant tumors pressing on his

brain only added to his delusions) and his loyal staff followed his instructions but neglected to inform the family of his requests. We forgot about the tree application for a brief period as my daughter and I tested positive for Covid 19 during the week of July 24th and didn't test negative until the week of August 14th, 2023. Being sick prevented us from visiting my brother when he was most vulnerable and not in his right mind. Covid caused many financial problems during the pandemic. Now it prevented us from visiting my brother in the hospital and losing site of 1208 Stanyon while laid up in bed. Both my sons own their own business, which made it difficult for them to visit my brother/their uncle for lengthy periods of time when we were sick with Covid, and therefore were not informed of what crazy things my brother requested of his staff. At some point after my brother's death the question came up of what was going on with the tree removal permit application. I inquired with the office staff what was going on with the tree removal permit. I was told a property management/real estate company was overseeing 1208 Stanyon per my brothers request and they had it managed. Sotheby's was hired during the time I had Covid. Very unclear why my brother would request to hire a real estate company to manage a partner owned property and not inform the partner(s), strange (office staff error???). This is not right nor fair that I am at the mercy of the Board of Appeals who will decide the fate of my livelihood for missing a hearing.

On September 19, 2023 through an Email I learned the tree is causing a Safety

Hazardous Issues other than just blocking us from getting a PG&E Permit.

Exhibit C- September 19, 2023, email message from Buchanan, O'brian (DPW) with

Public Works BSM Department: his inspection of the Sidewalk directly in front of 1208

Stanyon Avenue (several complaints prompted his inspection) notes, "He believes that the tree is going to cause ongoing trip hazards from the lifting of the sidewalk due to the tree roots. If we could have the tree removed that would resolve later issues down the road."

We are more than willing to:

- Relocate the tree within reasonable distance (financial consideration).
- Plant a new tree away from the PG&E Ground Box but have already planted a new tree in the front yard off to the right of the property. (see Exhibit D)
- Donate a tree to DWP.

Please reconsider your decision and reverse Order No. 208660 and allow us to present our case and grant us the permit to remove this tree.

Without power (electricity or gas) a Permit of Occupancy will not be obtained and we can't live in our home. We have lost thousands of dollars (\$150+K) as it sits vacant (18+ months) causing severe financial hardship.

The stress of my brother passing, taking on the responsibilities of his estate, financial hardship, and this project has already put my brother in his grave, and I don't want to die too, leaving the same burden for my children to manage.

Thank you for your time and consideration,

3136 Laguna Street

San Francisco, CA 94123

Anthony Dintcho drdintcho@aol.com & Demetrius Dintcho dintcho@aol.com 3140 Laguna Street San Francisco, CA 94123

It's unfortunate that his office staff were not forthcoming in helping my Appointed Trustee Assistant when she requested documents in September 2023. They buried paperwork, making things more difficult to find. Wasted a lot of our time.

### STATE OF CALIFORNIA

# **EXHIBIT A**

## COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC HEALTH

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This is a true certified copy of the record filed in the County of Los Angeles
Department of Public Health if it bears the Registrar's signature in purple ink.



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## COUNTY OF LOS ANGELES

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CERTIFIED COPY OF VITAL RECORD STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

This is a true certified copy of the record filed in the County of Los Angeles
Department of Public Health if it bears the Registrar's signature in purple ink.



SEP 12 2023



### **EXHIBIT A**



### LAW OFFICES OF JAMES D. FRANGOS

411 Borel Avenue, Suite 500 San Mateo, CA 94402



♦ Phone 650-571-6035 Fax 650-312-9096 ♦ frangosesq@yahoo.com

September 15, 2023

Citibank Inc.

San Francisco, CA 94123

In Re: Deceased: Dr. Stanley Dintcho

Primary Acct. No.:

Decedent's Social Security No.:

Date of Death: 8/23/2023

Federal Tax ID No.

