

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
TENDERLOIN TREE CAMPAIGN,)
Appellant(s))
vs.)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF URBAN FORESTRY,)
Respondent)

Appeal No. **25-007**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on February 5, 2025, 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 January 28, 2025, of a Public Works Order (Public Works was asked to evaluate the condition of the trees at United Nations Plaza by the Recreation and Park Department which manages some surrounding areas. Public Works maintains the trees in the public right-of-way and staff determined that three trees are in poor health and a hazard. The recommendation is to remove the three street trees and replace them with fourteen, 24" box size trees) at 50 United Nations Plaza.

ORDER NO. 211379

FOR HEARING ON October 8, 2025

Address of Appellant(s):

Address of Other Parties:

Tenderloin Tree Campaign, Appellant(s)
c/o Joshua Klipp, Attorney for Appellant(s)
884 Kansas Street
San Francisco, CA 94107

N/A



Date Filed: February 3, 2025

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

PRELIMINARY STATEMENT FOR APPEAL NO. 25-007

I / We, **Tenderloin Tree Campaign**, hereby appeal the following departmental action: **ISSUANCE** of Order No. **211379** (tree removal order) by the **San Francisco Public Works Department to the Bureau of Urban Forestry** which was issued or became effective on: **January 28, 2025**, for the property located at: **50 United Nations Plaza**.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on March 6, 2025, (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: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, and chris.buck@sfdpw.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on March 20, 2025, (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: boardofappeals@sfgov.org, julie.lamarre@sfgov.org, and tenderlointreecampaign2004@yahoo.com

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

Hearing Date: Wednesday, March 26, 2025, 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 boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

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

Dear Board members,

I wish to appeal DPW Order No 221139 removal of three street trees.

Reason for the appeal on January 28, 2025 the Order #221139 was issued.

At 43/50 United Nation Plaza a fence was installed around raise curb section were these trees were

located. On Monday February 3, 2025 found the three street trees have been removed.

Therefore find that the Order #211379 was not followed keeping the tree up until 15 days of after

January 28, 2025 appeal window.



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: 211379

The Director of Public Works held a Public Hearing on Monday, January 27, 2025 commencing at 5:30 P.M. 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 211351 regarding the removal of three (3) street trees with replacement adjacent to 50 United Nations Plaza. Staff approved the removals and the public protested.

Findings:

Public Works was asked to evaluate the condition of the trees in this raised-curb section of the United Nations Plaza by the Recreation and Park Department, which manages some the surrounding areas. Public Works maintains trees within the public right-of-way, including the trees at United Nations Plaza. Public Works removed nine (9) trees as emergencies in December. Urban Forestry staff posted three street trees in this same raised planting area as hazard trees, due to their poor condition.

The trees are listed in the Public Works tree management system at 43 United Nations Plaza. The closest visible address on site is 50 United Nations Plaza.

The three (3) street trees are London planetrees, also known as sycamore trees. Their Latin/scientific name is *Platanus x Hispanica*. All three trees show major canopy dieback, some of which was already pruned off (removed) last year prior to the APEC conference. The trees are continuing to decline in health, with substantial dieback within the canopies and staff determined the trees to be hazards, as defined in Article 16 of San Francisco's Urban Forestry Ordinance.

The Recreation and Park Department has funding to plant 24" box size replacement trees and water the trees with a newly installed irrigation line. The replacement species will be *Platanus x Hispanica* 'Columbia'. The work to install the irrigation line in the immediate vicinity of the three trees is momentarily paused. The stumps to the previous trees have already been removed by Public Works.

Three to four support stakes and cross braces will be installed at each tree to reduce the potential for vandalism, including some form of additional screening. Although Public Works is required to have the replacement trees planted within 120 days, the Recreation and Park Department has purchased the new trees and plans to plant the replacement trees by the end of February.

During the 15-day public notification period, one written protest was received. During the hearing, three members of the public spoke during public comment.

Recommendation: After consideration of correspondence, a presentation by staff and testimony provided, the recommendation is to approve the three (3) street trees for removal with replacement with a total of fourteen (14), 24" box size trees.

APPEAL:

This Order may be appealed to the Board of Appeals within 15 days of January 28, 2025.

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 <http://sfgov.org/bdappeal/>

X 073CF73A4EA6486...

Short, Carla
Director

BRIEF SUBMITTED BY THE APPELLANT(S)

I. INTRODUCTION

On behalf of Appellant, John Nulty (hereafter "Appellant"), I respectfully submit this brief in opposition to the Department of Public Works' (PW) Permit No. 211379 to the Recreation and Parks Department (RPD) - a permit that RPD has admitted it intentionally violated by ignoring the requisite 15 day appeal period.¹

II. ARGUMENT SUMMARY

- RPD designed a UN Plaza Skate Park that pre-supposed tree removal.
- RPD admits they knew about the appeal period, but made the "strategic decision" to illegally remove three trees anyway - a removal that PW learned of through this appeal - in order to keep their Skate Park Grand Opening on track.
- Subsequently, PW took months to fine RPD - a fine which RPD appealed - then ended negotiations with Appellant stating they would simply follow the code, something evidence suggests was already tangential to this permitting process.

III. FACTUAL BACKGROUND

A. Procedural Background and Illegal Removal

On Monday January 27, 2025, PW held an Administrative Hearing on the three (3) trees in United Nations Plaza at issue in this appeal. PW sought to remove these

¹ Please note that I submit this brief as a member of the Public on behalf of Appellant, at his request and designation, and not in my role as a member of the Urban Forestry Council.


trees as “hazard” trees with a 15 day notice period, even though - by the time of the Hearing - they had been posted for nearly two months.^{2 3}


That same day, January 27, RPD announced that it was “adding new skate elements and redesigned paving to make the space more accessible and fun for skaters of all levels.”⁴ This announcement advertised its “Skate UN Plaza kickoff event . . . on Saturday, February 15, from noon to 3 p.m. at UN Plaza.”⁵

On January 28, PW approved the trees for removal. PW’s decision notes that these trees would be removed in addition to the nine (9) other trees in UN Plaza that had recently been removed on an “emergency” basis. And, suggesting a deliberative process, concludes “After consideration of correspondence, a presentation by staff and testimony provided, the recommendation is to approve the three (3) street trees for removal with replacement with a total of fourteen (14), 24” box size trees.”

PW’s order further stated that its order “. . . may be appealed to the Board of Appeals *within 15 days of January 28, 2025.*” [Emphasis added].⁶ This would have given the public until February 13 to bring an appeal. RPD’s Grand Opening of its Skate Park was scheduled for February 15, a mere two days after the appeal period.


RPD’s Dan Mauer was informed of PW’s order by email hours prior to the decision being issued to the public.⁷ A signed copy of the order was emailed to Appellant on January 29, effectively reducing his time to appeal from 15 to 14 days.⁸


²  Chris Buck Teams chat with Director part 1.JPG.jpg


³  Posting notice 3 trees UN Plaza 12.2.2024.pdf

⁴ <https://www.sf.gov/un-skate-plaza-expands-with-beginner-friendly-upgrades-for-young-skaters>

⁵ *Id.*

⁶  Chris Buck Teams chat with Director part 2.JPG.jpg

⁷  25-2233 (2).pdf

⁸  50 United Nations Plaza, tree removal hearing decision-redacted.txt.pdf


Appellant first noticed that the trees at issue were removed on Monday, February 3 - a mere three (3) business days after PW's order - and immediately filed this appeal. On February 5, PW sent an inspector to confirm that these trees had been removed, seeming to only be aware of RPD's illegal removal via this appeal.⁹ On February 7, however, RPD sent a Teams message to PW with a photo of newly planted trees in UN Plaza saying, "*Just want to thank you for your support . . . I call this one a win. Have a great weekend.*" [Emphasis added].¹⁰


At some point, PW fined RPD for the illegal removal.¹¹ RPD appealed this fine, and their appeal was heard on September 17. At this hearing, RPD's Dan Mauer *admitted that he was aware of the appeal period, but said that RPD "made the strategic decision" to go ahead and illegally remove the trees to keep their planned Grand Opening on schedule.* He noted that RPD felt ok ignoring the appeal period because the Skate Park was a "generous gift" to the community.

B. Trees and Their Interference With RPD's UN Plaza Skate Park Elements

Rolling back the clock, on October 30, 2024, RPD's Director of Operations, Eric Andersen, sent an email to his Director, Phil Ginsberg regarding the trees in UN Plaza. Andersen's email stated, *inter alia*:

"As I mentioned on Monday, the design process with our community partners for new skate elements in the tree planter at UN Plaza is on hold until we can get an

⁹  FW Filing An Appeal for Public Works Order # 211379-redacted.txt.pdf

¹⁰  Dan Mauer message in Teams chat.JPG.jpg

¹¹ Despite requests in February and August, records regarding these fines were not produced.

understanding of what PW will allow in terms of tree removals. The design hinges on what specific tree removals PW will allow.”¹²

In an email to PW Director Carla Short later that same day, RPD Director Ginsberg stated, “*following up on call. i’d like us to agree to remove all of them.*” [Emphasis added].¹³ The next email in this thread is from Director Short to Acting BUF Superintendent Nick Crawford reading simply, “Need to discuss this with you.”¹⁴

On November 1, RPD’s Allison McCarthy emailed Crawford stating, in part, “As you may have heard, there’s skate community funding to design & build new skate elements at U.N. Plaza, *including plans to pave and add skate features around the central area of the Sycamore tree planter below.* The designers have asked for guidelines on managing the existing trees and clarification on whether the City will remove *dead* trees.” [Emphases added].

Notably, there is no record of an arborist report declaring these trees “dead” - or even hazardous - prior to either Mr. Ginsberg’s or Ms. McCarthy’s email. Nevertheless, Ginsberg’s email clearly implies a wholesale removal. And Crawford replied to McCarthy that same day that trees had to be replaced 1:1, and that they would look for other tree planting locations if replacements could not be made in situ.

On November 13, 2024, RPD’s Dan Mauer sent an email to Mr. Crawford and PW’s Urban Forester, Chris Buck, reminding him, *inter alia*, “The project team’s design is contingent on you and your teams thoughts here.”¹⁵ Based on an email from

¹² <https://drive.google.com/file/d/1HJQFWKBRjr9g8vsqmQHTakfeaDwGe942/view?usp=sharing>

¹³ *id.*

¹⁴ *id.*

¹⁵  Request for DPW Guidance-redacted.txt.pdf

Crawford, PW went to UN Plaza for the first time on November 13.¹⁶ Records indicate, however, that no official inspection was performed until weeks later, on November 26.¹⁷


By December 4, 2024, nine (9) of the trees within RPD's skate element design footprint were removed by PW on an "emergency" basis.¹⁸ On December 13, 2024, Mr. Mauer sent an email to his team and Mr. Buck stating,

"Hello Team, I'm working with Chris Buck with Public Works Urban Forestry team on trying to schedule a window to remove 7¹⁹ trees at UN Plaza in the raised planter between the fed building and the fountain *getting prepared for the skate space expansion* . . . The window that we would like to target is starting next week through the first week of January. The plan would be that they would remove trees here as time allows."²⁰ [Emphasis added].


