City and County of San Francisco

Board of Appeals

Julie Lamarre
Executive Director

August 26, 2026

The Honorable Rafael Mandelman
President, San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: File # 251211

Dear President Mandelman:

On behalf of the Board of Appeals (the Board), I am writing to provide our views on pending legislation (File 251211) that would strip jurisdiction from the Board over appeals of certain city-initiated tree removal permits. At our hearing on August 26, 2026, the Board voted 4-0 to recommend that the legislation be amended to eliminate the jurisdiction-stripping language found on page 7, lines 8-10 (Amendment of Section 806(a)(4)(B)).

As you may know, although the legislation amends the Board's authorizing ordinance, it was introduced without any consultation or input from the Board. Subsequently, we met with relevant departments and the staff of the author. While not persuaded of the need for changes, we acquiesced in the shortening of time for certain appeals to be filed and decided. However, the elimination of the public's right to have an independent review of a departmental decision on city-initiated hazard tree removals is unwarranted.

In seeking to exempt its decisions from Board review, the department has demonstrated no burden upon it. In fact, the Board has heard just two appeals of city-initiated tree removals since the beginning of 2024. In the most recent appeal, the department failed to submit a brief as is expected of members of the public, permit holders and city agencies. Moreover, its representative at the hearing testified that he was informed just two days prior to the hearing that it was his job to appear before us despite the department having been informed long before. The department's apparent disregard of the Board's jurisdiction is equally a disregard for the public's right to due process.

The main argument the Board has heard in favor of the legislation is that it enables quick action to protect the public against the "danger of hazardous trees." However, the department already has emergency authority, without any appeal allowed, to immediately remove a tree if there is “manifest danger and immediate necessity” (Public Works Code Section 806(a)(5)). The Board is not involved in any way. The city's definition of "hazard trees" in Section 802 of the Public Works Code goes far beyond the typical definition of "dangerous or potentially causing imminent harm." The Code's definitions of "hazard tree" and "maintenance" allow for so many interpretations that the department's decision should be open to public review by the Board. Review has been rare – two

cases of city-initiated hazard tree removals have been heard since the beginning of 2024 -- but warranted, especially given the irreparable harm involved.

The Board recognizes that the legislation has been amended to provide internal review of a city-initiated tree removal action. In our experience, some departmental internal review processes of their own decisions have fallen short of proper due process and are not an adequate replacement for independent review of appeals from affected members of the public. The Board has agreed to the shortened timelines contained in the legislation but concludes that outright elimination of Board jurisdiction over city-initiated hazard tree removals is unwarranted.

The Board's jurisdiction was exhaustively examined during the months of meetings and proceedings of the Commission Streamlining Task Force. The idea of restricting the Board's jurisdiction over tree removal permits never came up. In fact, the Commission recommended expanding the Board's jurisdiction over additional city permits. Moreover, even if Board jurisdiction caused delay or hardship on a tree removal requestor, the legislation only exempts the city-initiated permit requests, not those of members of the public. Critics of government often charge that the government refuses to abide by the laws that it requires of the public. Let's not prove them right.

Thank you for the opportunity to share the Board's views and recommendation to eliminate the jurisdiction-stripping provision of the legislation.

Sincerely,

John Trasviña

John Trasviña
President

cc:
Members of the Board of Supervisors
Office of the Mayor
Department of Public Works