Notice of Death of Stanley Dintcho and Trust Administration
Trustee's Notice of Claim to Funds and Letter of Instruction for Disbursement

Dear Sirs:

I represent Dr. Anthony Dintcho, the designated Successor Trustee for the 2015 Stanley Dintcho Revocable Trust and am the attorney for the trustee and Trust. The original trustee, Dr. Stanley Dintcho, passed away on August 23, 2023.

I am providing a copy of the death certificate of Dr. Stanley Ditncho and a copy of the Certification of Trust. There are presently no probate proceedings and the assets are held in the trust name or the trust is the beneficiary. All the real estate assets are held by Limited Liability Companies (LLCs) of which shares are held by the trust.

The currently acting successor trustee is:

Dr. Anthony Dintcho

Address: 3138 Laguna Street, San Francisco, CA. 92123 Phone: 415-717-1892

The trust's Federal Tax ID

Address for all correspondence of the trust is:

Dr. Anthony Dintcho, Successor Trustee of the 2015 Stanley Dintcho Revocable Trust c/o Law Offices of James D. Frangos

411 Borel Avenue Suite 500

San Mateo, CA 94402

### Pg 2 of 2

The successor trustee would like information as to the assets of decedent(s) including the savings and checking account as well as any other bank accounts, portfolios, IRA's and any other assets at your Bank (including safety deposit boxes). The information requested is to determine if the assets are held in the trust name or if there is a beneficiary designation for the trust (or any of the heirs for that matter). Additionally, the decedent held bank accounts in the name of his LLC's and his dental practice. The LLC is being dissolved pursuant to the California Revised Uniform Limited Liability Company Act ("CRULLCA"), Corporations Code, Section 17707.01. The Stanley Dintcho Trust is the recipient of all interests of the LLCs and Union Street Dental Care, a Dental Practice Professional Corporation.

Any funds are to be released to the trustee as follows:

Dr. Anthony Dintcho, Sucessor Trustee of the 2015 Stanley Dintcho Revocable Trust

If some of the funds are held in accounts that may be dependent on time, investments or IRA's, the account representative should contact this office and arrange a meeting with the attorney and trustee so we can discuss the timing and strategy in relation to liquidating the funds.

Should you have any questions, please feel free to call the below signed attorney. Thanking you in advance for your cooperation.

Sincerely,

James D. Frangos, Esq.

cc: Dr. Anthony S. Dintcho, Successor TTE for the Stanley Dintcho Revocable Trust



### **EXHIBIT B**

PG&E is committed to addressing customer service needs and performing critical and essential work during the COVID-19 pandemic. We recognize the impact a potential delay has on our new business customers, but our goal during this rapidly changing situation is to keep our employees and the public safe. We will be reaching out to customers whose service planning work will be impacted as soon as information becomes available. Please visit <a href="mailto:pge.com">pge.com</a> to find out more information about what PG&E is doing to help keep our customers and employees safe.

From: Copple, Shirley

Sent: Tuesday, July 12, 2022 12:14 PM

To: kodor baalbaki <Baal@kodorskidesign.com>

Cc: Demetrius Dintcho < dintcho@envisionautomation.com >; Demetrius Dintcho < dintcho@aol.com >; Anthony's