By January 16, 2025 - eleven (11) days *before* PW's January 27 Administrative Hearing - RPD had already issued a roughly \$10k Purchase Order for the irrigation system to water new trees at UN Plaza.²¹

C. Efforts to Resolve


As someone who has negotiated numerous resolutions with PW - derived from City plans, policies and laws - for the benefit of the City's tree canopy, I worked closely with Appellant to formulate an offer of resolution. This offer included 4 elements:


¹⁶  25-2233 (2).pdf

¹⁷  Tree 4 Asset 250263 rptTreeDetailWithActionsAndAssessments3217.pdf

¹⁸  image008.png

¹⁹ This would seemingly bring us up to 16 trees removed in UN Plaza in the span of a couple months.

²⁰  25-2233 (2).pdf

²¹  SFGOV_0000899076_0 irrigation NBC.pdf

#1: RPD does a caliper replacement of trees in empty basins adjacent to the Buchanan Street Mall²², including watering and maintenance to establishment;

#2: PW adds protective screening to newly planted Arbor Day trees in the Tenderloin | Civic Center ²³;

#3: RPD enters into an MOU with PW to allow access to RPD's mill; and

#4: RPD dedicates a bench in UN Plaza to John and his brother Michael for their tireless advocacy in service to our City's urban forest.²⁴

This last element was my idea, not Appellant's. Specifically, and as I repeatedly explained to Department representatives, there is no one who has walked more miles in San Francisco in service to our trees. And I thought it would be a compassionate gesture to offer Appellant and his brother - quite literally - a place to sit and rest. Perhaps a bench that could even be made with milled, re-used wood.


While working on this offer, I contacted Mr. Buck to make sure I understood the basics of this case. Once I had these pieces in place, I reached out to Director Short on March 14²⁵, hoping for a quick chat. I did so because I assumed that, more than a month after the illegal removal, an Administrative Fine would already be in play, that this may impact discussions, and only she had the power to waive or reduce these.²⁶ Not

²² Buchanan Street was originally proposed to ensure that RPD covered watering and maintenance, not PW. I was transparent about this in discussions with PW and RPD.

²³ PW itself requires or strongly recommends this in *all* tree plantings in this area due to high levels of vandalism, but according to PW they did not do so for their own Arbor Day tree planting because they didn't have enough material.

²⁴ Originally, I proposed these last two ideas to, perhaps, include a waiver of the Administrative Fine.

²⁵ At this point, the appeal was continued the first time based on Appellant's health.

²⁶  Gmail - UN Plaza (Proposed) Resolution_ quick discussion_.pdf

hearing from Director Short for a few days and hoping to move forward expeditiously, on March 17 I sent the full proposal to both Director Short and Mr. Buck. Not hearing back, I followed up again on March 24, this time including Mr. Crawford.²⁷

On April 14, Director Short, Mr. Crawford, Mr. Buck and myself had our first meeting. I was informed that talk of resolution was premature, that the mill idea was favored but required more discussion, and that my proposal regarding the dedicated bench felt like a “ransom”, i.e. a reward for filing this appeal - an appeal that Mr. Nulty filed out of alarm, which apparently triggered PW’s notice that the trees were gone.

I explained my rationale and said I was open to alternatives. Director Short - not me - suggested, e.g., that perhaps a letter recommending commendation to Appellant’s District Supervisor was more appropriate. Additionally, Mr. Crawford acknowledged that the Arbor Day trees should have had protection put around them from the outset, especially as trees are especially susceptible to vandalism in the Tenderloin. At the meeting’s conclusion, I was told we would meet again the following week.

Despite my best efforts, we did not meet again until May 30, seven (7) weeks later. At this meeting, there was no progress other than the reiteration that PW would like an MOU on the mill with RPD. Mr. Buck spent our remaining meeting time discussing the fact that there would be even more tree removals at UN Plaza. There was also some discussion on how RPD would water or maintain any newly planted trees - trees in RPD’s plan, noted in the decision, or required due to the illegal removal.


On June 13, I, Mr. Buck, and Mr. Mauer (RPD) met again. At this meeting, caliper replacements - again, per the illegal removal - were discussed, with discussion on how

²⁷  Gmail - Appeal #25-007 (UN Plaza)_ Proposed Resolution.pdf

48" box trees would be watered. Mr. Buck stated he was committed to protecting the Arbor Day trees in the Tenderloin and Civic Center, but could not provide a schedule - or any details whatsoever - on when screening could be purchased let alone installed. Mr. Buck and Mr. Mauer also proposed RPD purchase for PW an "Alaskan Mill" for PW, which I noted is basically a \$200 aluminum rail from Amazon that still requires a large chain saw to cut a tree down into rough lumber. Based on personal experience operating a mill (I own one and use it to mill wildfire-impacted trees) I offered useful mill recommendations for which RPD expressed enthusiasm. Regarding the proposal to acknowledge Appellant's service to our urban forest, Mr. Buck expressed support for the proposal but, again, offered no specifics, e.g. by whom/to whom/when would it issue/etc. I repeatedly expressed the need for specifics so that we do not repeatedly end up in front of this Board for updates on PW promises made in exchange for dismissals, as has occurred in other appeals.²⁸

On June 14th, I emailed a summary of our discussions and sent it to Director Short, Mr. Buck and Mr. Mauer. I followed up on June 24, June 27, and July 9, seeking any sort of progress update.²⁹ Mr. Mauer confirmed that RPD could purchase a mill for PW, and that trees planted as mitigation (for the illegal removal) would have irrigation. Appellant *himself* went out and conducted a full survey of the Arbor Day trees and provided PW a detailed list of Arbor Day tree locations that still needed protective screening, etc..³⁰ Mr. Mauer and I made ourselves available for a meeting on July 11. In contrast, PW failed to make itself available for another meeting. On July 14, PW said it

²⁸ E.g. Appeals 19-075 (Tesla), 20-081 (UC GBP), 21-077 (BART), 22-079 (UCSF), 23-058 (Japantown)

²⁹  Gmail - UN Plaza mitigations _ Updated response (draft).pdf

³⁰  Gmail - Arbor Day Planting Tenderloin Tree Survey June 24, 2025.pdf

would not approve a bench dedication as part of a resolution, yet offered nothing on the counter-proposal it made in the original meeting and subsequently discussed.

Additionally, PW rejected RPD's offer to buy a mill, and inexplicably pivoted back to the MOU proposal, with zero specifics on how or when this might be achieved.

All along, I was clear that, two weeks prior to my brief due date, I had to stop spending time on this "negotiation" and shift my focus to writing the brief for this appeal. I noted that I run a small business, volunteer countless hours planting and watering trees, and go back and forth to the mountains doing wildfire cleanup and caring for newly planted mountain trees in wildfire impacted areas. Whatever "spare" time I have could be dedicated to negotiations or brief writing, but not both. I was clear that my deadline was Thursday July 17. PW disregarded this, then ultimately disengaged despite additional extensions of time, stating it would simply comply with the code.

Given that the original removal seemed a foregone conclusion, e.g. a design that required removal, Ginsberg's email to Director Short, Crawford's discussion of removal and replacement before a tree evaluation was conducted, RPD's choice to ignore the law - all seemingly in service to a skate park design that opened 2 days after the appeal period - I was unclear how code compliance was a reason to forego further discussion.

IV. ARGUMENT

A. RPD Designed a Skate Park That Pre-Supposed Tree Removal

When RPD reached out to PW about UN Plaza, they were clear that the skate element design *required* tree removal. No alternative designs presented. RPD Director

Ginsberg was even more direct when, in an email to PW Director Short, he stated, “following up on call. i’d like us to agree to remove all of them.” [Emphasis added].³¹

From that point forward, the removals were a foregone conclusion. Nine trees were quickly removed on an “emergency” basis; replacement conversations were had before tree evaluations were conducted; removal timing was discussed weeks before hearing; irrigation was ordered before the decision issued; PW discussed even more UN Plaza removals in our negotiation talks; the Skate Park grand opening was announced the same day of the hearing; the Skate Park grand opening took place only two days after what would have been the end of the appeal period; and the trees were illegally and illegally removed three (3) business days after the decision issued.

From the outside in, the public process here would seem not only performative but, to RPD, optional. It further appears PW prioritized RPD’s designs and opening day over Article 16’s full measure of protection. PW took less than 24 hours to issue a decision, but, apparently, ten (10) weeks to issue a fine. In fact, RPD thanked PW for its “support” just days after removing trees in violation of the law PW is charged to enforce.

B. In Four Months, PW Ensured a Skate Park Design; In Five Months, It Couldn’t Reach a Resolution In Its - and the Public’s - Best Interest.

Take a close look at the proposed resolutions. Mitigation #1: caliper replacement. We shouldn’t have had to haggle over this - Mr. Buck stated at the September 17 hearing that this is due to the illegal - and intentional - removal. And RPD’s maintenance responsibility, especially under these circumstances, should’ve been a given.

³¹ *id.*

Mitigation #2 is common sense. PW routinely requires newly planted trees in the Tenderloin | Civic Center to have protective screening due to the high levels of vandalism. But when PW planted ~100 trees for Arbor Day in those same neighborhoods, it failed to order enough protective screening, and left vulnerable saplings with no protection. All Appellant wanted was to protect new trees in his neighborhood. And Mr. Buck's sentiments regarding a commitment to greening this area are appreciated, but words are only words if not accompanied by action. Furthermore, it's wildly discouraging that, after months of negotiation, the only progress on this mitigation was Appellant's own effort to survey these trees.

Mitigation #3 derives from the City's 2014 Urban Forest Plan regarding wood re-use, Strategy 3.3.4.³² Per the Urban Forest Plan, this Strategy was to have been achieved no later than 2019, more than six (6) years ago. Director Short was in favor of this. RPD claimed that not one but both of its mills were non-operational. To offset, RPD was willing to invest in a small commercial mill for PW.³³ Ultimately, this all came to an abrupt halt when, after months of negotiation, PW inexplicably re-asserted it wanted the MOU, but offered no specifics on how to go about achieving this.

And finally, there's Mitigation #4. At the hearing, I may offer more background on Appellant's dedication to our urban forest. Suffice to say, however, I don't believe Appellant has missed a single tree-related hearing in as many years as I have attended them. He has performed countless surveys of trees/conditions to support PW's mission.

³²

https://sfplanning.s3.amazonaws.com/default/files/plans-and-programs/planning-for-the-city/urban-forest-plan/Urban_Forest_Plan_Final-092314WEB.pdf (see p. 52)

³³ And would have been mobile, arguably a boon to PW.

He has created tree-related petitions signed by thousands. Prior to removals being listed online - in order to comply with the ADA - he walked for miles looking for worthy trees to protect. He was even instrumental, as I understand it, in getting legislation passed to protect landmark trees. Appellant has given of his body and his heart in service to our trees. And I - not he - simply sought acknowledgement of that.

The City's ultimate response to this was discouraging at best. We started with a bench; PW counter-proposed a letter to his supervisor supporting commendation. RPD simply asserted there were no benches in UN Plaza anyway. Appellant noted there *were* benches in UN Plaza dog park, maybe there could be a plaque on one. This was met with silence. If PW had said from the outset that this was a non-starter, then that would have been the end of it. But they did not. They made counter-suggestions, then effectively criticized my efforts to fully clarify what they were or were not willing to do.

