

File No. 150221

Committee Item No. 3

Board Item No. 21

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date June 15, 2015

Board of Supervisors Meeting

Date Jun. 23, 2015

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
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Completed by: Andrea Ausberry Date June 11, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [Planning, Public Works Codes - Street Trees and Adoption of Associated Fees]

2

3 **Ordinance amending the Planning and Public Works Codes to shift the authority to**

4 **require street trees in the case of certain types of development projects from the**

5 **Planning Department to Public Works; to require a permit to perform major**

6 **maintenance on street trees within a specified distance of general advertising signs,**

7 **adopt a fee for such permit, and impose penalties for violations; to require a tree**

8 **protection plan in advance of construction and adopt a fee for review and approval of**

9 **the plan; to give specified Public Works staff enforcement authority; and affirming the**

10 **Planning Department's determination under the California Environmental Quality Act,**

11 **and making other findings including findings of consistency with the General Plan, and**

12 **the eight priority policies of Planning Code, Section 101.1.**

13 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.

14 **Additions to Codes** are in *single-underline italics Times New Roman font*.

15 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.

16 **Board amendment additions** are in double-underlined Arial font.

17 **Board amendment deletions** are in ~~Arial font~~.

18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19  
20 Section 1. Findings.

21 (a) Tree-lined streets are a key component of San Francisco's urban forest and

22 contribute to a more walkable, livable, and sustainable city. They remove pollutants from air

23 and water, create greener and more vibrant neighborhoods, and make streets more enjoyable

24 to walk and shop along.

25

1 (b) The City has long required street trees when certain types of development projects  
2 are built. The Planning Code imposes these requirements and the Planning Department  
3 implements them. However, the Planning Department does not have (1) jurisdiction over the  
4 public right-of-ways in which street trees are planted or (2) meaningful expertise in  
5 arboriculture or sidewalk utility conflicts. Accordingly, the Planning Department has  
6 implemented tree planting requirements through an interagency referral process with  
7 Department of Public Works ("PW"), which has jurisdiction over public right-of-ways and tree  
8 permitting. This process is inefficient, time-consuming, and not friendly to applicants for  
9 various City permits.

10 (c) The authority relating to street trees is more appropriately housed within the Public  
11 Works Code and implemented by the staff of PW, which has both the jurisdiction and  
12 expertise to more successfully implement the City's street tree requirements.

13 (d) Topping of trees or other inappropriate pruning and maintenance can severely  
14 injure or kill a tree. PW has witnessed numerous instances where street trees in the vicinity of  
15 general advertising signs have been improperly pruned in an effort to make such signs more  
16 visible at the expense of the street trees health and longevity.

17 (e) The Board of Supervisors wants to balance the potentially competing needs of  
18 maintaining visible advertising signs and protecting the viability and other benefits of street  
19 trees. The Board intends to strike this balance through a new requirement to obtain a permit  
20 for maintenance of street trees within a specified distance of general advertising signs, a  
21 condition that a certified arborist directly supervise the maintenance activity, and creation of  
22 penalties for violating the permit terms or failing to obtain a permit.

23 (f) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
5 Code Section 21000 et seq.). The Board of Supervisors affirms this determination. Said

1 determination is on file with the Clerk of the Board of Supervisors in File No. 150221 and is  
2 incorporated herein by reference.

3 (g) Pursuant to Planning Code Section 302, the Board finds this ordinance will serve  
4 the public necessity, convenience and welfare for the reasons set forth in Planning  
5 Commission Resolution No. 19372, which reasons are incorporated herein by reference as  
6 though fully set forth. A copy of Planning Commission Resolution No. 19372 is on file with the  
7 Clerk of the Board of Supervisors in File No. 150221.

8 (h) At a duly noticed public hearing held on May 14, 2015, the Planning Commission in  
9 Resolution No. 19372 found that the proposed Planning and Public Works Code amendments  
10 contained in this ordinance are consistent with the City's General Plan and with the priority  
11 policies of Planning Code Section 101.1. The Commission recommended that the Board of  
12 Supervisors adopt the proposed amendments. The Board finds that the proposed  
13 amendments contained in this ordinance are consistent with the City's General Plan and with  
14 the Priority Policies of Planning Code Section 101.1 for the reasons set forth in said  
15 Resolution.

16  
17 Section 2. The Planning Code is hereby amended by revising Sections 138.1 and  
18 deleting 428, to read as follows

19 **SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**

20 \* \* \* \*

21 (c) **Required streetscape and pedestrian improvements.** Development projects  
22 shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way  
23 directly fronting the property as follows:

24 (1) **Street trees.** Project Sponsors shall plant and maintain street trees as set forth in  
25 Article 16, Sections 805(a) and (d) and 806(d) of the Public Works Code.

1                    ~~(A) Application. In any District, street trees shall be required under the~~  
2 ~~following conditions: construction of a new building; relocation of a building; the addition of gross~~  
3 ~~floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a~~  
4 ~~new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of~~  
5 ~~the front setback.~~

6                    ~~(B) Standards.~~

7                    ~~\_\_\_\_\_ (i) All districts. In any district, street trees shall:~~

8                    ~~\_\_\_\_\_ (aa) Comply with Public Works Code Article 16 and any other~~  
9 ~~applicable ordinances;~~

10                  ~~\_\_\_\_\_ (bb) Be suitable for the site;~~

11                  ~~\_\_\_\_\_ (cc) Be a minimum of one tree of 24 inch box size for each 20~~  
12 ~~feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or~~  
13 ~~more of frontage requiring an additional tree. Such trees shall be located within the public right-of-way~~  
14 ~~along such lot, and shall comply with all applicable codes and standards.~~

15                  ~~\_\_\_\_\_ (dd) Provide a below grade environment with nutrient rich soils,~~  
16 ~~free from overly compacted soils, and generally conducive to tree root development;~~

17                  ~~\_\_\_\_\_ (ee) Be watered, maintained and replaced if necessary by the~~  
18 ~~property owner, in accordance with Sec. 174 and Article 16 of the Public Works Code and compliant~~  
19 ~~with applicable water use requirements of Chapter 63 of the Administrative Code.~~

20                  ~~\_\_\_\_\_ (ii) DTR, RC, C, NC and Mixed Use Districts, and Planned Unit~~  
21 ~~Developments. In DTR, RC, C, NC and Mixed Use Districts, and Planned Unit Developments, in~~  
22 ~~addition to the requirements of subsections (aa) (ee) above, all street trees shall:~~

23                  ~~\_\_\_\_\_ (aa) Have a minimum 2 inch caliper, measured at breast height;~~

24                  ~~\_\_\_\_\_ (bb) Branch a minimum of 80 inches above sidewalk grade;~~

1 \_\_\_\_\_ (cc) *Be planted in a sidewalk opening at least 16 square feet,*  
2 *and have a minimum soil depth of 3 feet 6 inches;*

3 \_\_\_\_\_ (dd) *Include street tree basins edged with decorative treatment,*  
4 *such as pavers or cobbles. Edging features may be counted toward the minimum sidewalk opening per*  
5 *(cc) if they are permeable surfaces per Section 102.33.*

6 \_\_\_\_\_ (iii) *Continuous soil-filled trench. Street trees shall be planted in a*  
7 *continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected, if: (1)*  
8 *the project is on a lot that (a) is greater than 1/2-acre in total area, (b) contains 250 feet of total lot*  
9 *frontage on one or more publicly accessible rights-of-way, or (c) the frontage encompasses the entire*  
10 *block face between the nearest two intersections with any other publicly accessible rights-of-way, and*  
11 *(2) the project includes (a) new construction or (b) addition of 20% or more of gross floor area to an*  
12 *existing building. The trench may be covered by allowable permeable surfaces as defined in Section*  
13 *102.33, except at required tree basins, where the soil must remain uncovered.*

14 (C) *Approvals, waivers, and modifications.*

15 \_\_\_\_\_ (i) *Trees installed in the public right-of-way shall be subject to*  
16 *Department of Public Works approval. Procedures and other requirements for the installation,*  
17 *maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the*  
18 *Public Works Code.*

19 \_\_\_\_\_ (ii) *Determination of infeasibility or undesirability. Required street*  
20 *trees may be found to be infeasible or undesirable under the following circumstances:*

21 \_\_\_\_\_ (aa) *Technical infeasibility. The Department of Public Works*  
22 *may determine that one or more trees in the public right-of-way cannot be planted or cannot meet all the*  
23 *requirements of subsections (ii)(A)-(C), 1 on the basis of inadequate sidewalk width, interference with*  
24 *utilities or other reasons regarding the public welfare.*

1 ~~\_\_\_\_\_ (bb) Incompatibility with existing policy. The Zoning~~  
2 ~~Administrator may determine that the planting of street trees conflicts with policies in the General Plan~~  
3 ~~such as the Downtown Plan policy favoring unobstructed pedestrian passage or the Commerce and~~  
4 ~~Industry Element policies to facilitate industry.~~

5 ~~\_\_\_\_\_ (iii) Waiver or modification. In any case in which a street tree is~~  
6 ~~determined to be infeasible or undesirable under subsections (aa) or (bb), the Zoning Administrator~~  
7 ~~may waive or modify the street tree requirement as follows:~~

8 ~~\_\_\_\_\_ (aa) For each required tree that the Zoning Administrator~~  
9 ~~waives, the permittee shall pay an "in-lieu" street tree fee pursuant to Section 428.~~

10 ~~\_\_\_\_\_ (bb) As an alternative to payment of any portion of the in-lieu~~  
11 ~~fee, the Zoning Administrator may modify the requirements of this section to allow the installation of~~  
12 ~~alternative landscaping, including: sidewalk landscaping that is compliant with applicable water use~~  
13 ~~requirements of Chapter 63 of the Administrative Code, to satisfy the requirements of Section~~  
14 ~~138.1(e)(1), subject to permit approval from the Department of Public Works in accordance with~~  
15 ~~Public Works Code Section 810B, planter boxes, tubs, or similar above-ground landscaping, street~~  
16 ~~trees that do not meet all of the requirements of subsections (ii)(A)-(C), 1 or street trees planted in a~~  
17 ~~required front setback area on the subject property.~~

18 ~~\_\_\_\_\_ (D) Credit for existing street trees. Where there is an existing, established~~  
19 ~~street tree fronting the subject property, as determined by the Department of Public Works, the street~~  
20 ~~tree requirement shall be waived and no in-lieu fee shall be applied for that particular tree.~~

21 **(2) Other streetscape and pedestrian elements for large projects.**

22 **(A) Application.**

23 (i) In any district, streetscape and pedestrian elements in  
24 conformance with the Better Streets Plan shall be required, if all the following conditions are  
5 present: (1) the project is on a lot that (a) is greater than one-half acre in total area, (b)

1 contains 250 feet of total lot frontage on one or more publicly-accessible rights-of-way, or (c)  
2 the frontage encompasses the entire block face between the nearest two intersections with  
3 any other publicly-accessible rights-of-way, and (2) the project includes (a) new construction;  
4 or (b) addition of 20% or more of gross floor area to an existing building.