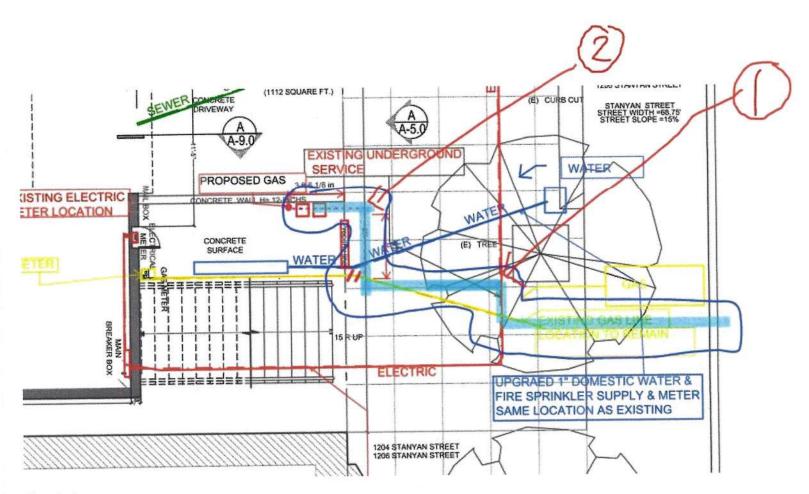
<drdintcho@aol.com>; sdintcho@gmail.com

Subject: RE: EP 1208 STANYAN ST SAN FRANCISCO 123340737

Importance: High

#### Good afternoon Kodor,

I just heard back from the Gas engineer. He discovered the service line was already offset. Adding another offset is in direct violation of Greenbook requirements. You have so much going on in that small section. The only option he sees is to come from the main straight in to your riser location.



The challenges:

Your water is right there. You will need to provide the clearance required between the gas and the water. Any utility parallel to gas will require 3' separation. Any utility that crosses the gas service line will require 1.5' separation.

You have a tree right there according to your plan that you will need to be 5' from.

Please advise as quickly as possible how you want to proceed. An updated drawing will be required with the new gas route.

I am sorry I do not have better news for you.

Best regards,

Shirley Copple
New Business Representative
Service Planning and Design | San Francisco Service Center

sqc5@pge.com | Direct (628) 250-6355

Office Hours: 7:00am-3:30pm Monday thru Friday

Your Projects: yourprojects.pge.com



PG&E is committed to addressing customer service needs and performing critical and essential work during the COVID-19 pandemic. We recognize the impact a potential delay has on our new business customers, but our goal during this rapidly changing situation is to keep our employees and the public safe. We will be reaching out to customers whose service planning work will be impacted as soon as information becomes available. Please visit <a href="mailto:pge.com">pge.com</a> to find out more information about what PG&E is doing to help keep our customers and employees safe.

From: kodor baalbaki < Baal@kodorskidesign.com>

Sent: Monday, July 11, 2022 11:31 AM To: Copple, Shirley <<u>SQC5@pge.com</u>>

Cc: Demetrius Dintcho <a href="mailto:com">dintcho@envisionautomation.com">dintcho@aol.com</a>; Anthony's

<a href="mailto:com"><a href="mailto:sdirtcho@gmail.com"><a href="mailto:com"><a href="mailto

<FxGg@pge.com>; Hilario, LJ <LJHg@pge.com>

Subject: RE: EP 1208 STANYAN ST SAN FRANCISCO 123340737

### EXHIBIT C

From: Buchanan, O'Brian (DPW)

obrian.buchanan@sfdpw.org

Subject: 1208 Stanyan Ave Sidewalk

Date: Sep 19, 2023 at 3:38:20 PM

To: drdintcho@aol.com

### Hi Anthony,

This is inspect O'Brian Buchanan with Public Works BSM Department. There has been several complaints about the sidewalk condition at 1208 Stanyan Ave. I also believe that the tree is going to cause an ongoing trip hazard from the lifting of the sidewalk due to the tree roots. If we could have the tree removed that would resolve later issues down the road. Please keep posted on when the side will be restored.