V. CONCLUSION

At the end of the day, there is not much this Board can do. The deed is done. RPD admitted it decided to ignore the legally mandated public appeal period in service to donors and a Skate Park party. Appellant tried to use what was left of the public process to craft a positive outcome. PW claimed the mantle of compliance and effectively ended those efforts. Ultimately, Appellant is left with nothing other than the hope that daylighting all of this before this Board may, in itself, instigate positive change.

Respectfully submitted, _____/s/_____

Josh Klipp, on behalf of Appellant, John Nulty

BRIEF SUBMITTED BY THE DEPARTMENT



Urban Forestry

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

October 2, 2025

Appeal No. 25-007 John Nulty vs. San Francisco Public Works (San Francisco Recreation & Parks)

Department's Brief

Tree Removal Permit Application (Public Works Order No. 211379)

RE: Removal of three (3) London planetrees (*Platanus x hispanica*) with replacement

President Trasviña and Commissioners:

During the 15-day Board of Appeals window, the San Francisco Recreation & Parks Department removed three (3) London planetrees adjacent to 50 United Nations Plaza, without waiting through the required appeal window. The trees were located within the public right-of-way, and under the jurisdiction of San Francisco Public Works, and permission had not been granted to Recreation & Parks to remove the trees. The appellant observed that the trees had been removed when they visited the site on Monday, February 3rd, 2025. As a result, Mr. Nulty (Tenderloin Tree Campaign) filed an Appeal with the Board of Appeals. The fifteen-day Board of Appeals window started on January 28th. The appeal window extended through February 12th, 2025.

Between the time that the trees were removed without permission by Recreation & Parks, and the date of the issuance of our Administrative fine for the illegal removal of three (3) street trees, we had been in conversation with the appellants. We had

stated right away, that an Administrative fine would be issued. Public Works issued the Administrative fine to Recreation & Parks on March 28, 2025.

Prior to the removal of the three (3) subject trees, Public Works had planned to remove the trees ourselves, as we had agreed to do, and Recreation & Parks was planning to remove the stumps and plant the required replacement trees. Public Works had removed nine (9) trees in the same immediate area as emergency removals because the trees were completely dead. The three (3) subject trees, although not dead, were in severe decline, and we posted them as 15-day hazard tree removals. During that 15-day public posting and notification period (12/2/2024 – 12/17/2024) we received a protest of the removal of the hazard trees, even though the trees were in severe decline.

At no time was there pressure for Public Works staff to approve the immediate removal of all trees, nor did Dan Mauer with Recreation and Parks ask for one posting period over another. It would have greatly benefitted the project's timeline if all trees had been completely dead, but three trees were clearly not dead, and to be consistent with how we have handled similar cases and tree conditions, staff made the recommendation that three of the trees should be posted with 15-day notices. That was a decision I made myself, as Urban Forester. We lean towards providing greater notification, not less.

Public Works scheduled a Tree Removal Hearing on January 28, 2025. We did not schedule a tree removal hearing in late December due to the holidays, and noticing requirements. In retrospect, an option would have been to schedule the Tree Removal Hearing earlier in January, but Urban Forestry staff did not realize that Recreation & Parks

were beginning to face a timing issue with our tree removal process and their own project deadlines.

In the appellants brief there was reference to a perceived lack of documentation regarding the condition or inspection of the trees. I inspected the trees myself, and with a brand-new employee, Urban Forestry Inspector Federico Sanchez, and I returned again to review the trees with our Acting Superintendent, Nicholas Crawford. Because the location is close to our offices, only the inspection with Federico Sanchez was documented, as would be typical; he did the photo taking and individual tree evaluations, while I was by his side showing him how to use the tablet. I wish to respectfully point out that while a timeline issue eventually became a concern for Recreation & Parks, my staff carried out their roles and responsibilities as we would for any project, public or private.

Included in the Appendix is the Administrative fine that Public Works issued to Recreation & Parks. Our Urban Forestry Ordinance, Article 16 of the Public Works Code, directs us to issue a fine in the amount of \$10,000.00 per tree illegally removed, or the appraised value of the tree, whichever is greater. The trees were not valued above \$10,000.00 because of their condition, so the fine of \$10,000.00 per tree was issued. The total fine amount issued is \$30,000.00.

In addition to the monetary penalty, our Ordinance directs us to require anyone who removes a tree without a permit to replace the tree with an equivalent size tree, measured at 6" inches above grade. Therefore the Administrative fine includes two parts, both a monetary penalty and the replacement requirement.

During the spring and early summer, the appellants and Recreation & Parks and Public Works tried to work towards reaching a mitigation agreement that would address the Administrative penalties, with the appellants. We confirmed that there was approximately 40" inches of trunk diameter that requires replacement, and as required by our Administrative process, we identified where and how those replacement trees will be planted.

These details are typically handled through our Administrative Hearing process, which we are currently engaged in. Our Administrative Hearing was held on September 17th, and a resulting recommendation will be forthcoming.

Although Recreation & Parks did remove three (3) trees without waiting to obtain a permit, the Appendix contains documentation that shows that up to that point, all our processes and requirements had taken place, including the original 15-day hazard tree notification, and the scheduling of a Tree Removal Hearing by Public Works.

Recreation & Parks and Public Works will include additional information about the Administrative hearing process and the replacement tree mitigations that are part of this discussion.

Public Works asks that you deny the appeal, as the subject trees were removed and Public Works has an Administrative Hearing process that is addressing this matter.

Chris Buck

Chris Buck / Urban Forester

APPENDIX

- Appendix A: Public Works Administrative Hearing Announcement
Order No. 212028 (9/17/2025)
- Appendix B: Letter Appealing Fine from SF RPD
- Appendix C: Public Works Administrative Hearing Presentation
(9/17/2025)
- Appendix D: Administrative Fine issued by Public Works
(3/28/2025)
- Appendix E: Public Works Tree Removal Hearing Recommendation
Order No. 211379 (1/28/2025)
- Appendix F: Public Works Tree Removal Hearing Presentation
(1/27/2025)
- Appendix G: Public Works Tree Hearing Announcement
Order No. 211351 (1/27/2025)
- Appendix H: Public Works Tree Removal Posting Notice
Hazard Tree Removal Notice (12/2/2024)



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: 212078

Notice is hereby given that the Director of Public Works will hold a remote public hearing via teleconference on Wednesday September 17th, 2025, commencing at 10:00 am to consider the following:

To consider an appeal for the fine issued for the illegal removal of

three (3) street trees adjacent to

50 United Nations Plaza

The fine issued is \$30,000.00

Public Works hearings are held through videoconferencing and will provide for remote public comment.

You are invited to a Zoom webinar.

You are invited to a Zoom webinar When: September 17, 2025 10:00 AM Pacific Time Tree Fine	https://us06web.zoom.us/j/85182001179
One tap mobile:	+16694449171,,85182001179# or +16699006833,,85182001179#
Telephone	+1 669 444 9171 or +1 669 900 6833
Webinar ID	851 8200 1179

Persons unable to participate in the videoconference may submit written comments regarding the subject matter to San Francisco Public Works Bureau of Urban Forestry at 49 South Van Ness Ave suite 1000 or urbanforestry@sfdpw.org. Comments received before the hearing will be brought to the attention of the hearing officer and made a part of the official public record.

Further information, if desired, on this matter may be obtained prior to the hearing by contacting urbanforestry@sfdpw.org

PowerPoint files, documents and photo images in their presentations - must send the materials to Cerise Waiters via email at cerise.waiters@sfdpw.org and urbanforestry@sfdpw.org by 5 p.m. one business day before the hearing. If attendees access the webinar via a computer, they will be able to share documents themselves via the “share screen” functionality.

Personal information that is provided in communications to Public Works is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with Public Works. All written or oral communications that members of the public submit to the department regarding projects or hearings will be made available to all members of the public for inspection and copying. The department does not redact any information from these submissions. This means that personal information including names, phone numbers, addresses and similar information that a member of the public elects to submit to the department may appear in public documents that members of the public may inspect or copy.

X  Signed by:
David A. Steinberg
69AEE625C5AD458

Steinberg, David
Exec Asst to the Director



Daniel Lurie, Mayor
Philip A. Ginsburg, General Manager

September 3, 2025

Attn: Mr Chris Buck
Bureau of Urban Forestry
San Francisco Public Works
48 South Van Ness Ave., Suite 1000
San Francisco, CA 94103

RE: Illegal Removal at 50 United Nations Plaza

Dear Mr. Buck,

I am writing in response to the letter received on March 28, 2025 regarding the removal of three London plane trees at 50 United Nations Plaza. Please note that we expressed an immediate desire to appeal this administration fine within the original appeal window, but together with Public Works staff we actively engaged with the public whom had filed an appeal with Board of Appeals (BOA), with the goal of trying to address both the appeal to BOA and this administrative fine. The trees that we removed were tagged for removal by the Bureau of Urban Forestry at Public Works due to their condition being hazardous or nearly dead. The 15-day hazardous tree notifications were protested by the community and following the Public Works tree removal hearing, an appeal was filed with the Board of Appeals to appeal the recommendation by Public Works to approve the three hazardous trees for removal. The trees were removed during the 15-day BOA appeal window.

The letter received indicates that the Recreation and Park Department, at the discretion of the Director, pay a fine of \$10,000 per tree (\$30,00 for three trees) as well as plant replacement tree(s) equal to the trunk diameter of the trees that were removed.

Currently, the Recreation and Park Department is working in collaboration with the Bureau of Urban Forestry team at Public Works to plant ten new trees withing the UN Plaza and the adjacent landscape frontage in Fulton Plaza. The cumulative total trunk diameter of the replacement trees will meet or exceed the requirement for replacement. The Department is also augmenting the existing and broken irrigation system so that the new trees will be watered using an automated system.

The Recreation and Park Department is requesting approval, by the Director, to offset the monetary penalty based on forestry work that the Recreation and Park Department has already completed and funded in the tree stand where the three trees were removed. This work included the removal of thirteen mature rootballs below grade, installation of thirteen new 24" box size London plane tress and the installation of a new drip irrigation system to each of the newly screened trees. This work was completed in partnership with Bureau of Urban Forestry at Public Works as they had recently removed

nine dead trees that were posing a hazard to the community. The total value of these forestry improvements executed and paid for by the Recreation and Park Department exceeded the \$30,000 penalty amount.

Below please find some bullet point items which outline key points and issues related the three tree removals as well as other activities that were taking place in and around the plaza.

- In partnership with the Department of Public Works (PW) we have been working in the UN Plaza over the past two years to improve and activate the space to curtail illicit and bad behavior happening in the plaza.
- The Bureau of Urban Forestry with Public Works assisted the effort by pruning and thinning all the trees in the plaza removing dangerous limbs and branches. The team also removed nine dead trees that were deemed hazardous immediate public safety concerns.
- RPD, through an MOU with PW, installed several recreation elements in the plaza including skate elements, exercise equipment and game tables.
- RPD installed thirteen (13) new 24" box trees to replace the nine (9) that were removed by PW and the three removed by RPD. A new irrigation system and protective tree screens were also installed for all new trees.
- PW identified and posted three additional trees that they believed should be removed due to their poor condition. These removals were appealed. These were posted with 15-day hazard tree removal notices.
- RPD hired Hortscience to do an independent third party review of the three trees to confirm the Urban Forest teams assessment. Hortscience concurred that one of the trees was essentially dead and the other two should be removed due to their poor and declining condition.
- RPD removed the three posted trees during the 15 day BOA appeal period due to a tight construction window to complete additional plaza activation improvements.
- RPD will mitigate the three tree removals by planting ten (10) new 48" box size trees and provide new irrigation to each of the trees. This will meet and exceed the replacement requirements required.