5 (ii) Project sponsors that meet the thresholds of this Subsection shall  
6 submit a streetscape plan to the Planning Department showing the location, design, and  
7 dimensions of all existing and proposed streetscape elements in the public right-of-way  
8 directly adjacent to the fronting property, including street trees, sidewalk landscaping, street  
9 lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements  
10 to proposed new construction and site work on the subject property.

11 (B) **Standards.** *Notwithstanding the requirements of Section 138.1(e)(2)(i), 2*  
12 *the Department shall consider, but need not require, the streetscape and pedestrian elements listed*  
13 *below when analyzing a streetscape plan:*

14 (i) Required streetscape elements. *A continuous soil-filled trench*  
15 *parallel to the curb shall connect all street tree basins for those street trees required under the Public*  
16 *Works Code. The trench may be covered only by permeable surfaces as defined in Section 102 of the*  
17 *Planning Code, except at required tree basins, where the soil must remain uncovered. The Director of*  
18 *Planning, or his or her designee, may modify or waive this requirement where a continuous trench is*  
19 *not possible due to the location of existing utilities, driveways, sub-sidewalk basements, or other pre-*  
20 *existing surface or sub-surface features.*

21 (ii) Additional Standard streetscape elements. *The Department*  
22 *shall consider, but need not require, additional All-standard streetscape elements for the*  
23 *appropriate street type per Table 1 and the Better Streets Plan, including benches, bicycle*  
24 *racks, curb ramps, corner curb extensions, stormwater facilities, lighting, sidewalk*  
25



1 landscaping, special sidewalk paving, and other site furnishings, excepting crosswalks and  
2 pedestrian signals.

3 (aa) a. Streetscape elements shall be selected from a City-  
4 approved palette of materials and furnishings, where applicable, and shall be subject to  
5 approval by all applicable City agencies.

6 (bb) b. Additionally, Streetscape elements shall be  
7 consistent with the overall character and materials of the district, and shall have a logical  
8 transition or termination to the sidewalk and/or roadway adjacent to the fronting property.

9 (ii) **Sidewalk widening.** The Planning Department in  
10 consultation with other agencies shall evaluate whether sufficient roadway space is available  
11 for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to  
12 meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2  
13 and the Better Streets Plan and/or to provide additional space for pedestrian and streetscape  
14 amenities. If it is found that sidewalk widening is feasible and desirable, the Planning  
15 Department shall require the owner or developer to install such sidewalk widening as a  
16 condition of approval, including all associated utility re-location, drainage, and street and  
17 sidewalk paving.

18 (iii) **Minimum sidewalk width.** New publicly-accessible rights-  
19 of-way proposed as part of development projects shall meet or exceed the recommended  
20 sidewalk widths for the appropriate street type per Table 2. Where a consistent front building  
21 setback of 3 feet or greater extending for at least an entire block face is provided, the  
22 recommended sidewalk width may be reduced by up to 2 feet.

23 \* \* \* \*

24  
25 ~~SEC. 428. STREET TREES IN LIEU FEE.~~

1           ~~If the Zoning Administrator waives the requirement for a street tree under Section 138.1, the~~  
2 ~~application shall pay a in lieu fee. This fee shall be the amount specified in the Public Works Code~~  
3 ~~Article 16 and be payable prior to issuance of any certificate of occupancy. The fee amount shall be~~  
4 ~~deposited in the Department of Public Works Adopt-A-Tree Fund.~~

5  
6           Section 3. The Public Works Code is hereby amended by revising Sections 802, 805,  
7 806, 811, and 812, to read as follows:

8  
9           **SEC. 802. DEFINITIONS.**

10           Unless the context specifically indicates otherwise,

11           ~~(a)~~ "Administrative cost" shall mean 20 percent of the Department's actual  
12 replacement cost, or a minimum of \$100, whichever is greater.

13           ~~(b)~~ "City" shall mean the City and County of San Francisco.

14           ~~(c)~~ "Community Boards" of San Francisco shall mean the neighborhood  
15 mediation/dispute settlement service established under the auspices of The Community Board  
16 Program, Inc.

17           ~~(d)~~ "Department" shall mean the Department of Public Works of the City ~~and County of~~  
18 ~~San Francisco.~~

19           ~~(e)~~ "Director" shall mean the Director of ~~the Department of~~ Public Works or the  
20 Director's designee, which shall include the Urban Forester or other departmental staff.

21           ~~(f)~~ "Ex officio" shall mean a current employee of any City department, or California or  
22 federal agency whose appointment to the Urban Forestry Council has been approved by the  
23 Director of the Department of the Environment.

24           "Hazard Tree" shall mean any tree that poses an imminent hazard to person or property. The  
25 Director may determine that a tree is a hazard if it or any part of it: (1) appears dead, dangerous, or

1 likely to fall, even after proper maintenance activities are performed to eliminate dead or dangerous  
2 parts; (2) obstructs or damages a street, sidewalk, or other existing structure; (3) harbors a serious  
3 disease or infestation threatening the health of other trees; (4) interferes with vehicular or pedestrian  
4 traffic; or (5) poses any other significant hazard or potential hazard, as determined by the Director;  
5 provided, however, that feasible measures have been applied to abate any such hazard, such as  
6 applicable Maintenance activities as defined in this Section 802. The Director's determination shall be  
7 in writing.

8 (g) "Injure" or "injury" shall mean any act which harms or damages a tree, including  
9 but not limited to impact, cutting, carving, painting, transplanting, or knocking over, and  
10 includes but is not limited to the following: injurious attachment of any rope, wire, nail,  
11 advertising poster, or other contrivance to any tree subject to the provisions of this Article 16;  
intentionally or negligently allowing any gaseous, liquid, or solid substance that is harmful to a  
13 tree to come into contact with a tree; setting fire or intentionally or negligently permitting any  
14 fire to burn when such fire or the heat therefrom will injure any part of any tree; pruning which  
15 in and of itself will kill or cause a tree to decline; or severing of all or part of a tree.

16 (h) "In-lieu fee" shall mean a fee deposited into the Adopt-A-Tree Fund and imposed  
17 by the Director. The in-lieu fee shall be equal to the replacement value of a tree(s) to be  
18 removed or trees that have been destroyed or as otherwise specified in Section 811. In the  
19 case of trees required to be planted by Section ~~143 of the City Planning Code~~ 805 or 806, yet  
20 excused ~~under Section 143(d) of the Planning Code~~ by the Director through a waiver or modification,  
21 the ~~i~~n-lieu fee shall be equal to the City's cost to plant and water a tree for three years. The  
22 minimum in lieu fee shall be \$1,489.00. Beginning with fiscal year 2007-2008, this fee shall be  
23 reviewed and adjusted each year in accordance with the procedures set forth in Public Works  
24 Code Section 2.1.2.

1           (f) "Interested San Francisco organization" shall mean a San Francisco organization  
2 or individual that has made a written request to the Department for notification of proposed  
3 tree removals in a specified area(s) or neighborhood(s).

4           (f) "Landmark ~~f~~Tree" shall mean a tree so designated pursuant to Section 810 of this  
5 Article 16.

6           (f) "Landscape ~~m~~Material" shall mean any tree, shrub, groundcover or other plant.

7           (f) "Maintenance" shall mean those actions necessary to promote the life, growth,  
8 health, or beauty of a tree. Maintenance includes both routine and major activities. "Routine  
9 ~~m~~Maintenance" shall include adequate watering to ensure the tree's growth and sustainability;  
10 weed control; removal of tree-well trash; staking; fertilizing; routine adjustment and timely  
11 removal of stakes, ties, tree guards, and tree grates; bracing; and sidewalk repairs related to  
12 the tree's growth or root system pursuant to Section 706 of this Code. "Major ~~m~~Maintenance"  
13 shall include structural pruning as necessary to maintain public safety and to sustain the  
14 health, safety, and natural growth habit of the tree; pest and disease-management procedures  
15 as needed and in a manner consistent with public health and ecological diversity; replacement  
16 of dead or damaged trees. Pruning practices shall be in compliance with International Society  
17 of Arboriculture Best Management Practices and ANSI Pruning Standards, whichever is more  
18 protective of tree preservation.

19           (m) "Median ~~s~~Strip" shall mean the dividing area in the public way between opposing  
20 lanes of vehicular traffic.

21           (n) "Notice" shall mean written notice by personal delivery or by mailing, either by  
22 letter or postal card, postage prepaid to the last known address as the same appears on the  
23 City's most recent assessment rolls.

24           (o) ~~"Hazard tree" shall mean any tree that poses an imminent hazard to person or property.~~  
25 ~~The Director may determine that a tree is a hazard if it or any part of it: (1) appears dead, dangerous,~~

1 ~~or likely to fall, even after proper maintenance activities are performed to eliminate dead or dangerous~~  
2 ~~parts; (2) obstructs or damages a street, sidewalk, or other existing structure; (3) harbors a serious~~  
3 ~~disease or infestation threatening the health of other trees; (4) interferes with vehicular or pedestrian~~  
4 ~~traffic; or (5) poses any other significant hazard or potential hazard, as determined by the Director;~~  
5 ~~provided, however, that feasible measures have been applied to abate any such hazard, such as~~  
6 ~~applicable maintenance activities listed in Section 802(l) of this Article. The Director's determination~~  
7 ~~shall be in writing.~~

8 (p) "Person" shall mean any individual, firm, partnership, association, corporation,  
9 company, or organization of any kind.

10 (q) "Planting" shall mean putting or setting into the ground or into a container to grow  
11 and irrigating until self-sufficient.

12 (r) "Removal" shall mean any intentional or negligent moving, carrying away,  
13 elimination or taking away of part or all of a tree.

14 (s) "Replacement ~~v~~Value" shall mean the actual cost to the Department of replacing a  
15 tree or landscape material removed or destroyed with a comparable size and species of tree  
16 or with comparable landscape material. Certain trees or landscape material, because of their  
17 size, species or historical significance, cannot be replaced from available nursery stock. In  
18 such case, "replacement value" shall be determined pursuant to the valuation formula  
19 adopted by the International Society of Arboriculture, as amended from time to time, plus the  
20 Department's actual costs to replace the tree. "Replacement value" shall include the  
21 Department's administrative costs.

22 (t) "Sidewalk" shall mean the area between the curbing and the abutting private  
23 property lot line, whether paved or unpaved, as legislated by the Board of Supervisors and as  
24 reflected in the Department's official maps.

5 (u) "Significant Tree" shall mean a tree so defined in Section 810A of this Article.

1           ~~(v)~~ "Street" shall mean the vehicular travel-way portion of any public street, avenue,  
2 boulevard, lane, road, parkway, freeway, or other public way.

3           ~~(w)~~ "Street ~~#~~Tree" shall mean any tree growing within the public right-of-way, including  
4 unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction  
5 of the Department.

6           ~~(x)~~ "Tree" shall mean any large perennial plant having a woody trunk(s), branches,  
7 and leaves. Trees also shall include palm trees.