**Thanks** 

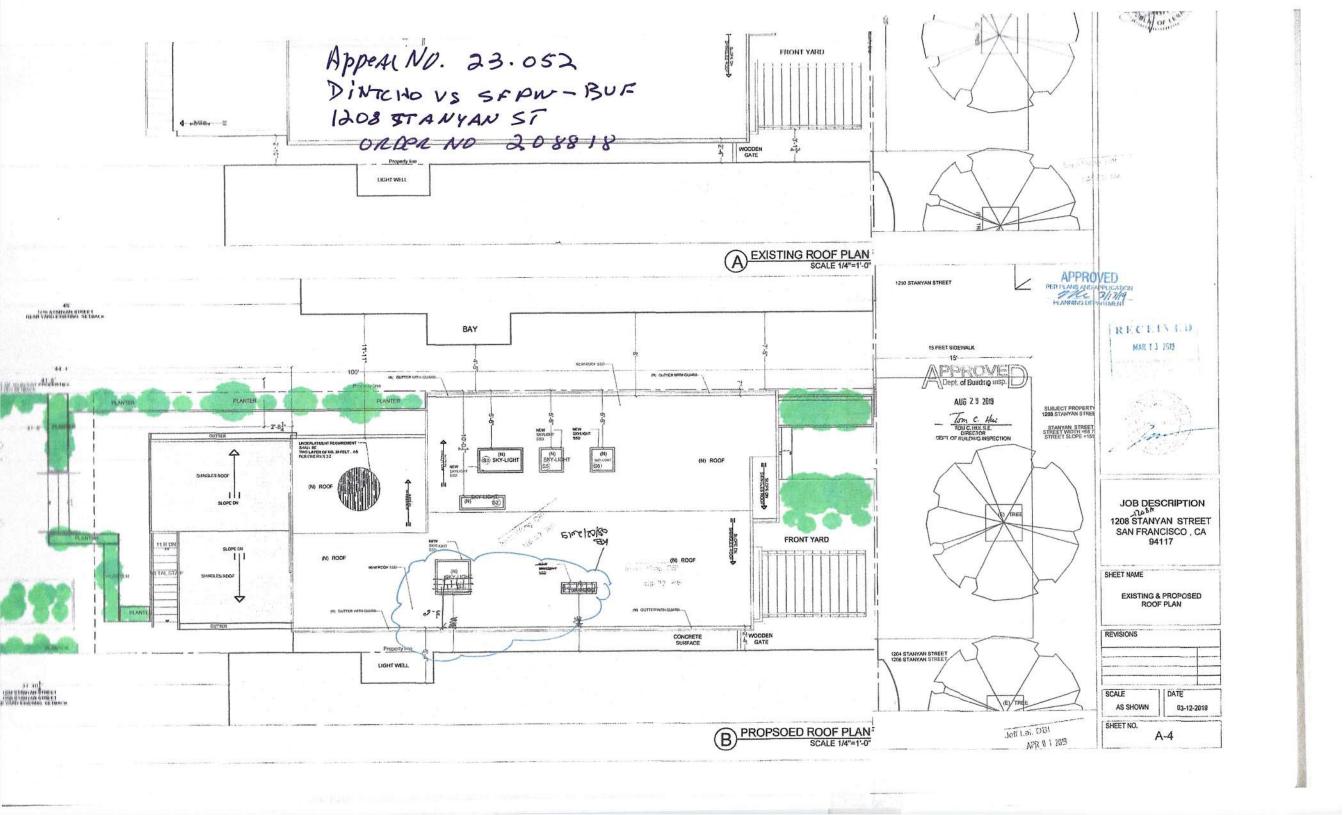
Sent from my iPhone











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



#### **Urban Forestry**

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

November 30, 2023

Appeal No. 23-052 / (1208 Stanyan St.)

Tree removal permit no. 793028 / Public Works Hearing Order No. 208818

Department's Brief

RE: Removal of one (1) Londone planetree (Platanus X. Hispanica) with replacement

President Swig and Commissioners:

After reviewing the appellant's brief which appealed our Department's decision to deny their request to remove one (1) street tree from the public right of way, Public Works will consider supporting the appeal on the condition that the property owner plant one (1) 36" box size replacement tree.

The subject tree is a London planetree (*Platanus* X. *Hispanica*) maintained by Public Works and is considered a street tree located within the public right-of-way. The reason the property owner seeks the removal of the tree is that there is a conflict with the proposed location of a below-ground electrical vault which will need to be installed to provide power to the property.

This tree removal application is a little unusual in that the reason for removal is not due to the construction of a new garage and curb cut, but due to the elimination of a garage and curb cut. The property has been converted from a 3-bedroom home into two

1

townhouses. After review of the site constraints PG&E believes the proposed location is the only location that will their meet their established regulatory guidelines.