Thank you for your consideration of this request and we look forward to continue our positive working relationship to improve and enhance the City's urban forest in UN Plaza.

Sincerely,



Dan Mauer
Project Manager



Administrative Hearing
September 17, 2025

Order No. 212078

50 United Nations Plaza

To consider an appeal for the fine issued for the illegal removal of three (3) street trees adjacent to 50 United Nations Plaza.

The fine issued is \$30,000.00

Public Works Order No: 211351 50 United Nations Plaza

To consider the removal of three (3) street trees with replacement adjacent to 50 United Nations Plaza.

Staff approved the removals and the public has protested.

50 United Nations Plaza

The trees are listed in our tree database as:

43 United Nations Plaza

Tree 4, Tree ID 250263

Tree 8, Tree ID 250267

Tree 14, Tree ID 250273

Species: *Platanus x hispanica* :: Sycamore, London Plane

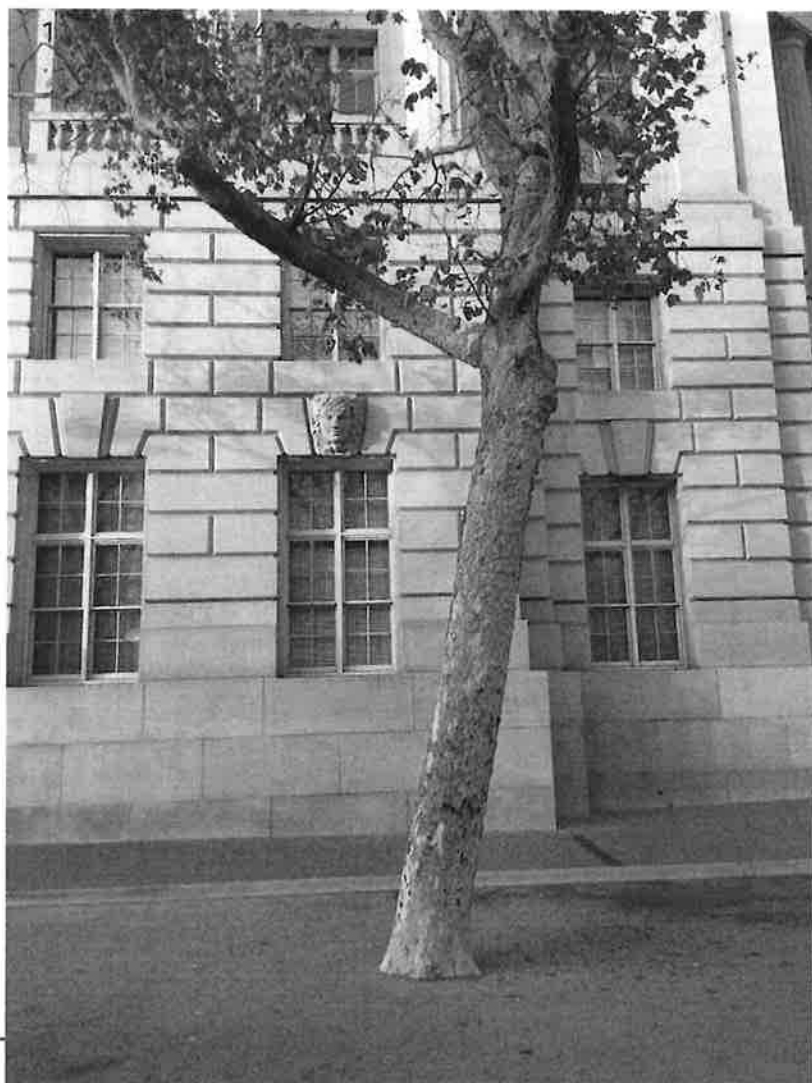
- Tree health is in severe decline
- Majority of upper canopy is dead, not just in deciduous phase of year.





11/26/2024 15:44:28

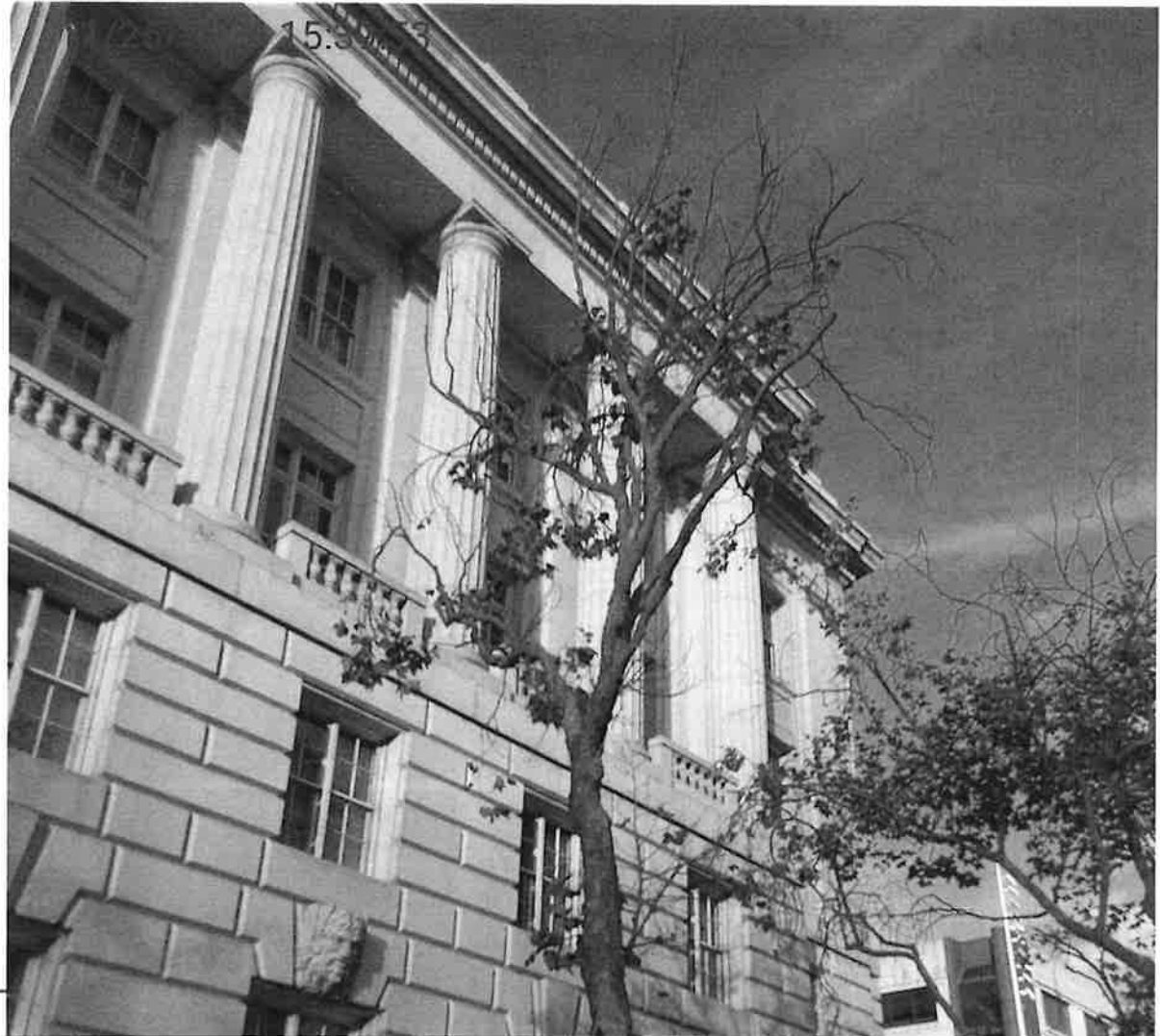




Tree 8, Tree ID 250267



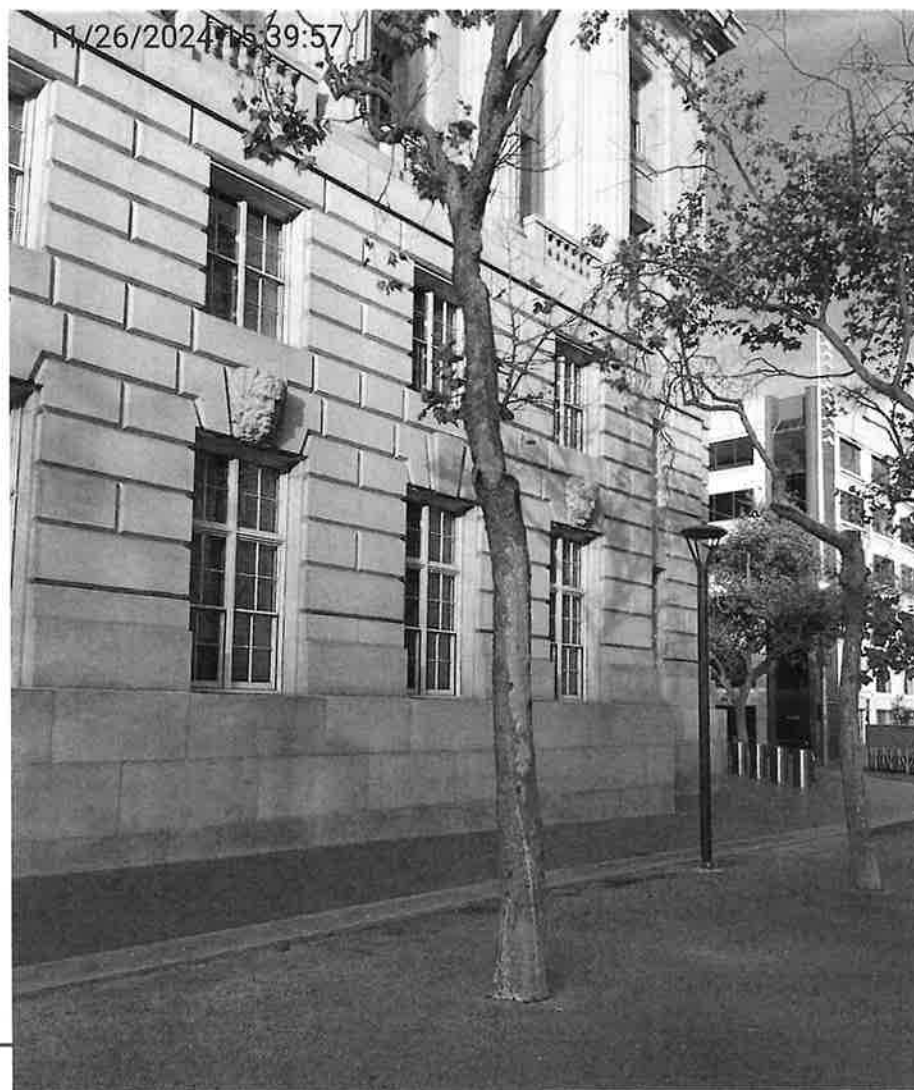
- Tree health is in severe decline
- Majority of upper canopy is dead, not just in deciduous phase of year.