8           ~~(y)~~ "Urban ~~#~~Forest" shall mean all trees on public streets and ~~rights-of-way~~ within the  
9 borders of the City and County of San Francisco, any trees growing on land subject to the  
10 jurisdiction of the Department, and any other trees subject to the provisions of this Article 16.

11           ~~(z)~~ "Urban Forestry Council" shall mean the Urban Forestry Council as established  
12 under the Environment Code Chapter 12.

13  
14           **SEC. 805. RESPONSIBILITY FOR MAINTENANCE OF STREET TREES.**

15           **(a) Responsibilities of Property Owners.**

16           (1) Except as specified in Subsections 805(~~b c~~) and (~~e d~~) below, it shall be the  
17 duty of owners of lots or portions of lots immediately abutting on, fronting on or adjacent to  
18 any ~~s~~Street ~~#~~Tree to maintain such ~~s~~Street ~~#~~Tree. This duty shall include both ~~r~~Routine and  
19 ~~m~~Major maintenance of the ~~s~~Street ~~#~~Tree. It shall be the responsibility of all public agencies,  
20 including City, State and federal agencies, to maintain ~~s~~Street ~~#~~Trees abutting on such public  
21 agency's property in accordance with this Section 805. In addition, and in accordance with  
22 Section 706 of this Code, abutting property owners shall be responsible for the care and  
23 maintenance of the ~~s~~Sidewalk and sidewalk areas adjacent to any ~~s~~Street ~~#~~Tree.

24           (2) Any person who suffers injury or property damage as a legal result of the  
25 failure of the owner to so maintain a ~~s~~Street ~~#~~Tree, ~~s~~Sidewalk and sidewalk areas shall have a

1 cause of action for such injury or property damage against such property owner. In addition to  
2 its rights under Section 706 of this Code, the City ~~and County of San Francisco~~ shall have a  
3 cause of action for indemnity against such property owner for any damages the City may be  
4 required to pay as satisfaction of any judgment or settlement of any claim that results from  
5 injury to persons or property as a legal result of the failure of the owner to maintain a ~~s~~Street  
6 ~~#~~Tree in accordance with this Section 805.

7 (3) The Department shall have available to interested persons, upon request,  
8 public pruning standards to ensure that ~~s~~Street ~~#~~Trees receive proper care.

9 **(b) Permit Required for Major Maintenance of Street Trees Adjacent to General Advertising**  
10 **Signs.**

11 (1) The Department shall require a permit to perform Major Maintenance, as defined in  
12 Section 802, on any Street Tree within 150 feet of any portion of a general advertising sign, as defined  
13 in Planning Code Section 602.7. The Department shall issue such permit only to the owners of lots or  
14 portions of lots immediately abutting on, fronting on or adjacent to any such Street Tree unless the  
15 subject Tree is under the Maintenance responsibility of the Department, in which case the Department  
16 may perform the Major Maintenance itself.

17 (2) Any permit for Major Maintenance of Street Trees specified in Section 805(b)(1)  
18 shall include a condition that the Maintenance work be conducted under the direct supervision of a  
19 certified arborist in accordance with this Article 16 and other standards that the Department adopts.

20 (3) The fee for a permit for Major Maintenance of a Street Tree(s) specified in Section  
21 805(b)(1) shall be \$ 300.00. This fee is subject to the fee adjustment provisions of Section 2.1.2 and  
22 additional fee provisions of Section 2.1.3.

23 **(c) Responsibilities of the Department.** The Department may, at the Director's  
24 discretion, determine to undertake the regular ~~r~~Routine and/or ~~m~~Major ~~m~~Maintenance of  
certain ~~s~~Street ~~#~~Trees or corridors of ~~s~~Street ~~#~~Trees to promote consistency in the

1 *m*Maintenance of *t*Trees or in the public interest. Where the Department determines to  
2 undertake such regular *m*Maintenance of *s*Street *t*Trees, the Director shall specify in writing by  
3 Departmental Order those *t*Trees or corridors of *t*Trees for which it has undertaken  
4 *m*Maintenance responsibility and shall specify in writing whether the Department will be  
5 responsible for *r*Routine or *m*Major *m*Maintenance, or both. Such determinations by the  
6 Department shall be readily accessible to property owners and members of the public. Where  
7 the Department has undertaken certain *m*Maintenance responsibility for *s*Street *t*Trees in  
8 writing, the abutting property owner shall be relieved of responsibility for such *s*Street *t*Tree  
9 *m*Maintenance.

10 Where the Department assumes *m*Maintenance responsibilities after the effective date  
11 of this Article 16, it shall send written notice of that fact to the abutting property owner.

12 **(e-d) Street Tree Establishment and Replacement of Dead Street Trees.**

13 (1) **Establishment of Street Trees.** The establishment period for newly  
14 planted *s*Street *t*Trees shall be three years from the date of *p*Planting. If the *s*Street *t*Tree is not  
15 adequately established at the end of this period, the Director shall treat this as an *i*Injury to the  
16 *t*Tree, as defined in Section 802(~~e~~), and may seek penalties for violation, as set forth in  
17 Section 811. The Director may establish rules, regulations, or any other form of written  
18 guidelines concerning standards for proper care and *m*Maintenance during the establishment  
19 period.

20 (2) **Replacement of Dead Street Trees.** The permittee or agency responsible  
21 for a *s*Street *t*Tree shall replace a dead *s*Street *t*Tree within six months of the demise or  
22 *r*Removal of the *t*Tree. Removal of a dead *s*Street *t*Tree and *p*Planting of a replacement *s*Street  
23 *t*Tree shall be subject to all requirements set forth in this Article 16 for *r*Removal and *p*Planting.  
24 The Director is authorized to waive this replacement requirement and may place conditions on  
25



1 any such waiver, which may include, but is not limited to, replacement ~~p~~planting at an  
2 alternate location or payment of the ~~i~~n-lieu fee. Any such waiver shall be in writing.

3 **(~~d~~-e) Department Inventory and Publication of Street Tree Responsibilities.**

4 (1) The Department shall use its best efforts to maintain an inventory of all  
5 ~~#~~Trees under its jurisdiction.

6 (2) As of the effective date of this Article 16, the Department shall continue to  
7 maintain ~~s~~Street ~~#~~Trees listed in its database as Department-maintained ~~#~~Trees. Such  
8 information shall be made available to the public upon request.

9 (3) Within 120 days of the effective date of this Article 16, the Department shall  
10 publish in a newspaper of general circulation in the City a list of all ~~#~~Trees or corridors of  
11 ~~#~~Trees maintained by the Department.

2 **(~~e~~-f) Department Relinquishment of Street Tree Maintenance.**

3 (1) The Director may, in his or her discretion, determine to relinquish ~~#~~Tree  
4 ~~m~~Maintenance responsibilities for certain ~~#~~Trees or corridors of ~~#~~Trees. Prior to such  
5 relinquishment, the Director shall post the affected ~~#~~Trees and send ~~n~~Notice to abutting  
6 property owners of the Department's intent to relinquish ~~m~~Maintenance responsibilities on a  
7 date certain. Within 10 days of the posting and mailing of such ~~n~~Notice, any affected property  
8 owner may object in writing to such relinquishment. At the written request of any person, the  
9 Director ~~will~~shall hold a hearing prior to relinquishing ~~m~~Maintenance responsibility for a  
10 particular ~~#~~Tree or corridor of ~~#~~Trees. The Director's decision on such relinquishment shall be  
11 final and nonappealable.

12 (2) Prior to relinquishing ~~m~~Maintenance responsibilities, the Department shall  
13 perform all necessary ~~m~~Major tree ~~m~~Maintenance. As of the date designated by the Director,  
14 all ~~#~~Tree ~~m~~Maintenance ~~and tree-related maintenance~~ shall be the responsibility of the abutting  
15 property owner.

1  
2           **SEC. 806. PLANTING AND REMOVAL OF STREET TREES.**

3           **(a) Planting and Removal by the Department.**

4           (1) **Planting.** The Department may determine to plant a new climate  
5 appropriate ~~f~~Tree (s) in a ~~s~~Sidewalk or public right-of-way. When the Department determines  
6 to plant a new ~~s~~Street ~~f~~Tree(s), the Department will undertake ~~m~~Maintenance responsibility for  
7 such new ~~s~~Street ~~f~~Tree and shall send a courtesy ~~n~~Notice to the abutting property owner prior  
8 to ~~p~~Planting such new ~~f~~Tree. Any objections to the proposed work must be submitted to the  
9 Director in writing and postmarked within 30 days after ~~n~~Notice by the Director. The Director  
10 shall consider such objections and may hold a hearing, in the Director's discretion. The  
11 Director's decision on the matter shall be final and nonappealable.

12           (2) **Removal of Street Trees.** No ~~s~~Street ~~f~~Tree shall be cut down or removed  
13 by the Department unless:

14                   (A) The Department gives 30 days' prior written ~~n~~Notice to the owner of  
15 the property abutting the affected ~~f~~Tree; and

16                   (B) Thirty days prior to the ~~r~~Removal date, the Department notifies all  
17 ~~i~~Interested San Francisco organizations and, to the extent practical, all owners and occupants  
18 of properties that are on or across from the block face where the affected ~~f~~Tree is located. In  
19 addition, 30 days prior to the ~~r~~Removal date, the Department shall post a notice on the  
20 affected ~~f~~Tree.

21           (3) **Appeal of Tree Removal.**

22                   (A) If within 30 days after the giving of ~~n~~Notice for ~~s~~Street ~~f~~Tree  
23 ~~r~~Removal, as specified in Subsection (a)(2), or if within 15 days after the giving of notice for  
24 ~~r~~Removal of a hazard ~~s~~Street ~~f~~Tree, as specified in Subsection (a)(4), any ~~p~~Person files with  
25 the Department written objections to the ~~r~~Removal, the Director shall hold a hearing to

1 consider public testimony concerning the proposed ~~#~~Tree ~~#~~Removal. Written ~~#~~Notice of the  
2 date, time, and place of the hearing shall be posted on the affected ~~#~~Tree, provided in a  
3 newspaper of general circulation, and sent to the objecting party, the owner of the property  
4 abutting the affected ~~#~~Tree, and all ~~#~~Interested San Francisco organizations, not less than  
5 seven days prior thereto.

6 (B) The Director shall issue his or her written decision and order on the  
7 objections after the public hearing specified above.

8 (C) The Director's decision shall be final and appealable to the Board of  
9 Appeals.

10 (4) **Removal of Hazard Street Trees.**

11 (A) No hazard ~~s~~Street ~~#~~Free shall be cut down or removed by the  
Department unless:

13 (i) The Department gives 15 days' prior written ~~#~~Notice to the  
14 owner of the property abutting the affected ~~#~~Tree; and

15 (ii) Fifteen days prior to the ~~#~~Removal date, the Department  
16 notifies all ~~#~~Interested San Francisco organizations and, to the extent practical, owners and  
17 occupants of properties that are on or across the block face where the affected ~~#~~Tree is  
18 located. In addition, 15 days prior to the ~~#~~Removal date, the Department shall post a notice on  
19 the affected ~~#~~Tree.