The structure of the tree and the condition of the canopy/leaves, are fair. The tree had been pollarded for many years (a type of tree pruning, similar to trees in the plaza across from City Hall and along California St and the Bandshell area of Golden Gate Park), but then allowed to grow without much maintenance or shaping. The locations of the former pollarding pruning cuts are visible, and multiple new stems have formed from these old pruning cuts. The new stems that have formed will become less stable over time, and be prone to eventual branch failure, as multiple stems originate from a single, stubbed topping cut made long ago. These new stems compete with each other, and are formed based on epicormic branching (i.e., superficially attached/formed). Because from the old topping cuts will also spread and weaken the branch unions.

Public Works has confirmed that there is room to plant the required replacement tree to the uphill side of the exist tree, between the water line and the sewer lateral. We need five (5) ft. of clearance from the sewer lateral, and three (3) ft. of clearance from the water line. Measured on-center, these spacing guidelines can be achieved.

A landscape appraisal was conducted of the subject tree and due to the structural concerns outlined above, the landscape appraisal of the tree is not greater than the average cost to purchase, plant and establish a 36" box size replacement tree.

Based on confirmation from PG&E that they have carefully reviewed the placement options on site, and the fact that the required replacement tree will be able to be planted adjacent to the same property, Public Works will support the applicant's appeal on

the condition that the property owner plant a 36" box size replacement tree, with the species to be reviewed by Urban Forestry staff.

In their brief, the property owner (appellant) explained why a representative was not present at the Public Works hearing, and provided the additional information about the site and utility placement considerations, which was absent from our review of the application at our hearing.

Long term, this new replacement location will serve to create greater spacing from the downhill tree adjacent to the neighbor's property. At present, both trees have canopies that are competing with each other and the tree in better health, downhill, is performing better.

Based on our review of the applicant's brief, the confirmation that all options were considered with regard to the placement of the electric utility vault within the public right-of-way, and that the subject tree, a 16" inch London planetree, though mature and providing greater benefits than a younger tree will provide, is not in great condition, Public Works will support the appeal on the condition that the property owner plant and establish a 36" box size replacement tree. The typical replacement street tree size is a 15-gal or 24" box size tree; the cost to plant and establish a 36" box size replacement is greater than the appraised value of the subject tree.

Thank you for your consideration in this matter.