Note: some of the trees that are totally dead (some are visible in this photo) in this section of UN Plaza, were removed as emergencies.





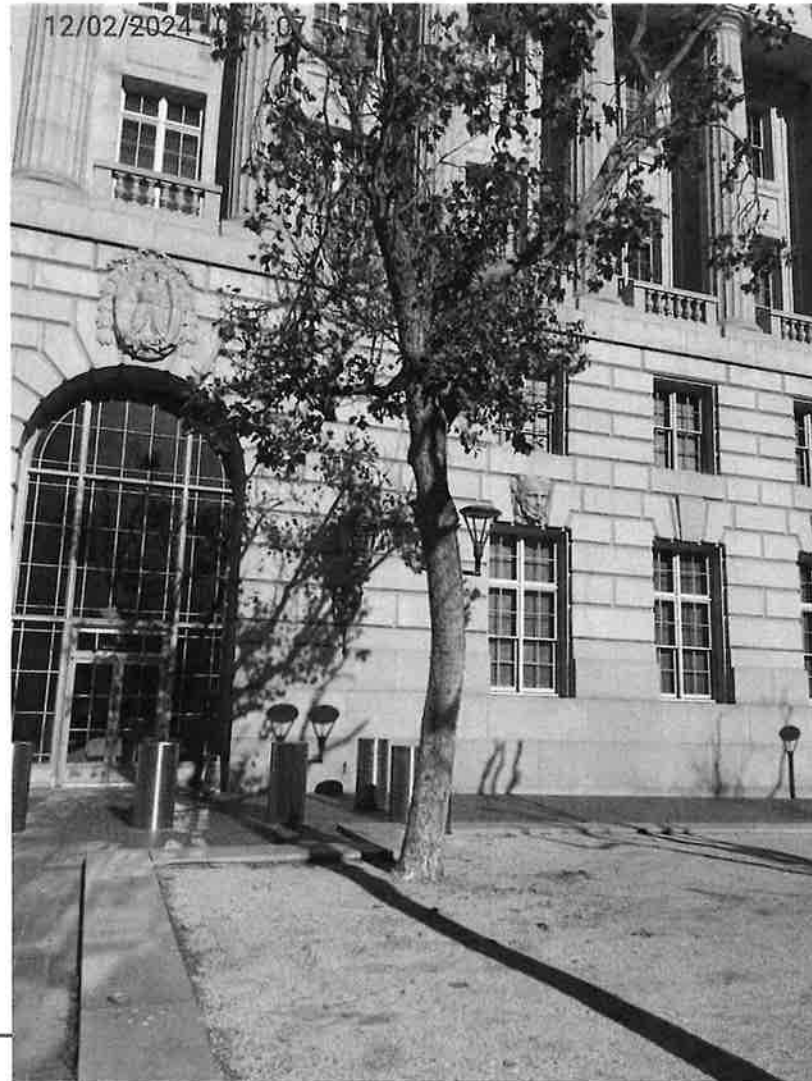
Tree 14, Tree ID 250273



- Tree health is in severe decline
- Majority of upper canopy is dead, not just in deciduous phase of year.
- Most of the dead sections were removed last year, prior to the APEC conference.







- Nine (9) trees in this same raised curb area, were removed in the last month as emergency removals

Tree IDs:

- 250260
- 250262
- 250262
- 250264
- 250265
- 250266
- 250268
- 250270
- 250272



January 23, 2025

Now standing as
15-day noticed
hazard trees for
two months...

Area to be
further activated
by the Rec & Park
Dept (RPD)

RPD is replacing
all trees within
60-days, or less



To be replaced with a
total of fourteen (14):

24" box size

Platanus x Hispanica
'Columbia'



Appeal No.: 25-007
Appeal Title: Tenderloin Tree Campaign vs. SFPW-BUF
Subject Property: 50 United Nations Plaza
Permit Type: Tree Removal Order
Order No.: 211379

Dear Chris Buck:

This is to notify you that an appeal has been filed with this office protesting the **ISSUANCE** of the above-referenced order. Pursuant to Article I, §8 of the San Francisco Business & Tax Regulations Code, the order is hereby **SUSPENDED** until the Board of Appeals decides this matter and releases a notice of decision and order.

We are enclosing a copy of the **Preliminary Statement of Appeal** for your information.

The hearing regarding this matter has been scheduled for **March 26, 2025, at 5:00 p.m., and will be held in Room 416 of San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.** The parties may also attend remotely via the Zoom video platform.

If you have any further questions, you may email this office at boardofappeals@sfgov.org or call (628) 652-1150.

Sincerely,

BOARD STAFF



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: 211379

The Director of Public Works held a Public Hearing on Monday, January 27, 2025 commencing at 5:30 P.M. 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 211351 regarding the removal of three (3) street trees with replacement adjacent to 50 United Nations Plaza. Staff approved the removals and the public protested.

Findings:

Public Works was asked to evaluate the condition of the trees in this raised-curb section of the United Nations Plaza by the Recreation and Park Department, which manages some the surrounding areas. Public Works maintains trees within the public right-of-way, including the trees at United Nations Plaza. Public Works removed nine (9) trees as emergencies in December. Urban Forestry staff posted three street trees in this same raised planting area as hazard trees, due to their poor condition.

The trees are listed in the Public Works tree management system at 43 United Nations Plaza. The closest visible address on site is 50 United Nations Plaza.

The three (3) street trees are London planetrees, also known as sycamore trees. Their Latin/scientific name is *Platanus x Hispanica*. All three trees show major canopy dieback, some of which was already pruned off (removed) last year prior to the APEC conference. The trees are continuing to decline in health, with substantial dieback within the canopies and staff determined the trees to be hazards, as defined in Article 16 of San Francisco's Urban Forestry Ordinance.

The Recreation and Park Department has funding to plant 24" box size replacement trees and water the trees with a newly installed irrigation line. The replacement species will be *Platanus x Hispanica* 'Columbia'. The work to install the irrigation line in the immediate vicinity of the three trees is momentarily paused. The stumps to the previous trees have already been removed by Public Works.



Three to four support stakes and cross braces will be installed at each tree to reduce the potential for vandalism, including some form of additional screening. Although Public Works is required to have the replacement trees planted within 120 days, the Recreation and Park Department has purchased the new trees and plans to plant the replacement trees by the end of February.

During the 15-day public notification period, one written protest was received. During the hearing, three members of the public spoke during public comment.

Recommendation: After consideration of correspondence, a presentation by staff and testimony provided, the recommendation is to approve the three (3) street trees for removal with replacement with a total of fourteen (14), 24" box size trees.

APPEAL:

This Order may be appealed to the Board of Appeals within 15 days of January 28, 2025.

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 <http://sfgov.org/bdappeal/>

Dear Board members,

I wish to appeal DPW Order No 221139 removal of three street trees.

Reason for the appeal on January 28, 2025 the Order #221139 was issued.

At 43/50 United Nation Plaza a fence was installed around raise curb section were these trees were

located. On Monday February 3, 2025 found the three street trees have been removed.

12/2/2024 – 12/17/2024:

Trees & website posted with 15-day hazard tree posting/notification

The proposed removal of 3 hazard trees was protested

1/27/2025

Public Work Tree Hearing

1/28/2025

Public Works resulting decision issued, start to 15-day appeal window

2/5/2025

Public Works decision appealed: reason, trees removed during appeal window

Article 16. Summary

- Trees are more than just beautiful additions to urban life. They are an essential component of the City's ecosystem and provide enormous environmental and social benefits.
- A permit is required to remove any street tree, significant tree, or landmark tree.
- It is illegal to injure a tree. Injuries can include excessive pruning and malicious acts like nailing objects to trees and negligent acts like vehicular accidents.
- **An illegal removal of a tree requires replacement with equivalent inches in total diameter of the Street Tree or Trees that were removed.**
- It is property owner responsibility to know the law. Ignorance is not an excuse.

Section 2: Shade and Flowering Trees

This section applies to plants generally sold to the retail and landscape trade. For lining out stock, including whips, see Section 7.

2.1 Type 1 shade trees

2.1.1 Classification of Type 1 shade trees

The height relationship to caliper, for Type 1 shade trees, is shown in Table 3, in Section 2.1.2, below.

It is recognized that climatic conditions in different sections of the country produce trees of different caliper-height proportions. Trees from one region of the country may have less caliper in proportion to height while trees from another section may have greater caliper in proportion to height than shown in Table 3 in Section 2.1.2, below, which shows the average height range and the typical maximum heights.

2.1.2 Specifications for Type 1 shade trees

Table 3. Specifications for Type 1 shade trees

Specifications for field grown Type 1 shade trees shall include plant size, by caliper. Specifications for container grown Type 1 shade trees shall include plant size, by height, through 7'-8' size designation, and container class or box size equivalent. Thereafter, plant size specification shall be by caliper.						
Height measurements shall be in one-foot intervals. Caliper measurements shall be 1/8-inch intervals from 1/2" through 3/4", 1/4-inch intervals through 1 3/4"-2", then 1/2-inch intervals through 5 1/2"-6", then one-inch intervals through 9-10", then two-inch intervals from 10-12" and up. Decimal equivalents to fractions may be used.						
Examples: <i>Acacia stenophylla</i> , <i>Acer rubrum</i> , <i>A. saccharinum</i> , <i>Betula</i> , <i>Cinnamomum camphora</i> , <i>Eucalyptus microtheca</i> , <i>Fraxinus</i> , <i>Ginkgo</i> , <i>Gleditsia</i> , <i>Liriodendron</i> , <i>Platanus</i> , <i>Populus</i> , <i>Quercus macrocarpa</i> , <i>Q. palustris</i> , <i>Q. phellos</i> , <i>Q. virginiana</i> (southeastern climates), <i>Salix</i> , <i>Tilia Americana</i> , <i>Zelkova serrata</i>						
Caliper/ height specification	Average height range	Typical maximum height	Minimum root ball diameter	Minimum root ball depth	Acceptable container classes	Minimum acceptable in-ground fabric bag size (diameter)
1/2 in. / 4 ft.	4 to 5 ft.	6 ft.	12 in.	7 7/8 in.	#2, #3, #5	5 in.
5/8 in. / 5 ft.	5 to 6 ft.	8 ft.	13 in.	8 3/8 in.	#3, #5, #7	8 in.
3/4 in. / 6 ft.	6 to 8 ft.	10 ft.	14 in.	9 in.	#5, #7, #10	8 in.
1 in. / 7 ft.	8 to 10 ft.	11 ft.	16 in.	10 3/8 in.	#7, #10, #15	10 in.
1 1/4 in.	8 to 10 ft.	12 ft.	18 in.	11 1/4 in.	#10, #15, #20	10 in.
1 1/2 in.	10 to 12 ft.	14 ft.	20 in.	12 in.	#15, #20, #25	12 in.
1 3/4 in.	10 to 12 ft.	14 ft.	22 in.	13 1/8 in.	#15, #20, #25, #45	14 in.
2 in.	12 to 14 ft.	16 ft.	24 in.	14 3/8 in.	#20, #25, #45	16 in.
2 1/2 in.	12 to 14 ft.	16 ft.	28 in.	17 in.	#25, #45, #65	18 in.
3 in.	14 to 16 ft.	18 ft.	32 in.	19 in.	#45, #65, #95/100	20 in.
3 1/2 in.	14 to 16 ft.	18 ft.	38 in.	23 in.	#65, #95/100	22 in.
4 in.	16 to 18 ft.	22 ft.	42 in.	25 in.	#95/100	24 in.
4 1/2 in.	16 to 18 ft.	22 ft.	48 in.	29 in.		30 in.
5 in.	18 ft. and up	26 ft.	54 in.	32 in.		
5 1/2 in.			57 in.	34 in.		
6 in.			60 in.	36 in.		
7 in.			70 in.	42 in.		
8 in.			80 in.	48 in.		