20 (B) Hazard ~~s~~Street ~~#~~Free shall have the same meaning as "~~H~~Hazard  
21 ~~#~~Tree" in Section 802(~~o~~) except that a hazard ~~s~~Street ~~#~~Free is located within the public right-of-  
22 way ~~and is the maintenance responsibility of the Department.~~

23 (5) **Emergency Removal.** In the case of manifest danger and immediate  
24 necessity, as determined by the Director, the Department may remove any ~~s~~Street ~~#~~Free  
immediately. After such emergency ~~#~~Removal, the Department shall provide ~~#~~Notice of the

1 necessity for such action to the owner of the property abutting the affected ~~#~~Tree, all  
2 ~~i~~Interested San Francisco organizations and, to the extent practical, all owners and occupants  
3 of properties that are on or across from the block face where the affected ~~#~~Tree was removed.

4 **(b) Planting and Removal by Persons Other Than the Department.**

5 (1) **Planting and Removal Permits.** It shall be unlawful for any person to plant  
6 or to remove any ~~s~~Street ~~#~~Free without a valid permit for such work issued by the Department.  
7 All permits for the ~~p~~Planting or ~~r~~Removal of ~~s~~Street ~~#~~Frees issued by the Director for residential  
8 properties shall be recorded on the Report of Residential Building Records in accordance with  
9 Section 351 of the Housing Code. All work associated with a ~~s~~Street ~~#~~Free permit must be  
10 completed within six months of issuance, unless an extension has been granted by the  
11 Department.

12 (2) **Planting.** An abutting property owner who desires a permit to plant a  
13 ~~s~~Street ~~#~~Free shall apply to the Department on the designated form. If approved by the  
14 Director, *the Department shall issue* a permit to plant the specified climate appropriate species of  
15 ~~#~~Tree(s) *shall be issued* to the applicant. There shall be no administrative fee imposed for a  
16 permit to plant a ~~s~~Street ~~#~~Free unrelated to property development. The Director's decision on a  
17 ~~s~~Street ~~#~~Free planting permit shall be final and appealable to the Board of Appeals.

18 **(3) Removal.**

19 (A) An abutting property owner who desires a permit to remove a ~~s~~Street  
20 ~~#~~Free shall apply to the Department on the designated form. The Department may grant or  
21 deny the permit in accordance with the following procedures and requirements. If the  
22 Department grants a ~~#~~Tree ~~r~~Removal permit, it shall require that a ~~s~~Street ~~#~~Free or ~~#~~Trees of  
23 equivalent ~~r~~Replacement value to the one removed be planted in the place of the removed  
24 ~~#~~Tree or impose an ~~i~~In-lieu fee unless it makes written findings detailing the basis for waiving  
25 or modifying this requirement.

1 (i) The fee for a permit to remove 1-3 ~~s~~Street ~~#~~Trees shall be  
2 \$607.00 when the permit is requested to allow for development or construction; the fee for a  
3 permit to remove 1-3 ~~s~~Street ~~#~~Trees shall be \$300.00 when the permit is requested to remove  
4 a hazard or a diseased ~~#~~Tree or to prevent damage to the ~~s~~Sidewalk; the fee for a permit to  
5 remove 4-9 ~~s~~Street ~~#~~Trees shall be \$808.00; and the fee to remove 10 or more ~~s~~Street ~~#~~Trees  
6 shall be \$1,214.00.

7 (ii) **Additional Fees.** ~~In instances where administration or processing~~  
8 ~~of any application is or will exceed the fee amount established pursuant to subsection (i), the~~ The  
9 Director, in his or her discretion, may require an applicant or permittee to pay ~~a sum in excess of~~  
10 ~~the subject fee amounts. This additional sum shall be sufficient to recover actual costs that the~~  
11 ~~Department incurs and shall be charged on a time and materials basis. The Director also may charge~~  
12 ~~for any time and materials costs that other agencies, boards, commissions, or departments of the City,~~  
13 ~~including the City Attorney's Office, incur in connection with the processing or administration of a~~  
14 ~~particular application. Whenever additional fees as set forth in Section 2.1.3 are or will be charged,~~  
15 ~~the Director, upon request of the applicant or permittee, shall provide in writing the basis for the~~  
16 ~~additional fees or an estimate of the additional fees to be charged.~~

17 (iii) **Fee Review and Adjustment.** Beginning with fiscal year  
18 2010-2011, the fees that are established herein shall be reviewed and adjusted each year in  
19 accordance with the procedures set forth in Public Works Code Section 2.1.2.

20 (B) Thirty days prior to the ~~#~~Removal date, the Department shall give  
21 ~~#~~Notice to all ~~i~~Interested San Francisco organizations and, to the extent practicable, the  
22 owners and occupants of properties that are on or across from the block face or adjacent to  
23 where the affected ~~#~~Tree is located. In addition, 30 days prior to the ~~#~~Removal date, the  
24 Department shall post a notice on the affected ~~#~~Tree. If within 30 days after the giving of such  
5 notice any person files with the Department written objections to the ~~#~~Removal, the Director

1 shall hold a hearing prior to removing the ~~#~~Tree. Written notice of the date, time, and place of  
2 the hearing shall be posted on the affected ~~#~~Tree and sent to the objecting party and all  
3 ~~#~~Interested San Francisco organizations not less than seven days prior thereto.

4 (C) The Director shall issue his or her written decision and order on the  
5 objections after the public hearing specified above.

6 (D) The Director's decision shall be final and appealable to the Board of  
7 Appeals.

8 (c) **Planting and Removal by City Agencies, Commissions, or Other**  
9 **Departments.** If a City agency, commission, or department other than the Department of  
10 Public Works desires to plant or remove a ~~s~~Street ~~#~~Tree, such agency, commission, or  
11 department shall be subject to the provisions of Subsection (b); provided, however, that for  
12 purposes of ~~s~~Street ~~#~~Tree ~~#~~Removal, the notice and procedures for Director's hearings set forth  
13 in Subsections (a)(2) and (a)(3) shall apply.

14 (d) Required Street Trees for Development Projects. The Director shall require Street Trees  
15 for the development projects as set forth in this Subsection (d).

16 (1) Applicability. This Subsection shall apply to development projects that involve any  
17 of the following:

18 (A) the construction of a new building;

19 (B) the addition of a dwelling unit;

20 (C) the addition of a new curb-cut;

21 (D) the addition of a garage; and/or

22 (E) a net addition to an existing building of 500 gross square feet or more.

23 (2) Number of Trees Required. The Director shall require one Street Tree for each 20  
24 feet of Street frontage of the property containing the development project, with any remaining fraction  
25 of 10 feet or more of frontage requiring an additional Tree. Any existing Street Trees located within

1 the public right-of-way along such property that have been protected during construction and that the  
2 Director does not recommended for Removal, shall count toward meeting the requirement.

3 (3) Standards for Required Trees. New Street Trees that the Director requires to be  
4 planted under this Subsection shall:

5 (A) be planted within the public right-of-way adjacent to the property containing  
6 the development project;

7 (B) be of a species suitable for the site conditions;

8 (C) be a minimum of 24-inch box size;

9 (D) have a minimum 1 1/4-inch caliper, measured at 6-inches above ground;

10 (E) be planted no higher than the adjacent Sidewalk and provide a below-grade  
11 environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to Tree  
12 root development; and

13 (F) be watered, maintained, and replaced if necessary by the property owner, in  
14 accordance with this Article 16, and be in compliance with applicable water use requirements of  
15 Administrative Code Chapter 63.

16 (4) Waivers and Modifications. The Director may waive or modify the number of  
17 and/or standards for Street Trees required pursuant to this Subsection only as described below:

18 (A) The Director, in his or her sole discretion, may waive or modify the  
19 requirements of this subsection when inadequate Sidewalk width or interference with driveways, sub-  
20 sidewalk basements, or other pre-existing surface, sub-surface, or above-grade features render  
21 installation of the required Street Tree(s) in the required fashion impossible, impractical, and/or  
22 unsafe. For each required Street Tree that the Director waives, the applicant, at his or her choosing,  
23 shall either (i) pay an In-lieu fee pursuant to Section 802 or (ii) to fulfill all or a portion of the  
24 requirement, provide alternative landscaping, including but not limited to Sidewalk landscaping, in  
25 amount comparable to or greater than the number of Street Trees waived; or

1                                (B) Only in those extraordinary and unusual circumstances where an applicant  
2 successfully demonstrates that an overriding City policy renders the Planting of the required Street  
3 Tree(s) inappropriate and both the Director and the Director of Planning concur, the Director may  
4 waive one or more required Street Trees. For each required Street Tree that the Director waives, the  
5 Director, in his or her sole discretion, shall require that the applicant either (i) pay an In-lieu fee  
6 pursuant to Section 802 or (ii) fulfill all or a portion of the requirement by providing alternative  
7 landscaping, including but not limited to Sidewalk landscaping, in amount comparable to or greater  
8 than the number of Street Trees waived.

9  
10                                **SEC. 808. PROTECTION OF TREES AND LANDSCAPE MATERIAL.**

11                                **(a) Injury to or Destruction of Trees Prohibited.** It shall be unlawful for any person  
12 to intentionally, maliciously, or through gross negligence ~~i~~Injure or destroy a ~~s~~Street ~~#~~Tree, any  
13 ~~#~~Tree on City property, a ~~s~~Significant ~~#~~Tree, or a ~~L~~Landmark ~~#~~Tree. Removal of a ~~#~~Tree under  
14 City order or ~~#~~Removal in accordance with a permit issued pursuant to Section 806, 810, or  
15 810A of this Article 16 is exempt from this prohibition.

16                                **(b) Injury to or Destruction of Landscape Materials Prohibited.** It shall be unlawful  
17 for any person to intentionally, maliciously or through gross negligence ~~i~~Injure or destroy any  
18 ~~L~~Landscape ~~#~~Material in any ~~s~~Street median, center strip, or other landscaped portion of a  
19 public right-of-way under the City's jurisdiction, except as authorized by the Department.

20                                **(c) Construction Work: Protection of Trees Required.**

21                                (1) It shall be unlawful for any person to engage in any construction work on  
22 private or public property without first taking steps to protect ~~s~~Street ~~#~~Trees, ~~s~~Significant ~~#~~Trees,  
23 and ~~L~~Landmark ~~#~~Trees from damage, including damage caused by soil compaction or  
24 contamination, excavation, or placement of concrete or other pavement or foundation  
25 material. If excavation, construction, or ~~s~~Street work is planned within the dripline of a



1 ~~s~~Significant ~~#~~Tree, a ~~L~~Landmark ~~#~~Tree, or a ~~#~~Tree on any ~~s~~Street or other publicly owned  
2 property said ~~#~~Tree(s) shall be adequately protected. If any construction work results in the  
3 ~~#~~Injury or damage to such ~~#~~Trees, the responsible party(ies) may be subject to the penalties  
4 set forth in Section 811 of this Article.