### Respectfully

Chris Buck

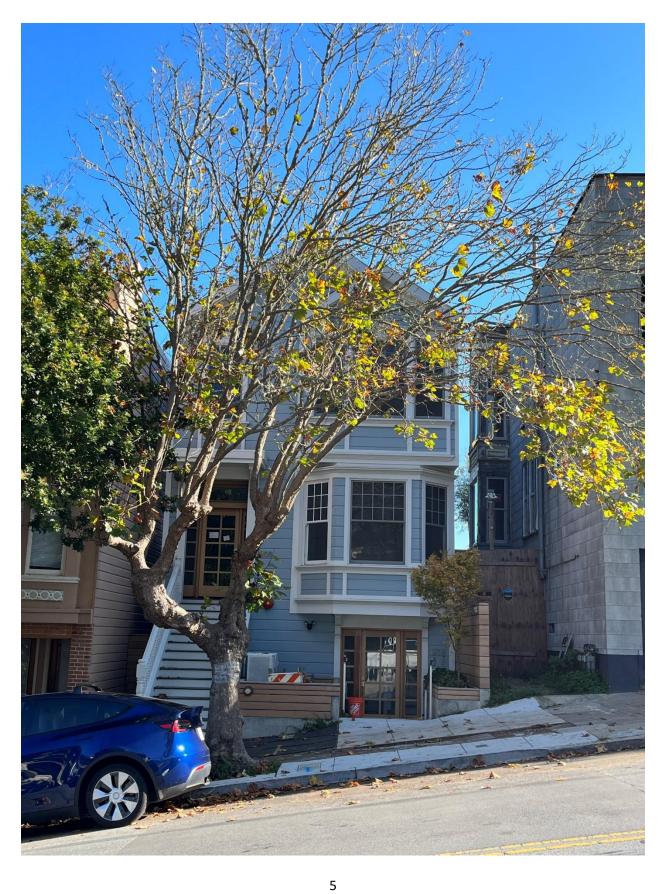
Chris Buck

**Urban Forester** 

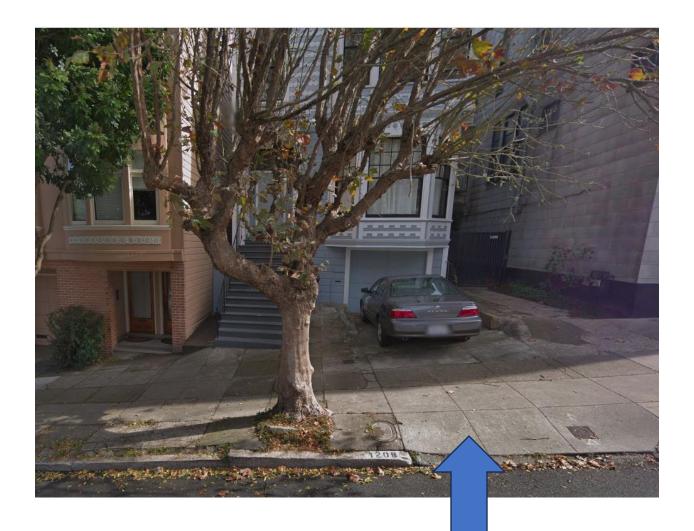
### **Enclosures:**

- Photos of subject tree and site
- Landscape appraisal
- Tree evaluation sheet/tree assessment form by staff
- Copy of resulting Public Works Order No. 208818

November 30, 2023 (after driveway/garage was eliminated)



### Google Street View (2017)



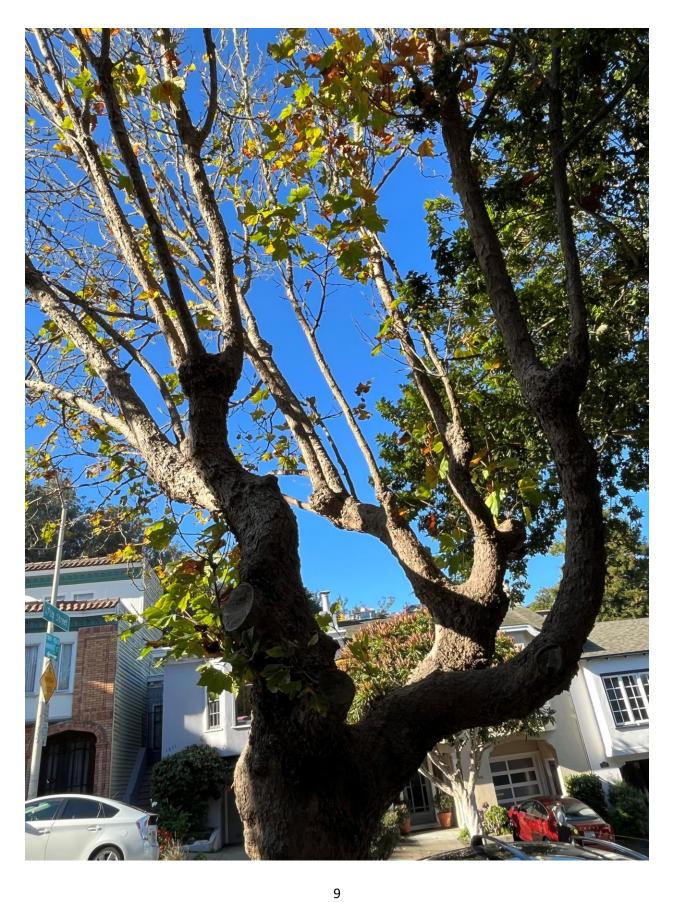
Proposed location of the 36" box size replacement tree

Replacement tree location, outlined in green below:





Canopy misshapen from competition of larger, established tree and impacted by prevailing winds.