Custom
& Park

Customer: 4505 CCS City/County of SF - Rec & Park

Industry Contact:

812.774.90

Form	Sales Rep	PO #	Job Name	Estimated Job Date	Shipping Method
Item 30	Brian Orsagel				Over Mountain Feed

Quora Bloggers

Line	Item	Ready Time	Quantity	Rate	Amount	Taxable	
1	Estimate - "PLEASE NOTE" Bid subject to check on final Availability and pricing subject to change. PRICES VALID FOR 30 DAYS.						
2	<u>PACIFIC LUMBER</u> PACIFIC LUMBER COMPANY (Standard) AFT 7000 220,000	EA-180000	YD	\$1,090.00	\$10,500.00		
3	PROJECT 10% of material value per bid. Maximum rate delivery fee is \$250			\$1,260.00	\$1,260.00		
4	NOT DELIVERY - SEE MATERIAL Due to the size and weight of the billed material on this order including we will require you to provide A TRUCKING FIRM TO CARRY OUT THE LOADS ON AT LEAST 2000 LBS AND SUBMITTING TO ASSIST. IF CUSTOMER ASSURES IS NOT PROVIDED 20% OF TOTAL INVOICE charge may be additional if no client material may be returned to our yard with up to 20% shipping fee.						
5	CANCELLATIONS & RETURNS Plants that are in stock have been pulled and their return policy subject to a rescheduling fee up to 50%. If customer plant cancelled purchased animal complete vendors to return all orders and those handled are subject to up to 75% trucking fee. We do offer a refund policy on plants that have been planted or altered order. Customers wishing to make changes must place up to a 100% deposit on landscape material.						
6	DELIVERY - "PLEASE NOTE" Delivery of materials and required Customer assistance to unload landscape materials will result in an additional charge of up to 20% of invoice total.						

1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 26

Subtotal	\$17,760.00
Tax Total	\$1,014.30



2025-06-02T12:11:58-05:00



**DEVIL MOUNTAIN
WHOLESALE NURSERY**

Platanus a. 'Columbia' 48 06-02 (16.5-17' x 7-7.5' x 4-4.25" BR@ 4.5-5') 2 118 (FA).jpeg





- The three subject trees were replaced with 36" box size trees





- In partnership with the Department of Public Works (PW) we have been working in the UN Plaza over the past two years to improve and activate the space to curtail illicit and bad behavior happening in the plaza.
- The Bureau of Urban Forestry with Public Works assisted the effort by pruning and thinning all the trees in the plaza removing dangerous limbs and branches. The team also removed nine dead trees that were deemed hazardous immediate public safety concerns.
- RPD, through an MOU with PW, installed several recreation elements in the plaza including skate elements, exercise equipment and game tables.
- RPD installed thirteen (13) new 24" box trees to replace the nine (9) that were removed by PW and the three removed by RPD. A new irrigation system and protective tree screens were also installed for all new trees.
- PW identified and posted three additional trees that they believed should be removed due to their poor condition. These removals were appealed. These were posted with 15-day hazard tree removal notices.
- RPD hired Hortscience to do an independent third party review of the three trees to confirm the Urban Forest teams assessment. Hortscience concurred that one of the trees was essentially dead and the other two should be removed due to their poor and declining condition.
- RPD removed the three posted trees during the 15 day BOA appeal period due to a tight construction window to complete additional plaza activation improvements.
- RPD will mitigate the three tree removals by planting ten (10) new 48" box size trees and provide new irrigation to each of the trees. This will meet and exceed the replacement requirements required.

Letter from Rec & Park



Urban Forestry

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

March 28, 2025

Dan Mauer / San Francisco Recreation and Park Department
49 South Van Ness Ave, 12th Floor
San Francisco, CA 94102

Re: Illegal Removal at 50 United Nations Plaza

Dear Property Owner:

The San Francisco Department of Public Works confirmed the illegal removal of three (3) London planetree (*Platanus x 'Hispanica'*) street trees, from the public right-of-way adjacent to the property at **50 United Nations Plaza** in San Francisco. Section 806(b) of Article 16 of the San Francisco Public Works Code makes it unlawful to remove a street tree without a valid permit.

The citizens of San Francisco value street trees and the urban forest and have mandated the protection of trees. Article 16, Section 808 (a) states, "It shall be unlawful for any person to intentionally, maliciously, or through gross negligence injure or destroy a Street Tree, any Tree on City property, a Significant Tree, or a Landmark Tree. Section 811(c) states, "the Director may require any person who removes, injures, or destroys a tree in violation of the provisions of this Article to pay a sum of money equal to the tree's replacement value."

Due to the illegal removal, you are required to pay \$10,000.00 **per tree** for the illegal removal. The Bureau supports this mandate and your fine of \$30,000.00 will be deposited into the Adopt-A-Tree Fund and used for future street tree plantings.

In addition, where an abutting property owner removed a Street Tree or Trees without obtaining a permit, the Department shall require that the property owner or responsible party plant a replacement Street Tree or Trees with total diameter six-inches above ground that is equal to or greater than the total diameter of the Street Tree or Trees that were removed without a permit. You will be responsible for watering and maintenance during the three-year establishment period. We are in the process of establishing the estimated trunk diameter at six-inches above grade, by averaging tree diameters of the same size in the Plaza.

At the time that the trees were removed, they were still within the 15-day appeal window to Board of Appeals following the Public Works hearing recommendation, Order No. 211379.

Payment for the violation must be payable to CCSF/DPW/BUF and mailed to:

Urban Forestry
49 South Van Ness Ave Ste 1000
San Francisco, CA 94103

The fine is considered outstanding if not received within **60 days from the date of this letter.**

Article 16 (Urban Forestry Ordinance) of the San Francisco Public Works Code can be found online at: <http://www.amlegal.com>. Search by City and find Public Works Code.

Department information can be found also at: <http://sfpublicworks.org/trees>

If you have information regarding this matter or would like to appeal the fine, please send a detailed letter explaining why you feel this fine has been issued in error. Appeals must be sent within 60 days of receipt of this letter. Please e-mail to urbanforestry@sfdpw.org

Appealed fines will be scheduled for the next available Administrative Hearing.

Sincerely,



Bryan Ong

Urban Forestry Inspector

*Enclosures: (1) Photographs of the three subject trees at **50 United Nations Plaza***

Tree identification information:

Listed in tree database as 43 United Nations Plaza

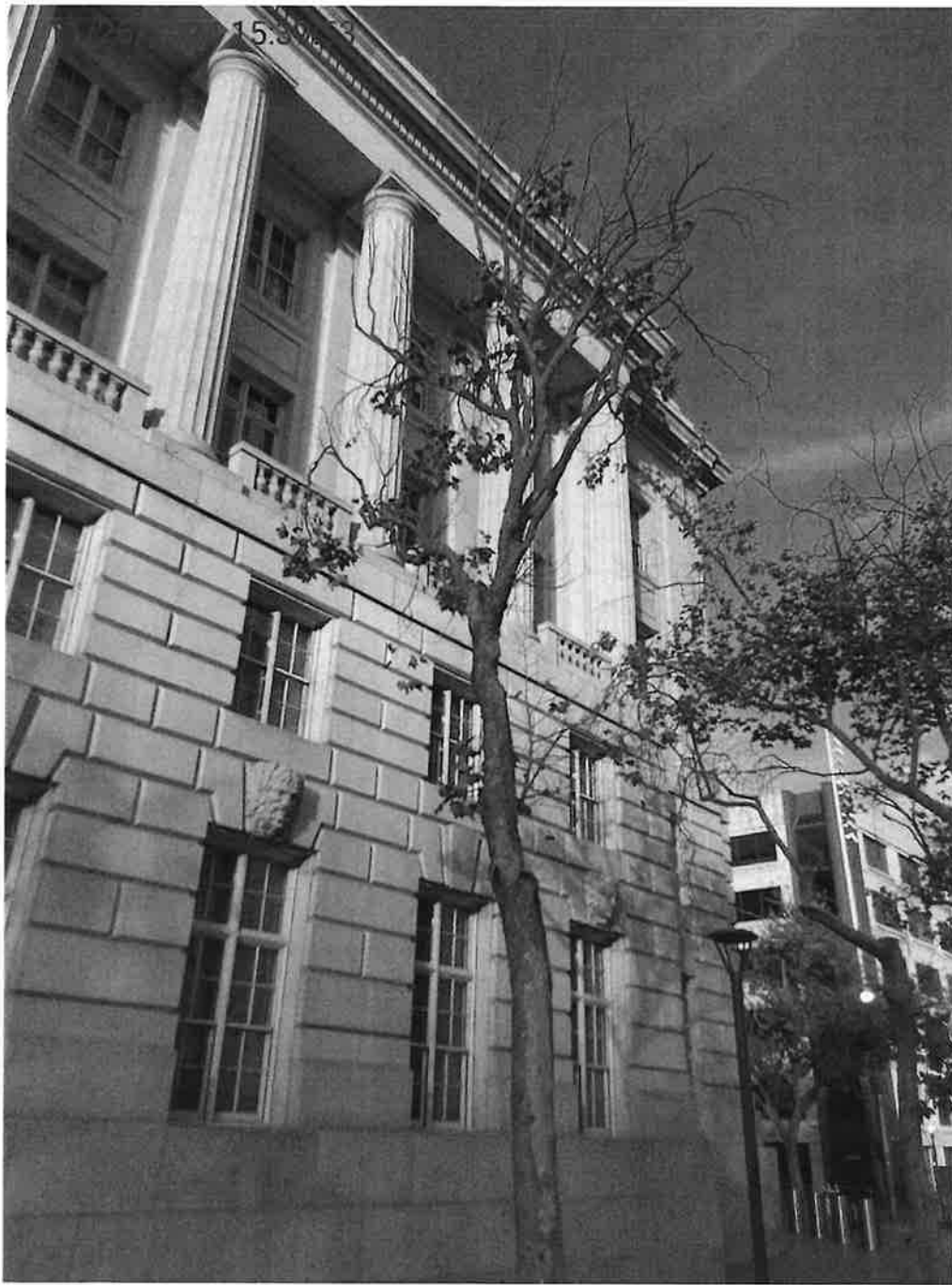
Tree 4, Tree ID 250263

Tree 8, Tree ID 250267

Tree 14, Tree ID 250273



Tree 4, ID 250263



Tree 8, ID 250267



Tree 14, ID 250273



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: 211379

The Director of Public Works held a Public Hearing on Monday, January 27, 2025 commencing at 5:30 P.M. 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 211351 regarding the removal of three (3) street trees with replacement adjacent to 50 United Nations Plaza. Staff approved the removals and the public protested.