5 (2) Prior to Department of Building Inspection issuance of a building permit or site  
6 permit, the applicant for a project that may damage one or more Street Trees, Significant Trees, and/or  
7 Landmark Trees shall submit a Tree protection plan to the Director for review and approval.

8 (3) Prior to issuance of a Public Works permit for excavation, construction, or Street  
9 work that will occur within the dripline of a Significant Tree, a Landmark Tree, or a Tree on any Street  
10 or other publicly owned property, the applicant shall submit a Tree protection plan to the Director for  
11 review and approval.

12 (4) If the Public Utilities Commission or Municipal Transportation Agency plans to  
13 perform any excavation, construction, or Street work within the dripline of a Significant Tree, a  
14 Landmark Tree, or a Tree on any Street or other publicly owned property, said department shall submit  
15 a Tree protection plan to the Director for informational purposes only.

16 (5) The Tree protection plan referenced above in Subsection (2)-(4) shall be prepared  
17 by a certified arborist.

18 (6) The Director shall charge a fee of \$151.00 for review and approval of a Tree  
19 protection plan. This fee is subject to the fee adjustment provisions of Section 2.1.2 and additional fee  
20 provisions of Section 2.1.3.

21 (7) An applicant's or permittee's failure to obtain a Director approved Tree protection  
22 plan pursuant to Subsections (2) or (3) above, shall be deemed in violation of the subject permit. The  
23 Director may enforce such a violation under the terms of the relevant Public Works permit, including a  
24 requirement that all work stop until the applicant or permittee complies with this Section. In the case of  
25 a Department of Building Inspection building or site permit, the Director shall request the Director of

1 Building Inspection to initiate an enforcement action under the Building Code, including a requirement  
2 that all work stop until the applicant or permittee complies with this Section.

3  
4 **SEC. 811. PENALTIES FOR VIOLATION OF ORDINANCE.**

5 (a) **Criminal Penalties.** Violation of any of the provisions of Sections 805(b), 806, 808,  
6 810(f)(1), 810A(b), and 810B of this Article 16 shall be chargeable as an infraction or a  
7 misdemeanor. Every violation determined to be an infraction is punishable by a fine of \$200  
8 for a first violation and \$400 for each additional violation within one year. Every violation  
9 determined to be a misdemeanor is punishable by a fine not exceeding \$1,000 and/or  
10 imprisonment in the County Jail for a period not to exceed six months, for each offense.

11 (b) **Civil Penalties and Fees.**

12 (1) The Director may call upon the City Attorney to maintain an action for  
13 injunction to restrain or summary abatement to cause the correction or abatement of the  
14 violation of this Article 16, and for assessment and recovery of a civil penalty and reasonable  
15 attorney's fees for such violation.

16 (2) Any person who violates this Article 16 may be liable for a civil penalty, not  
17 to exceed \$500 for each day such violation is committed or permitted to continue, which  
18 penalty shall be assessed and recovered in a civil action brought in the name of the people of  
19 the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of  
20 the civil penalty, the court may consider any one or more of the relevant circumstances  
21 presented by any of the parties to the case, including, but not limited to, the following: the  
22 nature and seriousness of the misconduct, the number of violations, the persistence of the  
23 misconduct, the length of time over which the misconduct occurred; and the willfulness of the  
24 defendant's misconduct. The City Attorney also may seek recovery of the attorneys' fees and  
25 costs incurred in bringing a civil action pursuant to this Section.

1 (c) Administrative Penalties.

2 (1) In addition to the penalties set forth in Subsections (a) and (b) above, the  
3 Director may require any person who removes, injures, or destroys a Tree in violation of the  
4 provisions of this Article 16 to pay a sum of money equal to the Tree's Replacement value or  
5 the diminishment of the Tree's value as set forth in the current edition of the Guide for Plant  
6 Appraisal (Council of Tree and Landscape Appraisers). Further, in addition to the penalties set  
7 forth in Subsections (a) and (b) above, the Director may require any person who removes,  
8 fails to maintain, injures, or destroys sidewalk landscaping or the associated design  
9 improvements in violation of the provisions of Section 810B to pay a sum of money equal to  
10 the Replacement value of the affected Landscape Material and associated design  
11 improvements or the diminishment of the value of the Landscape material as set forth in the  
12 current edition of the Guide for Plant Appraisal (Council of Tree and Landscape Appraisers).  
13 In no case shall the administrative penalty be less than \$500 per violation. When one or more  
14 additional violations occur within one year of the first violation, the Director may assess a  
15 responsible party double the Tree's Replacement value or the diminishment of the Tree's  
16 value. Depending on the nature and seriousness of the misconduct, including unpermitted  
17 removal of or damage to a Landmark or Significant Tree; the unpermitted removal of or  
18 damage to Sidewalk landscaping installed pursuant to a permit issued under Section 810B;  
19 the number of violations; the persistence of the misconduct; the length of time over which the  
20 misconduct occurred; or the willfulness of the defendant's misconduct, the Director may  
21 assess additional penalties in excess of the amounts specified above. In addition to the  
22 administrative penalty assessed pursuant to this Section, the Director may assess  
23 enforcement costs to cover the reasonable costs incurred in enforcing the administrative  
24 penalty, including reasonable attorneys' fees. Any and all amounts paid or collected pursuant

1 to this subsection, with the exception of enforcement costs, shall be deposited into the Adopt-  
2 A-Tree Fund.

3 (2) Notwithstanding the monetary limitation specified above in this Subsection (c), if a  
4 responsible party performs Major Maintenance on a Street Tree subject to the provisions of Section  
5 805(b) without a permit or injures, destroys, or removes such a Tree, the Department may assess a  
6 penalty of up to \$10,000 per violation in addition to the other remedies specified above.

7 (3) The Department shall send ~~#~~Notice of the assessment of administrative  
8 penalties to the responsible party. Such ~~#~~Notice shall include a statement that payment is due  
9 within 60 days of the mailing date of the ~~#~~Notice. If a responsible property owner fails timely to  
10 remit payment, the Department shall send a second ~~#~~Notice of payment due. Such second  
11 ~~#~~Notice shall include a statement that failure timely to remit payment in full to the City within  
12 30 days of the mailing of the second ~~#~~Notice shall cause the Director to institute lien  
13 proceedings pursuant to Sections 706.4-706.7 of this Code. Enforcement and collection of  
14 liens for costs associated with ~~h~~Hazard ~~#~~Tree abatement shall be in accordance with Sections  
15 706.4-706.7 of this Code, except that all monies received in payment of such liens with the  
16 exception of enforcement costs, shall be credited to the Adopt-a-Tree Fund.

17  
18 **SEC. 812. ENFORCEMENT OF ORDINANCE, DESIGNATED EMPLOYEES.** The  
19 classes of employees of the City ~~and County of San Francisco~~ set forth below shall have the  
20 duty of enforcing the provisions of this Article 16 including, but not limited to, the unauthorized  
21 removal, ~~i~~njury or destruction of ~~s~~Street ~~#~~Trees, Significant Trees, or ~~l~~Landmark ~~#~~Trees:  
22

Classification No.	Class Title
3418	<i>Garden Supervisor</i>

1	3422	Park Section Supervisor
2	<u>34260922</u>	Urban Forester <i>(Manager I)</i>
3	3434	Arborist Technician
4	3436	Arborist Technician Supervisor I
5	<u>3435</u>	<i>Urban Forestry Inspector</i>
6	5170	Superintendent, Street Environmental Services
7	<u>51730932</u>	Assistant Superintendent, <i>Street Environmental Services Urban Forestry (Manager IV)</i>
8	7281	Street Environmental Services Operations Supervisor
9	<u>8280</u>	<i>Environmental Control Officer</i>
10	<u>0941</u>	<i>Superintendent, Urban Forestry (Manager VI)</i>
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Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance

Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
John D. Malamut  
Deputy City Attorney

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**LEGISLATIVE DIGEST**  
**(Substituted 5/19/2015)**

[Planning, Public Works Codes - Street Trees and Adoption of Associated Fees]

**Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

Existing Law

Planning Code Section 138.1 imposes certain Better Streets Plan requirements on development projects, including requirements on street trees and an in-lieu fee payment for such street trees if the Zoning Administrator makes specific findings. Public Works Code Article 16, Sections 800 et seq. is known as the Urban Forestry Ordinance and governs the planting, maintenance, and removal of street trees.

Amendments to Current Law

This legislation would remove the authority regarding street tree planting requirements and in-lieu street tree fee payments from the Planning Department and Zoning Administrator and transfer this authority to the Department of Public Works and the Urban Forester under the Public Works Code. It also make minor adjustments to the street tree requirements. The legislation would delete the in lieu street tree fee from the Planning Code. The ordinance would create a new permit requirement and an associated fee to maintain street trees within a specified distance of general advertising signs as defined in the Planning Code. Penalties would accompany violations of this new requirement. The legislation also would require the preparation of a tree protection plan for certain construction projects and a fee for Public Works to review such a plan. The ordinance would update the Department of Public Works staff positions that have enforcement authority under the Urban Forestry Ordinance. The legislation would affirm the Planning Department's determination under the California Environmental Quality Act and make various findings including findings of consistency with the General Plan and priority policies of Planning Code Section 101.1.

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# SAN FRANCISCO PLANNING DEPARTMENT

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May 15, 2015

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Wiener  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**Re: Transmittal of Planning Department Case Number 2015-003697PCA:  
Street Trees  
Board File No. 150221  
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo and Supervisor Wiener,

On May 14, 2015, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider a proposed ordinance that amends the Planning Code to shift authority to require street trees in case of certain types of development projects from the Planning Department to the Department of Public Works. At the hearing, the Planning Commission recommended approval with modification.

The Commission recommended modification is:

1. Amend Planning Code Section 138.1(c)(1) to explicitly indicate that the project sponsor is the party responsible for the planting and maintenance of any required street tree(s). The modified section would read as follows:

*Project Sponsors shall plant and maintain street trees as set forth in Article 16, Sections 805(a) and (d) and 806(d) of the Public Works Code.*

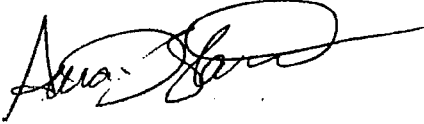
The Department determined that the proposed amendments are not defined as a project under CEQA Guidelines Section 15378 and 15060(c) (2) because they do not result in a physical change in the environment.

Supervisor, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Planning Commission.

Please find attached documents relating to the actions of the Planning Commission. If you have any questions or require further information please do not hesitate to contact me.



