

## Landmark Tree Hearing on 2/3/22 at 4:45 p.m. re Giant Sequoia Tree located at 3344 Folsom Street

Robert Ormiston, Attorney <bob@reolawca.com>

Wed 1/26/2022 8:30 PM

To: Brastow, Peter (ENV) <peter.brastow@sfgov.org>

 3 attachments (10 MB)

Castro v. Patel Complaint.pdf; Roy C. Leggitt, III Arborist Report 4-30-19.pdf; Roy C. Leggitt, III Arborist Report 7-13-21.pdf;

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Dear Mr. Brastow:

The undersigned represents the owners of the property at 3348 Folsom Street, San Francisco CA 94110, Michael and Katherine Castro, Trustees. 3348 Folsom Street is the next-door property on the left to the applicant Richard Patel's property at 3340-3344 Folsom Street.

Mr. Patel's giant sequoia tree is the subject of pending litigation with his neighbors, the Castros, due to the damage it is causing to their home. Apparently, Mr. Patel is attempting to draw the City of San Francisco and the San Francisco Urban Forestry Council members into his litigation and to obtain an unfair advantage by trying to sneak through Landmark status of a hazard tree without disclosing all of the pertinent information to the Council (neither Mr. Patel nor his attorney provided us any notice that the Landmark process was occurring and led us to believe otherwise). Mr. Castro only by chance ran across a flyer about the upcoming hearing on the ground on his porch late last week.

Unfortunately, Mr. Patel's Giant Sequoia tree is only about four and one-half feet (4.5') away from the Castros' house (built around 1909) and has begun to cause structural damage to their home which will only get worse over time. The roots from the giant sequoia tree are located under the foundation and cement slabs of the Castros' home. This giant sequoia tree's roots have clearly intruded onto the Castros' property and are beneath and damaging the foundation, ground floor slabs and sewer line of the Castro's home. The giant sequoia tree is a hazard tree as it is causing substantial damage to the Castros' over 100-year-old home.

The giant sequoia tree has an asymmetric form, an imbalanced crown, a deep seam or bark inclusion that extends nearly to the soil, and it is leaning, so the tree is at risk of falling over in a storm. The asymmetric form and the lean are away from where the roots are confined (under the cement foundation and slabs of the Castros' home), thereby increasing the chances of uprooting. Given the above conditions, the giant sequoia tree poses a significantly increased risk for uprooting or for failure of one stem, either of which could cause significant harm to

persons and/or property. The giant sequoia tree is thus also a hazard tree as it is dangerous given these factors and it is at risk of falling in a storm.

A copy of the pending lawsuit which discusses the above points is attached (Castro v. Patel, San Francisco Superior Court Case No. CGC-21-597092).

A copy of the Arborist Reports from Roy C. Leggitt, III (Certified Arborist WE-0564A) dated April 30, 2019 and July 13, 2021 are attached which detail the above information and condition of the giant sequoia. Please note that in mid-2019, the applicant Richard Patel was provided with a copy of the April 30, 2019 Arborist Report, and on October 10, 2021, the applicant Richard Patel was provided with a copy of the July 13, 2021 Arborist Report, together with repair estimates for the damage to the Castros' home from his giant sequoia tree. Mr. Patel has refused to do anything for over two years thus forcing the Castros to bring litigation against him.

Given the above, it is requested that the Landmark hearing should not move forward as to the giant sequoia tree and/or the Landmark Status request should be denied since:

- 1) There is pending litigation over the damage being caused by the giant sequoia tree and the SF Superior Court should now resolve this neighbor civil dispute;
- 2) The giant sequoia tree is a hazard tree as it is damaging the Castros' over 100-year-old home located only 4.5 feet away;
- 3) The giant sequoia tree is a hazard tree as it has an asymmetric form, an imbalanced crown, a deep seam or bark inclusion that extends nearly to the soil, and it is leaning and has confined roots, all of which together pose a significantly increased risk for uprooting or for failure of one stem, either of which could cause significant harm to persons and/or property; and/or
- 4) The giant sequoia tree is not sustainable given that its roots are growing under and damaging the slabs and foundation of the Castros' over 100-year-old house only 4.5 feet away.

Request is also made to please add the following persons to the notice list for all hearings and matters pertaining to this giant sequoia tree:

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Per the Public Records Act, request is hereby made for the entire file on this giant sequoia tree, all submissions by or on behalf of the applicant Richard Patel, and any and all reports/inspections/evaluations of the giant sequoia tree from any source.

If this giant sequoia hearing is not taken off calendar, then each of the above three persons would request to speak at any hearing.

Please let me know any response that can be provided as soon as possible.

Thank you in advance for your assistance.

Very truly yours,

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