Findings:

Public Works was asked to evaluate the condition of the trees in this raised-curb section of the United Nations Plaza by the Recreation and Park Department, which manages some the surrounding areas. Public Works maintains trees within the public right-of-way, including the trees at United Nations Plaza. Public Works removed nine (9) trees as emergencies in December. Urban Forestry staff posted three street trees in this same raised planting area as hazard trees, due to their poor condition.

The trees are listed in the Public Works tree management system at 43 United Nations Plaza. The closest visible address on site is 50 United Nations Plaza.

The three (3) street trees are London planetrees, also known as sycamore trees. Their Latin/scientific name is *Platanus x Hispanica*. All three trees show major canopy dieback, some of which was already pruned off (removed) last year prior to the APEC conference. The trees are continuing to decline in health, with substantial dieback within the canopies and staff determined the trees to be hazards, as defined in Article 16 of San Francisco's Urban Forestry Ordinance.

The Recreation and Park Department has funding to plant 24" box size replacement trees and water the trees with a newly installed irrigation line. The replacement species will be *Platanus x Hispanica* 'Columbia'. The work to install the irrigation line in the immediate vicinity of the three trees is momentarily paused. The stumps to the previous trees have already been removed by Public Works.

Three to four support stakes and cross braces will be installed at each tree to reduce the potential for vandalism, including some form of additional screening. Although Public Works is required to have the replacement trees planted within 120 days, the Recreation and Park Department has purchased the new trees and plans to plant the replacement trees by the end of February.

During the 15-day public notification period, one written protest was received. During the hearing, three members of the public spoke during public comment.

Recommendation: After consideration of correspondence, a presentation by staff and testimony provided, the recommendation is to approve the three (3) street trees for removal with replacement with a total of fourteen (14), 24" box size trees.

APPEAL:

This Order may be appealed to the Board of Appeals within 15 days of January 28, 2025.

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 <http://sfgov.org/bdappeal/>

X

DocuSigned by:
Carla Short
073CF73A4EA6486...

Short, Carla
Director



Tree Removal Hearing
January 27th, 2025

Public Works Order No: 211351 50 United Nations Plaza

**To consider the removal of three (3) street trees with
replacement adjacent to 50 United Nations Plaza.**

Staff approved the removals and the public has protested.

50 United Nations Plaza

The trees are listed in our tree database as:

43 United Nations Plaza

Tree 4, Tree ID 250263

Tree 8, Tree ID 250267

Tree 14, Tree ID 250273

Species: *Platanus x hispanica* :: Sycamore, London Plane

- Tree health is in severe decline
- Majority of upper canopy is dead, not just in deciduous phase of year.





11/26/2024 15:44:28

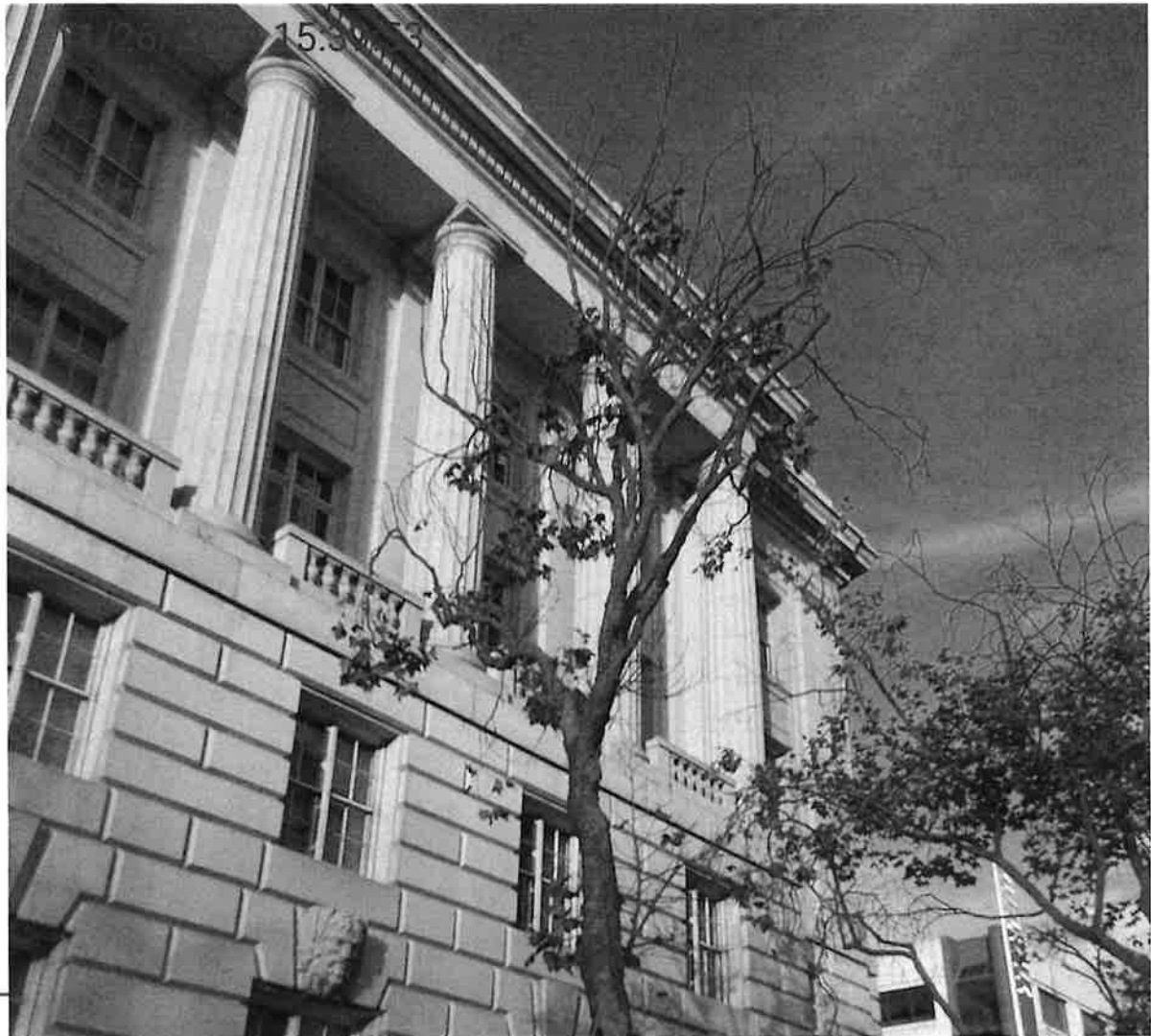




Tree 8, Tree ID 250267



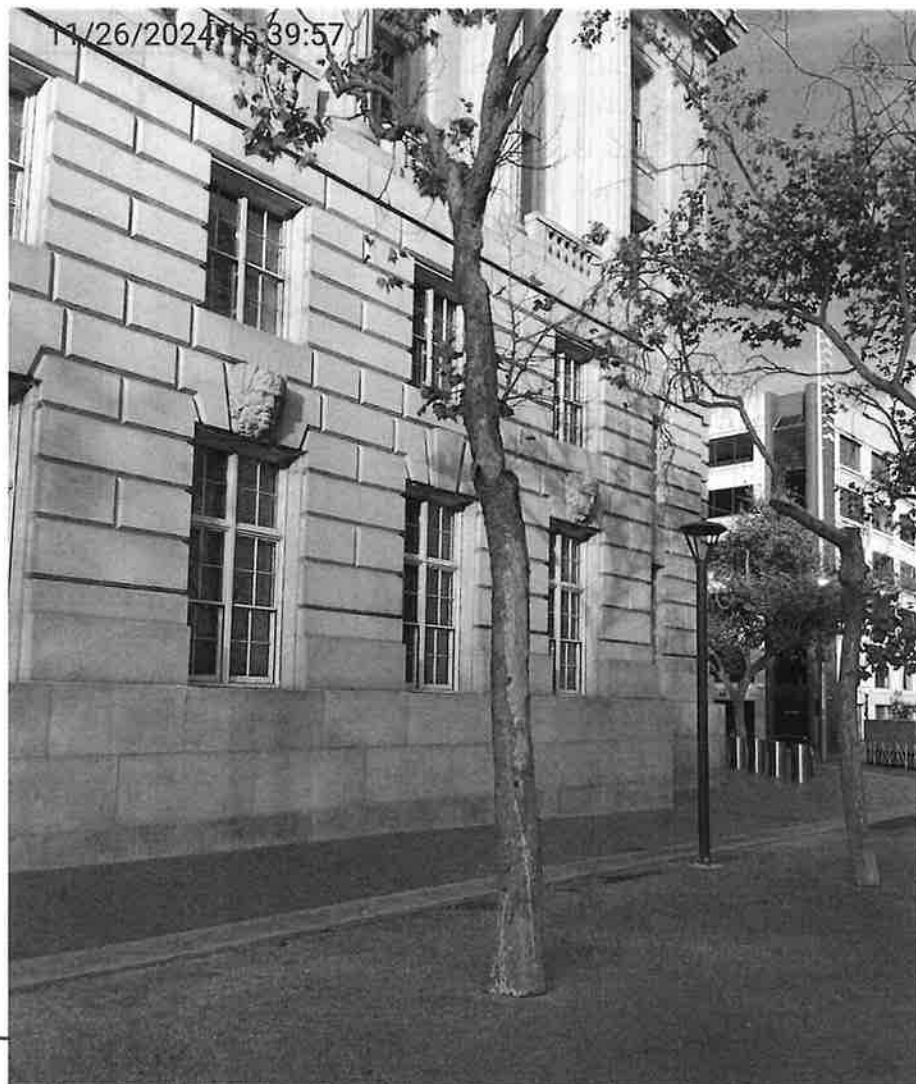
- Tree health is in severe decline
- Majority of upper canopy is dead, not just in deciduous phase of year.





Note: some of the trees that are totally dead (some are visible in this photo) in this section of UN Plaza, were removed as emergencies.





Tree 14, Tree ID 250273



- Tree health is in severe decline
- Majority of upper canopy is dead, not just in deciduous phase of year.
- Most of the dead sections were removed last year, prior to the APEC conference.