Sincerely,



Aaron D. Starr  
Manager of Legislative Affairs

cc:

John D. Malamut, Deputy City Attorney  
Andres Power, Aide to Supervisor Wiener  
Andrea Ausberry, Board of Supervisors

Attachments:

Planning Commission Resolution  
Planning Department Executive Summary



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution 19372

HEARING DATE MAY 14, 2015

*Project Name:* Street Trees  
*Case Number:* 2015-003697 PCA [Board File No. 150221]  
*Initiated by:* Supervisor Wiener / Reintroduced April 21, 2015  
*Staff Contact:* Diego R Sánchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

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**RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE AND PUBLIC WORKS CODE TO SHIFT AUTHORITY TO REQUIRE STREET TREES IN THE CASE OF CERTAIN TYPES OF DEVELOPMENT PROJECTS FROM THE PLANNING DEPARTMENT TO PUBLIC WORKS; TO REQUIRE A PERMIT TO PERFORM MAJOR MAINTENANCE ON STREET TREES WITHIN A SPECIFIED DISTANCE OF GENERAL ADVERTISING SIGNS, ADOPT A FEE FOR SUCH PERMIT, AND IMPOSE PENALTIES FOR VIOLATIONS; TO REQUIRE A TREE PROTECTION PLAN IN ADVANCE OF CONSTRUCTION AND ADOPT A FEE FOR REVIEW AND APPROVAL OF THE PLAN; TO GIVE SPECIFIED PUBLIC WORKS STAFF ENFORCEMENT AUTHORITY; AND AFFIRMING THE PLANNING DEPARTMENTS DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND MAKING OTHER FINDINGS INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, PLANNING CODE SECTION 302 AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1.**

WHEREAS, on April 21, 2015, Supervisor Wiener re-introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150221, which would amend the Planning Code and Public Works Code to shift authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; and to give specified Public Works staff enforcement authority;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on May 14, 2015; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Sections 15060(c)(2) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modification** the proposed ordinance.

**The Commission recommended modification is:**

**Amend Planning Code Section 138.1(c)(1) to explicitly indicate that the project sponsor is the party responsible for the planting and maintenance of any required street tree(s). The modified section would read as follows:**

*Project Sponsors shall plant and maintain street trees as set forth in Article 16, Sections 805(a) and (d) and 806(d) of the Public Works Code.*

## **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. Street trees form the basis of San Francisco's urban forest. They add visual interest, soften the urban environment, provide habitat and remove pollutants from the air and water. In this way they help make San Francisco a more walkable, livable and sustainable city.
2. The Planning Department has been the agency to require the planting of street trees for certain types of development projects. However, because of a lack of expertise in arboriculture as well as jurisdiction over the public right-of-way, the Planning Department relies on the Department of Public Works to assist in the implementation of the street tree requirement.
3. Because of the participation of two public agencies, the implementation of the street tree requirement can be inefficient, time-consuming and burdensome to project applicants.
4. The Department of Public Works, having an expertise in arboriculture as well as jurisdiction over the public right-of-way, is the more appropriate public agency to implement the street tree requirement.
5. **General Plan Compliance.** The proposed amendments to the Planning Code are not addressed in the General Plan; the Commission finds that the proposed Ordinance is not inconsistent with the Objectives and Policies of the General Plan.

## RECREATION AND OPEN SPACE ELEMENT

### OBJECTIVE 3

IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE.

#### Policy 3.6

Maintain, restore, expand and fund the urban forest.

*Shifting authority of the street tree requirement to the Department of Public Works will help expand, fund and maintain San Francisco's urban forest. Because they are the agency with expertise in arboriculture and jurisdiction over the public right-of-way, they are best positioned to steward the urban forest.*

## URBAN DESIGN ELEMENT

### OBJECTIVE 4

IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

#### Policy 4.12

Install, promote and maintain landscaping in public and private areas.

*The improvements to the implementation of the street tree requirement as proposed in the Ordinance will help San Francisco to expand and care for its urban forest.*

## AIR QUALITY ELEMENT

### OBJECTIVE 3

DECREASE THE AIR QUALITY IMPACTS OF DEVELOPMENT BY COORDINATION OF LAND USE AND TRANSPORTATION DECISIONS

#### Policy 3.9

Encourage and require planting of trees in conjunction with new development to enhance the pedestrian environment and select species of trees that optimize achievement of air quality goals.

*The proposed Ordinance will ensure that all required street trees are planted or that in-lieu fees are appropriately assessed and collected. This will expand the urban forest, improve the pedestrian environment and help clean pollutants from the air.*

6. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on existing neighborhood serving retail uses because the Ordinance concerns itself with the implementation of the street tree requirement and the shifting of authority from the Planning Department to the Department of Public Works.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance will help improve neighborhood character by assuring the City receives all required street trees through an improved street tree implementation process.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance will not have an adverse effect on the City's supply of affordable housing because the Ordinance concerns itself with public agency authority over the street tree requirement.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance will not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking because the Ordinance concerns itself with public agency authority over the street tree requirement.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development because the Ordinance is concerned with the regulation of street trees. The proposed Ordinance does not have an effect on future opportunities for resident employment or ownership in these sectors.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance will not have an effect on City's preparedness against injury and loss of life in an earthquake as the Ordinance is concerned with shifting the authority of the street tree requirement from one public agency to another.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance will not have an effect on the City's Landmarks and historic buildings because it shifts authority of the street tree requirement from one public agency to another.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an effect on the City's parks and open space and their access to sunlight and vistas as the Ordinance is concerned with the regulation and public agency authority over street trees.*

8. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on May 14, 2015.

Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Antonini, Fong, Hillis, Johnson, Moore, Richards, Wu

NOES:

ABSENT:

ADOPTED: May 14, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

## Executive Summary Planning Code Text Change HEARING DATE: MAY 14, 2015

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

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Planning  
Information:  
415.558.6377

*Project Name:* Street Trees  
*Case Number:* 2015-003697 PCA [Board File No. 150221]  
*Initiated by:* Supervisor Wiener / Reintroduced April 21, 2015  
*Staff Contact:* Diego R Sánchez, Legislative Affairs  
diego.sanchez@sfgov.org, 415-575-9082  
*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362  
*Recommendation:* **Recommend Approval with Modifications**

### PLANNING CODE AMENDMENT

The proposed Ordinance would amend Planning Code Section 138.1 to (1) shift authority to require street trees in the case of certain types of development projects from the Planning Department to the Department of Public Works (DPW) and (2) eliminate the role of the Zoning Administrator in the granting of a modification or waiver of the street tree requirement.

The proposed Ordinance would eliminate Planning Code Section 428 and the authority of the Planning Department for applying an in-lieu fee in the case of a waiver from the street tree requirement.

The proposed Ordinance would amend the Public Works Code to reflect the shift in authority over the street tree requirement and the application of an in-lieu fee in the case of a waiver from the requirement from the Planning Department to DPW.

#### The Way It Is Now:

1. Planning Code Section 138.1 requires projects to provide a new street tree for each 20 linear feet of subject property frontage when proposing either (1) construction of a new building; (2) the relocation of a building; (3) the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; (4) the addition of a new dwelling unit, garage or additional parking; or (5) the paving or repaving of more than 200 square feet of the front setback.
2. Planning Code Section 138.1 outlines the circumstances under which a waiver from the street tree requirement may be granted. The Zoning Administrator may either apply an in-lieu fee or modify the street tree requirement with the installation of alternative landscaping when a waiver or modification is granted.
3. Planning Code Section 428 authorizes the Planning Department to apply an in-lieu fee in the case of a waiver from the street tree requirement.

**The Way It Would Be:**

1. Planning Code Section 138.1 would indicate that Article 16, Section 806 of the Public Works Code (PWC) establishes the street tree requirement. PWC Section 806 would apply the street tree requirement to projects that propose either (1) the construction of a new building; (2) the addition of a dwelling unit; (3) the addition of a new curb cut; (4) the addition of a garage; or (5) a net addition to an existing building of 500 gross square feet or more.
2. The Planning Code would no longer outline the circumstances under which a waiver from the street tree requirement may be granted. PWC Section 806 would outline the circumstances under which the Director of DPW would grant a waiver or modification from the street tree requirement and whether an in-lieu fee or alternative landscaping is required.
3. Planning Code Section 428 would be removed from the Planning Code. The PWC would authorize the Director of DPW to apply an in-lieu fee.

**ISSUES AND CONSIDERATIONS**

**Current Implementation Practice**

Upon receipt of a proposed project's plan set, Planning Department staff review the proposal for compliance with applicable Planning Code requirements. This review includes compliance with Planning Code Section 138.1, where the street tree requirement is found. The street tree requirement applies to projects proposing either (1) construction of a new building; (2) the relocation of a building; (3) the addition of gross floor area equal to 20 percent or more of the gross floor area of an existing building; (4) the addition of a new dwelling unit, garage or additional parking; or (5) the paving or repaving of more than 200 square feet of the front setback. One street tree is required for each 20 linear feet of subject property frontage, with fractions of 0.5 rounded up. Credit toward meeting the street tree requirement is given for existing street trees.

If Planning Department staff confirms that the project is subject to the street tree requirement, Staff requests that the project sponsor provide a completed Tree Planting and Protection Checklist (Checklist). The Checklist requires the project sponsor to (1) confirm the proposed project triggers the street tree requirement; (2) to confirm the number of "Protected Trees" on the subject property; (3) to indicate whether the proposed scope of work will remove or impact a Protected Tree; and (4) to calculate the number of required street trees based on subject property street frontage.<sup>1</sup> The Checklist outlines three distinct "tree schedules" that apply to projects of differing scopes and zoning districts. Project sponsors are required to identify the correct "tree schedule" according to their proposed project and its underlying zoning district. Each "tree schedule" outlines a different tree planting specification.

Planning Department Staff reviews submitted Checklists for completeness and accuracy. Any errors must be corrected before the Planning Department can approve a project. In addition, the Planning Department is required to withhold project approval until the project sponsor provides evidence that DPW reviewed the project scope of work as it pertains to existing trees in the public right of way or on

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<sup>1</sup> The Checklist uses the term "Protected Trees" to refer to Landmark Trees, as designated under Public Works Code Section 810, Significant Trees, as designated under Public Works Code Section 810A, and Street Trees as defined in Public Works Code Section 802.



the subject property. Specifically, the Planning Department must withhold approval until the project sponsor provides evidence of DPW consent or approval when (1) a project requires installation of a street tree; (2) a project proposes removal of a Protected Tree; (3) construction related activity impacts a Protected Tree; or (4) if the subject property contains a Landmark Tree.

Waivers or modifications of the street tree requirement due to infeasibility or undesirability require the action of both DPW and the Zoning Administrator. When installing a street tree is technically infeasible the Director of DPW must first make that determination and then the Zoning Administrator may grant a waiver or modification. For a street tree to be found undesirable the Zoning Administrator must find that installation conflicts with General Plan Policies.

#### **Problems with the Existing Street Tree Implementation Practices**

The current implementation process unnecessarily involves the participation of two public agencies in a process that really only requires one. Under the current practice, project sponsors are obligated to secure and coordinate the approvals or consent between the DPW and the Planning Department. For many project sponsors, especially those without experience in real estate development or construction, this can be a daunting task. It is also, arguably, one that could be streamlined and internalized.