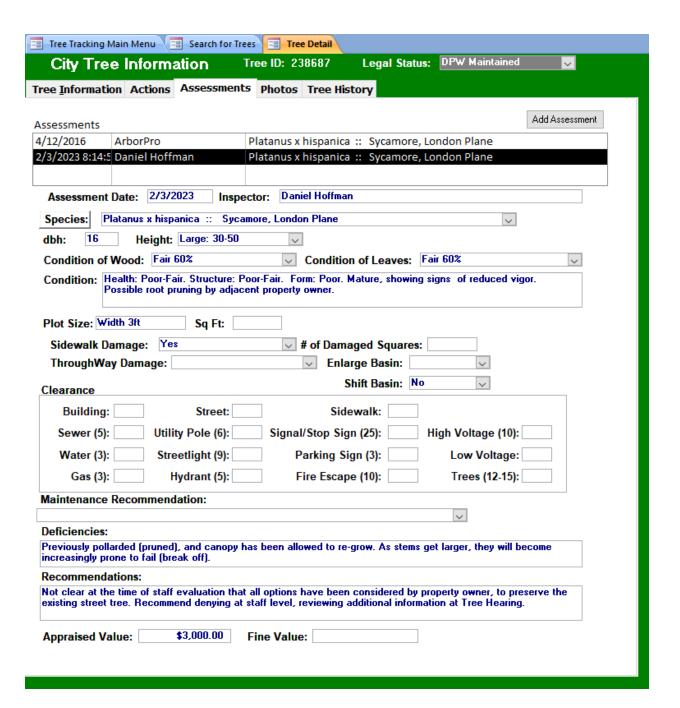
### Copy of Landscape Appraisal: \$3,000.00

### 16" diameter London planetree (*Platanus* X. *Hispanica*)

4 A	В	С	D	E	F	G	Н
1		Field Appraisal Sheet					
2		1208 Stanyan St. / Londone planetree					
3							
4		Tree Number	1	2	3	4	5
5		Species	Platanus sp.				
Basic Tree Cos	t #1	Trunk Circumference	50 in				
7	#2	Trunk Diameter (#1 / 3.14)	16 in	in	in	in	in
В	#3	Trunk Area (#2² / 4 x 3.14)	199.0 in	.0 in	.0 in	.0 in	.0 in
9	#4	Unit Tree Cost	\$100 / sq in		#######		
0	#5	Basic Tree Cost (#5 * #6 + #7)	\$19,904.46	\$0.00	\$0.00	\$0.00	\$0.00
	#6				\$0.00	₩0.00	\$0.00
	<u> </u>	Health (10-100%)	45%	45%			
2	#7	Structure (10-100%)	41%	41%			
3	#8	Form (10-100%)	20%	20%			
4	#9	Condition Rating (combine #6-#8)	35%	35%	0%	0%	0%
Limitations	#10	Functional Limitations	45%				
6	#11	External Limitations	95%				
7	#12	Depreciated Cost (#5 x #9 x #10 x #11 x #12)	\$3,006.57	\$0.00	\$0.00	\$0.00	\$0.00
Additional Costs	#13	Additional Costs					
9	#14	Total Cost	\$3,006.57	\$0.00	\$0.00	\$0.00	\$0.00
0	#15	Assignment Result (round #14)	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00
1							
2							
3							
4 5							
6		Table of Values for Functional and External Limitations:		Table of V	l alues for He	i ath Structu	re and For
7		No impact on value 81%-100%		Excellent 8			,
8		Minor impact 61%-80%		Good 61%			
9		Moderate impact 41%-60%		Fair 41%-60% Poor 21%-40%			
0		Severe impact 21%-40%					
1		Extreme impact 0%-20%		Very Poor 6%-20%			
2				Dead 0%-5%			
3		Condition Rating: Combination of Health, Structure, and Form rati	ings It may be either:	Dead 0/1-			
4		1) The lowest of the three;	ngs, kinay be ekriet.				
5		2) The mean value of the three;  2) The mean value of the three;	used here				
6		3) A weighted average of the three; or	useurieie				
7							
		4) Intuitively chosen by appraiser experience.					