- Nine (9) trees in this same raised curb area, were removed in the last month as emergency removals

Tree IDs:

- 250260
- 250262
- 250262
- 250264
- 250265
- 250266
- 250268
- 250270
- 250272

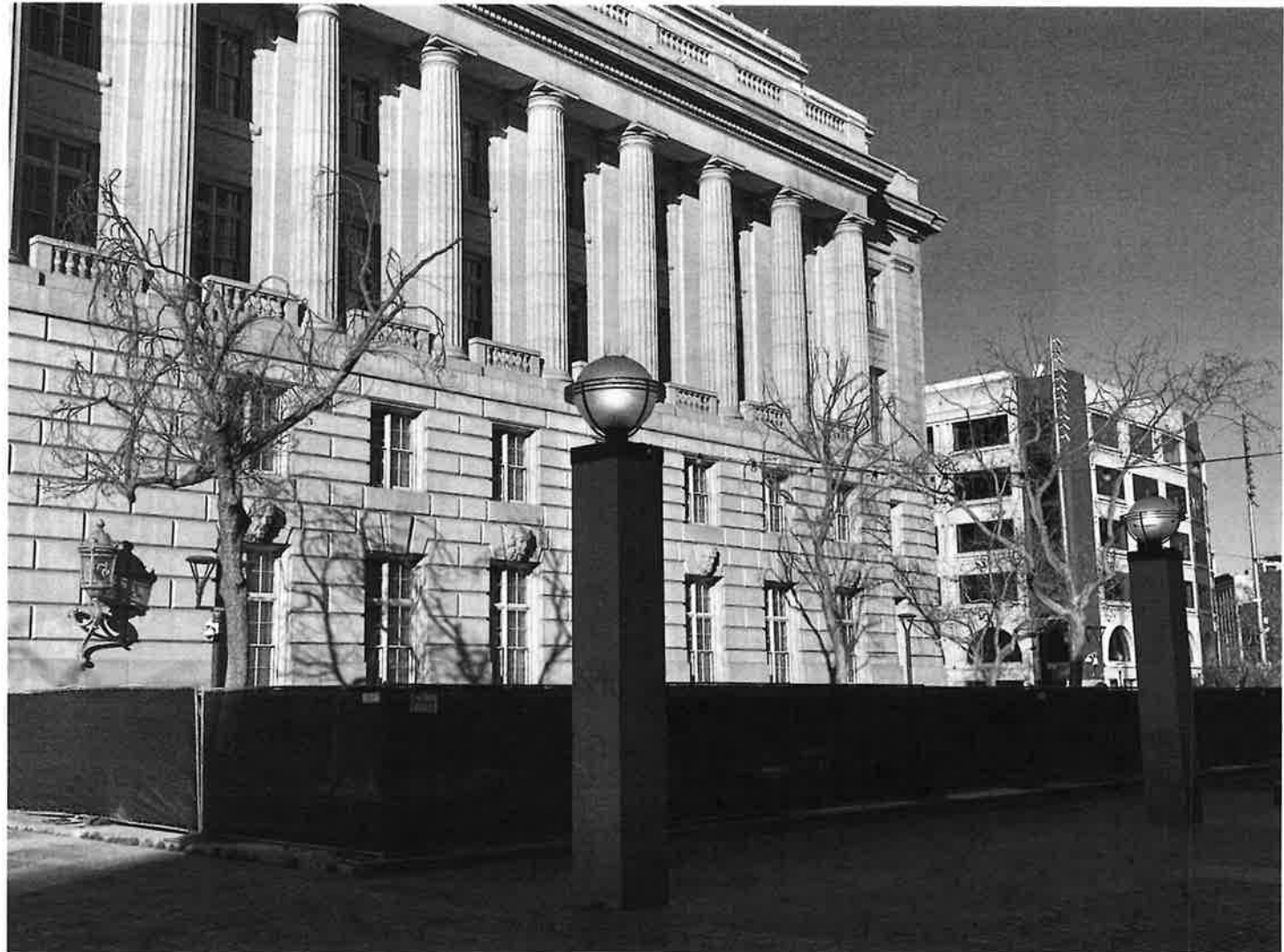


January 23, 2025

Now standing as
15-day noticed
hazard trees for
two months...

Area to be
further activated
by the Rec & Park
Dept (RPD)

RPD is replacing
all trees within
60-days, or less



To be replaced with a
total of fourteen (14):

24" box size
Platanus x Hispanica
'Columbia'





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: 211351

Notice is hereby given that the Director of Public Works will hold a remote public hearing via teleconference on Monday, January 27th, 2025, commencing at 5:30 P.M. to consider the following:

**To consider the removal of three (3) street trees with replacement adjacent to
50 United Nations Plaza
Staff approved the removals and the public has protested.**

Public Works hearings are held through videoconferencing and will provide for remote public comment.

You are invited to a Zoom webinar.	You are invited to a Zoom webinar.
When: January 27, 2025 5:30 PM Pacific Time	When: January 27, 2025 5:30 PM Pacific Time
Tree Removal	Tree Removal
https://us06web.zoom.us/j/89575847456	https://us06web.zoom.us/j/89575847456

Persons unable to participate in the videoconference may submit written comments regarding the subject matter to Bureau of Urban Forestry at 49 South Van Ness Ave. Suite 1000, San Francisco CA., 94103 or urbanforestry@sfdpw.org. Comments received before the hearing will be brought to the attention of the hearing officer and made a part of the official public record. Individuals who wish to use materials such as PowerPoint files, documents and photo images in their presentations must send the materials to Bureau of Urban Forestry via email at urbanforestry@sfdpw.org by 5 p.m. the day before the hearing. If attendees access the webinar via a computer, they will be able to share documents themselves via the "share screen" functionality.

For more information / Para más información / 想要查询更多信息

Bureau of Urban Forestry • (628) 652-TREE (8733) • urbanforestry@sfdpw.org

X

Steinberg, David
Exec Asst to the Director

DocuSigned by:
David A. Steinberg
69AEE625C5AD458...



Hazard Tree Removal Notice

Aviso de Corte de Árbol de Peligro

緊急樹木移除通知

The Director of Public Works has determined that this tree is an immediate public safety hazard and has approved it for removal.

Location: 50 United Nations Plaza # of trees: Three (3)

Reason(s) for removal:

- ☒ Dead, dangerous, or likely to fall (immediate structural hazard)
- ☐ Obstructing or damaging a street, sidewalk, or other existing infrastructure
- ☐ Tree has serious disease that threatens the health of other trees
- ☐ Interfering with vehicular or pedestrian traffic
- ☐ Poses other significant hazard:

Will tree be replaced?

- ☒ Yes, meets all planting guidelines
- ☐ Yes, unless conflicting underground utilities found
- ☐ No because:
 - ☐ Inadequate spacing between adjacent trees
 - ☐ Conflict with underground utilities identified
 - ☐ Other:

This tree removal notice must remain posted from 12/2/2024 to 12/17/2024

For more information / Para más información / 想要查询更多信息

Bureau of Urban Forestry, 49 South Van Ness Avenue, Suite 1000, San Francisco, CA 94103
(628) 652-TREE (8733), urbanforestry@sfdpw.org, sfpw.org/tree-removal-notification



In accordance with Public Works Code, Article 16, Section 806, providing for the care and maintenance of San Francisco's street trees, the Department shall post a notice on the affected tree(s) for Emergency Removal. Each tree that is removed will be replaced barring conflicts with any existing infrastructure (street lights, traffic lights, stop signs, bus stops, etc.), conflicts with any underground utilities or lack of compliance with Public Works Director's Planting Order 187,246, as well as with the Minimum Guidelines for Planting Street Trees. **Privacy notice:** Personal information that is provided in communications to Public Works is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with Public Works.

PUBLIC COMMENT

From: [Tenderloin Tenants](#)
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal #25-007 For Board Of Appeals hearing on October 8, 2025
Date: Sunday, September 28, 2025 11:45:08 PM

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

Subject: Appeal #25-007 For Board Of Appeals hearing (50 United Nations Plaza) tree removals Public Comment

October 8, 2025

Dear Honorable San Francisco Board of Appeals:

On behalf of Tenderloin Tenants, we are writing in support of the appeal regarding the removal of trees at 50 United Nations Plaza.

Tenderloin Tenants and several of our coalition partners have expressed severe concerns about the procedures used to remove the 14 mature trees.

The comparison between a grove of 14 mature London Plane trees and limited access asphalt for recreational use highlights significant differences in health and environmental benefits. Here's a breakdown of the advantages provided by the trees versus the limitations of asphalt:

Health and Environmental Benefits of Mature

London Plane Trees

Air Quality Improvement:

Pollutant Filtration: London Plane trees are effective at filtering pollutants from the air, including particulate matter and harmful gases like carbon dioxide and nitrogen dioxide.

Oxygen Production: Trees produce oxygen through the process of photosynthesis, thereby contributing to a healthier atmosphere.

Temperature Regulation:

Shade Provision: The canopy of mature trees provides shade, reducing the urban heat island effect and lowering surrounding temperatures, which can be particularly beneficial during hot weather.

Cooling Effect: The transpiration process of trees cools the air, making outdoor spaces more comfortable.

Stormwater Management:

Rainwater Absorption: Tree roots help absorb rainwater, reducing runoff and minimizing the risk of flooding. This also helps recharge groundwater supplies.

Soil Health: The presence of trees enhances soil structure and health, thereby promoting biodiversity within the soil ecosystem.

Mental and Physical Health Benefits:

Stress Reduction: Access to green spaces and trees has been shown to reduce stress and improve mental well-being.

Encouragement of Physical Activity: Tree-lined areas encourage outdoor activities such as

walking, jogging, and cycling, promoting a healthier lifestyle.

Biodiversity Support:

Habitat Creation: Mature trees provide habitats for a wide range of wildlife, including birds, insects, and other organisms, thereby contributing to urban biodiversity.

Limitations of Asphalt for Recreational Use

Heat Retention:

Urban Heat Island Effect: Asphalt absorbs and retains heat, leading to higher temperatures in urban areas, which can create uncomfortable conditions for outdoor activities.

Limited Environmental Benefits:

Pollution Contribution: Asphalt surfaces do not filter air or water, and they can contribute to runoff pollution, which negatively impacts local waterways.

Lack of Biodiversity: Asphalt does not support wildlife or plant life, resulting in a decline in urban biodiversity.

Physical Activity Barriers:

Hard Surface: Asphalt can be hard on joints and may discourage physical activity, especially for those with mobility issues or injuries.

Limited Green Space: Areas dominated by asphalt lack the aesthetic and psychological benefits associated with green spaces, which can deter community engagement and outdoor recreation.

Summary

In summary, a grove of 14 mature London Plane

trees provides a wealth of health and environmental benefits that enhance community well-being, support biodiversity, and improve air and water quality. In contrast, limited-access asphalt offers minimal benefits and can create barriers to recreation and environmental health. The presence of trees not only beautifies the area but also fosters a healthier, more vibrant community, making them a valuable asset compared to the limitations posed by asphalt surfaces.

Tenderloin Tenants supports the following:

That the Board of Appeals members rule in favor of the Appellants and mitigate the damages caused by two city departments

Have the two city departments address these issues for both the general public and the Board of Appeals.

-What specific procedures were used to remove the 14 mature trees, and why were they deemed necessary?

-What alternatives were considered before deciding to remove the trees, and were any stakeholder consultations conducted?

-How will the city address the environmental impacts of replacing the mature trees with

asphalt and the subsequent loss of benefits?

Tenderloin Tenants seek to protect and maximize the quality of life for current and future residents.

Wilma Gurwork
Tenderloin Tenants

From: tenantsunite@yahoo.com
To: [BoardofAppeals \(PAB\)](#)
Subject: Appeal #25-007 For Board Of Appeals hearing (43 United Nations Plaza) tree removals Comment
Date: Tuesday, September 30, 2025 5:58:59 PM

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

Board of Appeals members:

Tenants Unite has been following the unusual actions of two city agencies that occurred during the process of removing a number of trees in United Plaza.

These actions are alarming to our members and coalition partners, who share this belief that the process was flawed and that the appeal should be granted.

Our coalition partners will be taking this into account.

We urge the Board of Appeals to uphold the appeal based on the city agencies' wrongful removal of trees.

George Humpreys
Tenant Unite ☐