Permit review and approval delays are often experienced as a result of the effort to successfully coordinate the consent or approval between the two public agencies. This is particularly concerning for projects, including those adding a new dwelling unit within an existing building envelope that could be approved over the counter.

The waiver or modification process is also cumbersome and awkward. Requiring the consent of two high level public officials to grant waivers or modifications on the grounds of technical infeasibility appears overly involved. Determinations on City policy found in the General Plan are typically outside the principal role of the Zoning Administrator, which is to administer and enforce the Planning Code.

#### **Clarifications between Originally Introduced Ordinance and Substitute Ordinance**

The proposed Ordinance was originally introduced on March 18, 2015. This version of the proposed Ordinance was based on an older, superseded version of Planning Code Section 138.1. The substitute version (attached as Exhibit B) is based on the current language in Planning Code Section 138.1. As a matter of substance, both versions of the Ordinance propose to eliminate the street tree requirement from the Planning Code and locate it to the Public Works Code.

The substitute version of the proposed Ordinance also eliminates Planning Code Section 428, Street Trees In-Lieu Fee. The in-lieu fee is proposed to be transferred to the Public Works Code and administered by DPW. Other proposed changes to the Public Works Code embodied in the substitute version of the Ordinance include (1) requiring a permit to perform major maintenance on street trees within 150 feet of a general advertising sign; and (2) requiring a tree protection plan in advance of construction and adopting a fee for review and approval of the plan.

#### **REQUIRED COMMISSION ACTION**

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

## RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Amend Planning Code Section 138.1(c)(1) to explicitly indicate that the project sponsor is the party responsible for the planting and maintenance of any required street tree(s). The modified section would read as follows:

*Project Sponsors shall plant and maintain street trees as set forth in Article 16, Sections 805(a) and (d) and 806(d) of the Public Works Code.*

## BASIS FOR RECOMMENDATION

The Department supports the proposed Ordinance because it will create a less burdensome and confusing street tree implementation process for project sponsors. By reducing the number of public agencies involved in the regulation of street trees the Department believes that the requirement will be applied with greater accuracy and consistency, and collection of any applicable in-lieu fees will improve. In all, it is anticipated that the proposed Ordinance will help expand San Francisco's street tree population in a more efficient and fair manner.

### Jurisdiction, the Public Right-of-Way and Street Trees

The Planning Department and DPW implement different bodies of law with different jurisdictional limits. The Planning Department implements the Planning Code. As outlined in Planning Code Section 101, one of the purposes of the Planning Code is the regulation of the location of buildings and the use of buildings and land adjacent to streets and thoroughfares is one of those purposes. Privately owned lots are typically adjacent to the City's streets and the activity on these lots is the primary concern of the most of the Planning Code. A December 1991 Zoning Administrator Interpretation of the Planning Code on catering trucks and push carts further clarifies that the Planning Code does not have jurisdiction over uses in the street rights-of-way.

The Public Works Code is one body of law that DPW implements. The Public Works Code explicitly outlines duties and responsibilities of the Director of DPW. Article 2 of the Public Works Code indicates that the Director of DPW is responsible for managing the public right-of-way, including sidewalks.<sup>2</sup> These responsibilities include oversight of any excavation and improvements in the City's sidewalks. The Public Works Code also outlines the jurisdictional extent of DPW. Article 16, the Urban Forestry Ordinance, indicates that DPW is provided with jurisdiction over the planning, planting, maintenance, and removal of trees in any street or other public right-of-way.<sup>3</sup> This jurisdiction extends to Landmark and Significant Trees as well.

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<sup>2</sup> Public Works Code, Article 2, Sections 2.4.1 and 2.4.4.

<sup>3</sup> Public Works Code, Article 16, Section 804.

Street Tree Planting and Maintenance and Departmental Staffing Expertise

Planting and maintaining trees in an urban environment requires expertise in the fields of arboriculture, urban forestry, landscape architecture and street environmental services. The Planning Department does not have staff with expertise in these areas, making the Planning Department staff ill equipped to determine if proposed locations for street trees are appropriate and suitable to the health of the trees. DPW staff does include arborists and urban foresters, with expertise in the area of tree planting and maintenance as well as with sidewalk utility coordination, making DPW the agency best equipped to implement street tree requirements.

Improvement to Current Implementation Practices / Proposed Procedural Improvements

The proposed Ordinance would dramatically improve the current street tree implementation practices. Prior to the Planning Department receiving a permit application, the Department of Building Inspection (DBI) would screen all applications to determine if the street tree requirement is applicable. If the street tree requirement is applicable, DBI would include DPW as one of the agencies that would review the permit. The Planning Department would conduct its review and approve the permit application independent of the DPW determination. Once the Planning Department completes its review, the permit would then be routed to DPW, which would apply the street tree requirements. This new process will reduce delays in Planning Department review; the Planning Department would not have to wait for approval of the street planting plan from DPW before releasing the permit and it would allow for more projects to be approved over the counter, completely avoiding the Planning Department's backlog. Importantly, this reduction in Planning Department review is also in line with Mayor Lee's Executive Directive on Accelerating Housing Production.

**Recommendation 1: Amend Planning Code Section 138.1(c)(1) to explicitly indicate that the project sponsor is the party responsible for the planting and maintenance of any required street tree(s).**

The recommended modification clarifies the responsibility of project sponsors in the planting and maintenance of required street trees. It also adds reference to an additional, relevant section in the Public Works Code which further avoids confusion about responsibility of over street tree maintenance. In all, the recommended modification provides clarity from the outset of the

**ENVIRONMENTAL REVIEW**

The proposed Ordinance is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

**PUBLIC COMMENT**

As of the date of this report, the Planning Department has received not received any input from the public regarding the proposed Ordinance.

<b>RECOMMENDATION:</b> Recommendation of Approval
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**Attachments:**

Exhibit A: Draft Planning Commission Resolution

Exhibit B: Board of Supervisors File No. 150221

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 1, 2015

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On April 21, 2015, Supervisor Wiener introduced the following substitute legislation:

**File No. 150221**

**Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

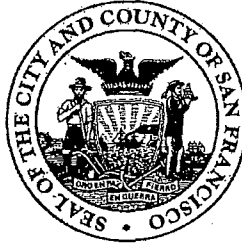
Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- AnMarie Rodgers, Senior Policy Manager
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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San Francisco 94102-4689  
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Fax No. 554-5163  
TDD/TTY No. 554-5227

May 1, 2015

File No. 150221

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On April 21, 2015, Supervisor Wiener introduced the following substitute legislation:

**File No. 150221**

**Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use & Transportation Committee

Attachment

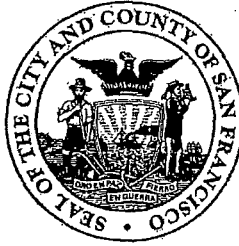
c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy Navarrete  
970

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2015.05.15 14:54:05 -0700

BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
Deborah Raphael, Director, Department of the Environment

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,  
Board of Supervisors

DATE: May 1, 2015

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Wiener on April 21, 2015:

**File No. 150221**

**Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Frank Lee, Public Works  
Guillermo Rodriguez, Department of the Environment  
Monica Fish, Urban Forestry Council  
Mei Ling Hui, Urban Forestry Council

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Mohammed Nuru, Director, Public Works  
Deborah Raphael, Director, Department of the Environment

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee,  
Board of Supervisors

DATE: March 17, 2015

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, introduced by Supervisor Wiener on March 3, 2015:

**File No. 150221**

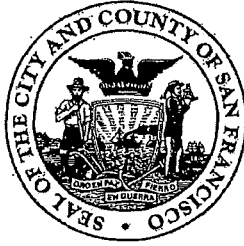
**Ordinance amending Planning Code, Section 138.1, and Public Works Code, Section 806, to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; amending Public Works Code, Section 812, regarding Public Works staff with enforcement authority; affirming the Planning Department's determination under the California Environmental Quality Act; and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Frank Lee, Public Works  
Guillermo Rodriguez, Department of the Environment  
Monica Fish, Urban Forestry Council  
Mei Ling Hui, Urban Forestry Council



BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

March 17, 2015

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On March 3, 2015, Supervisor Wiener introduced the following legislation:

**File No. 150221**

**Ordinance amending Planning Code, Section 138.1, and Public Works Code, Section 806, to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; amending Public Works Code, Section 812, regarding Public Works staff with enforcement authority; affirming the Planning Department's determination under the California Environmental Quality Act; and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Economic Development Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

- c: John Rahaim, Director of Planning
- Aaron Starr, Acting Manager of Legislative Affairs
- AnMarie Rodgers, Senior Policy Manager
- Scott Sanchez, Zoning Administrator
- Sarah Jones, Chief, Major Environmental Analysis
- Jeanie Poling, Environmental Planning
- Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

March 17, 2015

File No. 150221

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On March 3, 2015, Supervisor Wiener introduced the following legislation:

**File No. 150221**

**Ordinance amending Planning Code, Section 138.1, and Public Works Code, Section 806, to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; amending Public Works Code, Section 812, regarding Public Works staff with enforcement authority; affirming the Planning Department's determination under the California Environmental Quality Act; and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use & Transportation Committee

Attachment

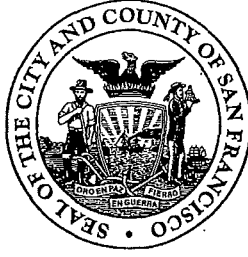
c: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy  
Navarrete

Digitally signed by Joy Navarrete  
DN: cn=Joy Navarrete, o=Planning,  
ou=Environmental Planning,  
email=joy.navarrete@sfgov.org, c=US  
Date: 2015.03.20 09:58:20 -0700

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:


- Date:** Monday, June 15, 2015
- Time:** 1:30 p.m.
- Location:** Committee Room 263, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject:** File No. 150221. Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If the legislation passes, the following street tree and associated fees shall be charged and/or increased:

- 1) New fee for the application for major maintenance of street trees permit shall be \$300.00;
- 2) In-lieu fee for each required street tree the Director waives shall be paid by the applicant pursuant to Public Works Code, Section 802, Article 16, or provide alternative landscaping, in an amount comparable to or greater than the number of street trees waived; and a
- 3) New fee for review and approval of a tree protection plan shall be \$151.00.

In instances where administration or processing of any permit is or will exceed the fee amount established pursuant to Public Works Code, Section 2.1.1, Article 2.1, the Director, in his or her discretion, may require an applicant or permittee to pay a sum in excess of the subject fee amounts. These fees are subject to the fee adjustment provisions of Public Works Code, Section 2.1.2, Article 2.1, and additional fee provisions of Section 2.1.3.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, June 12, 2015.