Tree evaluation sheet from tree database:

1208 Stanyan St., Tree 1 of 1. Tree Asset ID 238687





San Francisco Public Works General - Director's Office 49 South Van Ness Ave., Suite 1600 San Francisco, CA 94103 (628) 271-3160 www.SFPublicWorks.org

**Public Works Order No: 208818** 

The Director of Public Works held a Public Hearing on Wednesday, October 4th, 2023, commencing at 10:00 AM via teleconference to consider items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order No. 208660 (tree removal permit application no. 793028) regarding the removal of one (1) street tree with replacement adjacent to 1208 Stanyan St. The subject tree is a Londonplane; Platanus x hispanica street tree. The property owner applied to remove the tree because of interference with PG&E underground utility lines. Staff denied the removal and the applicant appealed.

#### **Findings:**

Public Works staff reviewed the condition of the tree, and noted it is a mature tree in fair condition. The structure of the tree is considered fair and the vigor is also fair.

Applicant did not show up to the hearing. No explanation was therefore provided as to why the project could not be re-designed around the tree or why removal was necessary given current conditions.

Public comments are supportive of the general concept that all the trees are important to the residents/City and should not be removed if we hope to meet climate pledges and improve the green infrastructure of the city which is currently lacking compared with other major metropolitan areas.

Essential stance from BUF is that no healthy tree can be removed without good cause. Such cause requires letters of support from utilities such as PG&E, or other relevant construction or arborist report that justifies why the project cannot be redesigned around the tree.

Hearing Officer asked whether BUF had guidance on location options if relocating or replacement are the likely best options. BUF noted that the guidelines for planting are available through the BUF website, as Order 187,246.

#### **Recommendation:**

Uphold Urban Forestry's denial of the tree removal.

Appeal: This Order may be appealed to the Board of Appeals within 15 days of November 3rd, 2023.

**Board of Appeals** 

49 South Van Ness Ave. suite 1475 (14th Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

NOTE: Office visits by appointment only.

More information about how to file an appeal can be obtained by calling 628-652-1150 or by emailing the Board of Appeals at Boardofappeals@sfgov.org. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <a href="http://sfgov.org/bdappeal/">http://sfgov.org/bdappeal/</a>

DocuSigned by:

Short, Carla 073CF73A4EA6486...

Interim Director

## **PUBLIC COMMENT**

From: <u>Barbara Traisman</u>
To: <u>BoardofAppeals (PAB)</u>

**Subject:** support for removal of tree at 1208 Stanyan St. **Date:** Monday, November 20, 2023 9:27:39 PM

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

To whom it may concern:

I'm writing to express my strong support for the appeal to remove the street tree at 1208 Stanyan Street.

The tree has been so neglected for so long that it's never going to be a healthy, attractive tree again. In addition to being unsightly, it's infested with lichens and Spanish Moss, and has been weakened to the degree that branches ranging in size regularly fall off. Several of the main branches have already broken off. If the tree is not removed, there's a risk that one of these days it will be another main branch that breaks off and causes serious damage to a car or a passerby.

With these concerns in mind, I hereby state my support for removal of the tree.

Very truly yours,

Barbara Traisman Owner, 1204–1206 Stanyan Street, San Francisco From: Sharon Doyle

To: <u>BoardofAppeals (PAB)</u>

Subject: Tree Removal 1208 Stanyan Street

Date: Saturday, November 25, 2023 1:50:09 PM

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

As a resident of 1207 I support the removal of the diseased tree. Cars have been impacted by falling branches. I have called 311 to remove hanging branches about to fall. It is a hazard. Thank you for your attention.

Sharon Doyle
1207 Stanyan Street
San Francisco 94117

 From:
 rondeannajones@comcast.net

 To:
 BoardofAppeals (PAB)

 Cc:
 Barbara Traisman

**Subject:** tree removal appeal # 23 - 052

**Date:** Sunday, November 26, 2023 12:00:43 PM

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

As a 50 year resident @ 1201 Stanyan with 3 trees in front of my home - I approve tree removal @ 1208 Stanyan street. This tree has not been maintained and needs to be removed. Thank you for considering this request. Ron and Deanna Jones 1201 Stanyan street . www.ronjonesswriter.com