

1 [Public Works Code – Increasing Tree Removal Permit Fees.]

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3 **Ordinance amending Section 806 of the Public Works Code to increase the fees**
4 **charged for removal of street trees under the Urban Forestry Ordinance from \$267 to**
5 **\$607, for a permit to remove 1-3 street trees; from \$360 to \$808, for a permit to remove**
6 **4-9 street trees; and from \$565 to \$1,214, for a permit to remove 10 or more street trees;**
7 **and making environmental findings.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are *strike-through italics Times New Roman*.
10 Board amendment additions are double-underlined;
Board amendment deletions are ~~strike-through normal~~.

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

12 Section 1. Findings.

13 (a) Environmental Findings. The Planning Department has determined that the
14 actions contemplated in this Ordinance are in compliance with the California Environmental
15 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is
16 on file with the Clerk of the Board of Supervisors in File No. _____, and is incorporated
17 herein by reference.

18 (b) Findings Related to the Adequacy of the Fees. As documented in Board File No.
19 _____, the Department of Public Works has calculated the estimated costs associated
20 with the removal of trees under the Urban Forestry Ordinance, including applicable staff time
21 related to travel and inspection of the relevant trees, management, processing, and contacting
22 the public, the applicant, or the Board of Permit Appeals, as needed, as well as materials.
23 The Department estimates that cost for issuing a permit to remove 1-3 trees is \$607; that the
24 cost for issuing a permit to remove 4-9 trees is \$808, and that the cost for issuing a permit to
25 remove more than 10 trees is \$1,214. The Board of Supervisors finds that adjusting the fees

1 listed in Article 806 of the Public Works Code to cover these costs will enable the Department
2 to successfully implement the Urban Forestry Ordinance.

3 Section 2. The San Francisco Public Works Code is hereby amended by amending
4 Section 806, to read as follows:

5 **SEC. 806. PLANTING AND REMOVAL OF STREET TREES.**

6 (a) Planting and Removal by the Department.

7 (1) Planting. The Department may determine to plant a new tree(s) in a sidewalk or
8 public right-of-way. When the Department determines to plant a new street tree(s), the
9 Department will undertake maintenance responsibility for such new street tree and shall send
10 a courtesy notice to the abutting property owner prior to planting such new tree. Any
11 objections to the proposed work must be submitted to the Director in writing and postmarked
12 within 30 days after notice by the Director. The Director shall consider such objections and
13 may hold a hearing, in the Director's discretion. The Director's decision on the matter shall be
14 final and nonappealable.

15 (2) Removal of Street Trees. No street tree shall be cut down or removed by the
16 Department unless:

17 (A) The Department gives 30 days' prior written notice to the owner of the property
18 abutting the affected tree; and

19 (B) Thirty days prior to the removal date, the Department notifies all interested San
20 Francisco organizations and, to the extent practical, all owners and occupants of properties
21 that are on or across from the block face where the affected tree is located. In addition, 30
22 days prior to the removal date, the Department shall post a notice on the affected tree.

23 (3) Appeal of Tree Removal.

24 (A) If within 30 days after the giving of notice for street tree removal, as specified in
25 Subsection (a)(2), or if within 15 days after the giving of notice for removal of a hazard street

1 tree, as specified in Subsection (a)(4), any person files with the Department written objections
2 to the removal, the Director shall hold a hearing to consider public testimony concerning the
3 proposed tree removal. Written notice of the date, time and place of the hearing shall be
4 posted on the affected tree, provided in a newspaper of general circulation, and sent to the
5 objecting party, the owner of the property abutting the affected tree, and all interested San
6 Francisco organizations, not less than seven days prior thereto.

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

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

10 (4) Removal of Hazard Street Trees.

11 (A) No hazard street tree shall be cut down or removed by the Department unless:

12 (i) The Department gives 15 days' prior written notice to the owner of the property
13 abutting the affected tree; and

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

18 (B) Hazard street tree shall have the same meaning as "hazard tree" in Section
19 802(o) except that a hazard street tree is located within the public right-of-way and is the
20 maintenance responsibility of the Department.

21 (5) Emergency Removal. In the case of manifest danger and immediate necessity, as
22 determined by the Director, the Department may remove any street tree immediately. After
23 such emergency removal, the Department shall provide notice of the necessity for such action
24 to the owner of the property abutting the affected tree, all interested San Francisco
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1 organizations and, to the extent practical, all owners and occupants of properties that are on
2 or across from the block face where the affected tree was removed.

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

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

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

17 (3) Removal.

18 (A) An abutting property owner who desires a permit to remove a street tree shall
19 apply to the Department on the designated form. The Department may grant or deny the
20 permit in accordance with the following procedures and requirements. If the Department
21 grants a tree removal permit, it shall require that another street tree be planted in the place of
22 the removed tree or impose an in-lieu fee unless it makes written findings detailing the basis
23 for waiving this requirement.

1 (i) The fee for a permit to remove 1-3 street trees shall be ~~\$267.00~~607.00; the fee for a
2 permit to remove 4-9 street trees shall be ~~\$360.00~~808.00; and the fee to remove 10 or more
3 street trees shall be ~~\$565.00~~1,214.00.

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

14 (iii) Fee Review and Adjustment. Beginning with fiscal year ~~2007-2008~~2010-2011, the
15 fees that are established herein shall be reviewed and adjusted each year in accordance with
16 the procedures set forth in Public Works Code Section 2.1.2.

17 (B) Thirty days prior to the removal date, the Department shall give notice to all
18 interested San Francisco organizations and, to the extent practicable, the owners and
19 occupants of properties that are on or across from the block face or adjacent to where the
20 affected tree is located. In addition, 30 days prior to the removal date, the Department shall
21 post a notice on the affected tree. If within 30 days after the giving of such notice any person
22 files with the Department written objections to the removal, the Director shall hold a hearing
23 prior to removing the tree. Written notice of the date, time and place of the hearing shall be
24 posted on the affected tree and sent to the objecting party and all interested San Francisco
25 organizations not less than seven days prior thereto.

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

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

4 (c) Planting and Removal by City Agencies, Commissions, or Other Departments. If a
5 City agency, commission, or department other than the Department of Public Works desires to
6 plant or remove a street tree, such agency, commission, or department shall be subject to the
7 provisions of Subsection (b); provided, however, that for purposes of street tree removal, the
8 notice and procedures for Director's hearings set forth in Subsections (a)(2) and (a)(3) shall
9 apply.

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

13 By: _____
14 ANDREA RUIZ-ESQUIDE
15 Deputy City Attorney
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