  
Angela Calvillo, Clerk of the Board

DATED: May 28, 2015

PUBLISHED/POSTED: June 1 & 7, 2015

PUBLIC NOTICES

SAN MATEO COUNTY: 650-556-1556
SAN FRANCISCO CALL: 415-314-1835

SAN FRANCISCO EXAMINER • DAILY CITY INDEPENDENT • SAN MATEO WEEKLY • REDWOOD CITY TRIBUNE • ENQUIRER-BULLETIN • FOSTER CITY PROGRESS • MILLBRAE • SAN BRUNO SUN • BOUTIQUE & VILLAGER

GOVERNMENT

NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS JUNE 15, 2015 - 1:30 PM CITY HALL, COMMITTEE RM 263 1 DR. CARLTON B. GOODLETT PL. SF. CA 94102

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150525. Ordinance amending the Subdivision Code to reauthorize an alternative to compliance with the Below Market Rate Condominium Conversion Program for certain qualifying projects subject to the Program. If the legislation passes, certain Pre-Affidavit owners who qualify under Subdivision Code, Section 01(2), under the below market rate condominium conversion program shall be charged the following fee to be released from the program: New fee as an alternative compliance with the condominium conversion program, adjusted for income level and number of persons pursuant to Subdivision Code, Section 1344 (4) (Table inset), or 50% of the difference between the below market rate resale price and the fair market value at the time of payment, whichever is less. The fee shall be paid immediately upon execution of the agreement or as a City lien. Upon payment of fee or redemption of a lien in favor of the City, a release of the restriction under the program will be recorded against the property. In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda Information relating to this matter will be available for public review on Friday, June 12, 2015.

be held as follows, at which time all interested parties may attend and be heard: File No. 150525. Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works, to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. If the legislation passes, the following street tree and associated fees shall be charged and/or increased: • New fee for the application for major maintenance of street trees permit shall be \$300.00. • In-lieu fee for each required street tree the Director waives shall be paid by the applicant pursuant to Public Works Code, Section 802, Article 16, or provide alternative landscaping, in an amount comparable to or greater than the number of street trees waived; and a • New fee for re-view and approval of a tree protection plan shall be \$15.00. In instances where administration or processing of any permit is or will exceed the fee amount established pursuant to Public Works Code, Section 2.1.1, Article 2.1, the Director, in his or her discretion, may require an applicant or permittee to pay a sum in excess of the subject fee amounts. These fees are subject to the fee adjustment provisions of Section 2.1.3, in accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda Information relating to this matter will be available for public review on Friday, June 12, 2015. Angela Calvillo, Clerk of the Board

FICTITIOUS BUSINESS NAMES

FICTITIOUS BUSINESS NAME STATEMENT File No. 265323 The following person(s) is (are) doing business as: GOOD N RICH MARKET, 130 S. Spruce Ave., S. SF, CA 94080 Aryana Kabul Inc., 130 S. Spruce Ave., S. SF CA 94080 This business is conducted by a corporation. The registrant(s) commenced to transact business under the fictitious business name or names listed above on 6/15/2015. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.) S/ Habib Sartari, Owner

FICTITIOUS BUSINESS NAME STATEMENT File No. 265337 The following person(s) is (are) doing business as: P U Z Z L E P H A N T PRODUCTIONS, 818 Winslow St, Redwood City CA 94063, County of San Mateo James D Barton III, 1933 Garden Dr Apt 203, Burlingame CA 94010 This business is conducted by an individual. The registrant(s) commenced to transact business under the fictitious business name or names listed above on 6/15/2015. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.) S/ James D Barton III This statement was filed with the County Clerk of San Mateo County on May 11, 2015 Mark Church, County Clerk Glenn S. Changlin, Deputy Clerk

FICTITIOUS BUSINESS NAME STATEMENT File No. 265319 The following person(s) is (are) doing business as: CODE WORLD, 460 D St., Colma CA 94014, County of San Mateo Avdiell Guzman, 460 D St., Colma CA 94014, County of San Mateo Erick Finnes, 66 Sharon St., Bay Point CA 94565 Christian Garcia, 7638 El Camino Real, Colma CA 94014 This business is conducted by joint venture. The registrant(s) commenced to transact business under the fictitious business name or names listed above on N/A. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.) S/ Avdiell Guzman This statement was filed with the County Clerk of San Mateo County on May 11, 2015 Mark Church, County Clerk Glenn S. Changlin, Deputy Clerk

FICTITIOUS BUSINESS NAME STATEMENT File No. 265381 The following person(s) is (are) doing business as: KATIE'S KIDS CHILD CARE, 1363 Gordon Street, Redwood City CA 94061, County of San Mateo Katherine Morello, 1363 Gordon Street, Redwood City CA 94061 This business is conducted by an individual. The registrant(s) commenced to transact business under the fictitious business name or names listed above on 6/15/2015. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.) S/ Katherine Morello This statement was filed with the County Clerk of San Mateo County on May 11, 2015 Mark Church, County Clerk Glenn S. Changlin, Deputy Clerk

FICTITIOUS BUSINESS NAME STATEMENT File No. 265378 The following person(s) is (are) doing business as: ADRIANN'S WINDOW CLEANING, 427 Pine St., Redwood City CA 94063 Mailing address: Same Jose Ricardo Aguirre Alvarez, 427 Pine St., Redwood City CA 94063 Eliane Bork, 427 Pine St., Redwood City CA 94063 This business is conducted by a General Partnership. The registrant(s) commenced to transact business under the fictitious business name or names listed above on 03/30/15. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.) S/ Eliane Bork This statement was filed with the County Clerk of San Mateo County on May 15, 2015 Mark Church, County Clerk Glenn S. Changlin, Deputy Clerk

FICTITIOUS BUSINESS NAME STATEMENT File No. 265377 The following person(s) is (are) doing business as: Belvedere House, 598 Belvedere Street, San Francisco, CA 94117, County of San Francisco Registered Owner(s): Michael H. Santos, 598 Belvedere Street, San Francisco, CA 94117 The business is conducted by an individual. The registrant commenced to transact business under the fictitious business name or names listed above on 03/30/15. I declare that all information in this statement is true and correct. (A registrant who declares as true information which he or she knows to be false is guilty of a crime.) S/ Michael H. Santos This statement was filed with the San Francisco County Clerk on March 30, 2015 FICTICE in accordance with Subdivision (a) of Section 17920, a Fictitious Name Statement generally expires at the end of five years from the date on which it was filed in the office of the County Clerk, except as provided in Subdivision (b) of Section 17920, where it expires 40 days after any change in the residence address of a registered owner. A new Fictitious Business Name Statement must be filed before the expiration. The filing of this statement does not of itself authorize the use in this state of a Fictitious Business Name in violation of the rights of another under federal, state, or common law (See Section 14411 et seq., Business and Professions Code). 5/11, 5/18, 5/25, 6/1/15 SAN FRANCISCO EXAMINER

FICTITIOUS BUSINESS NAME STATEMENT File No. 0364466-00 Fictitious Business Name(s): Botanica Esther, 5205 Mission St, SF, CA 94112, County of SF Registered Owner(s): Esther Patricia Platano, 5205 Mission St, SF, CA 94112 This business is conducted by a Corporation. The registrant(s) commenced to transact business under the fictitious business name or names listed above on 04-23-15. I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000).) S/ Esther Patricia Platano This statement was filed with the San Francisco County Clerk on April 23, 2015 NOTICE in accordance with Subdivision (a) of Section 17920, a Fictitious Name Statement generally expires at the end of five years from the date on which it was filed in the office of the County Clerk, except as provided in Subdivision (b) of Section 17920, where it expires 40 days after any change in the residence address of a registered owner. A new Fictitious Business Name Statement must be filed before the expiration. The filing of this statement does not of itself authorize the use in this state of a Fictitious Business Name in violation of the rights of another under federal, state, or common law (See Section 14411 et seq., Business and Professions Code). 5/11, 5/18, 5/25, 6/1/15 SAN FRANCISCO EXAMINER

**New Order**



**Your Order is sent.**

**Customer Information**

<b>Customer Name</b>	S.F. BD OF SUPERVISORS (NON-CONSECUTIVE)	<b>Master Id</b>	52704
<b>Address</b>	1 DR CARLTON B GOODLETT PL #244	<b>Phone</b>	4155547704
<b>City</b>	SAN FRANCISCO	<b>Fax</b>	4155547714
<b>State - Zip</b>	CA - 94102		

**Product Information**

Legal GOVERNMENT - GOVT PUBLIC NOTICE

**Order Information**

<b>Attention Name</b>	Andrea A.	<b>Billing Reference No.</b>	<input type="text"/>
<b>Ad Description</b>	Fee Ad File 150221 6/15/15	<b>Sale/Hrg/Bid Date</b>	<input type="text"/>

<input type="text"/>
Save

Special Instructions

**Orders Created**

Order No.	Newspaper Name	Publishing Dates	Ad	Price Description	Price	Ad Status
2757843	SAN FRANCISCO EXAMINER 10%, CA <b>Billed To:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) <b>Created For:</b> CCSF BD OF SUPERVISORS (OFFICIAL NOTICES)	06/01/2015, 06/07/2015	<b>Depth :</b> 9.61" <b>Lines :</b> 116	<b>\$3.75 116 lines * 2 Inserts[\$870.00]</b> <b>\$ 10% set aside [\$-87.00]</b>	<b>\$783.00</b>	Sent

Order No.	Newspaper	View
2757843	SAN FRANCISCO EXAMINER 10%	<a href="#">View Ad In PDF</a>

**NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS JUNE 15, 2015 - 1:30 PM CITY HALL, COMMITTEE RM 263 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102**

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard: File No. 150221. Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. If the legislation


passes, the following street tree and associated fees shall be charged and/or increased:

- New fee for the application for major maintenance of street trees permit shall be \$300.00;
- In-lieu fee for each required street tree the Director waives shall be paid by the applicant pursuant to Public Works Code, Section 802, Article 16, or provide alternative landscaping, in an amount comparable to or greater than the number of street trees waived; and a
- New fee for review and approval of a tree protection plan shall be \$151.00.

In instances where administration or processing of any permit is or will exceed the fee amount established pursuant to Public Works Code, Section 2.1.1, Article 2.1, the Director, in his or her discretion, may require an applicant or permittee to pay a sum in excess of the subject fee amounts. These fees are subject to the fee adjustment provisions of Public Works Code, Section 2.1.2, Article 2.1, and additional fee provisions of Section 2.1.3.

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**BOS  
NOTICE REVIEW**

Legislative File No. 150221  
Planning, Public Works Codes - Street Trees and Adoption of Associated Fees  
Initial:  Initial: OH w/changes  
Date: May 27, 2015

**Publishing Logistics**

Hearing Date: Jun 15  
Notice Must be Submitted: May 28  
Notice Must be Mailed: N/A  
Notice Will Publish: June 1 + 7



# Introduction Form

By a Member of the Board of Supervisors or the Mayor

2020 IN  
BOARD 8-19  
Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [ ] inquires"
- 5. City Attorney request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. [ 150221 ]
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission       Youth Commission       Ethics Commission
- Planning Commission       Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Supervisor Wiener

**Subject:**

Planning, Public Works Codes - Street Trees

**The text is listed below or attached:**

Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.



Signature . . . Sponsoring Supervisor: Scott Wiener

---

For Clerk's Use Only:

