

File No. 140127

Committee Item No. 4

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date March 24, 2014

Board of Supervisors Meeting Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Andrea Ausberry Date March 21, 2014

Completed by: _____ Date _____

1 [Landmark Designation Nomination - Tree Located at 3066 Market Street]

2
3 **Resolution of intent initiating the nomination of the Sequoiadendron giganteum tree at**
4 **3066 Market Street for landmark tree status pursuant to Public Works Code, Section**
5 **810(b), acknowledging the temporary designation of such tree pursuant to Public**
6 **Works Code, Section 810(d), and authorizing other official acts in furtherance of this**
7 **Resolution.**

8
9 WHEREAS, The Board of Supervisors adopted Ordinance No. 17-06, which amended
10 the Urban Forestry Ordinance, Public Works Code Sections 801 et seq. concerning landmark
11 and significant trees. A copy of said Ordinance is on file with the Clerk of the Board of
12 Supervisors in File No. 051458 and is incorporated herein by reference; and

13 WHEREAS, As part of this implementation of Ordinance No. 17-06, the Urban Forestry
14 Council, after duly noticed public hearings, developed criteria and procedures for the
15 designation and removal of landmark trees and recommended that this Board of Supervisors
16 adopt such criteria and procedures. Said criteria and procedures were subsequently adopted
17 by Resolution No. 0440-06 which is on file with the Clerk of the Board of Supervisors in File
18 No. 060487 and is incorporated herein by reference; and

19 WHEREAS, Trees provide numerous environmental, social, and economic benefits
20 such as reducing storm water runoff, reducing energy use, improving air quality, increasing
21 property values, shading for tenants, and promoting wildlife habitat; and provide residents with
22 a source of serenity in the inner city; and

23 WHEREAS, The purpose of this resolution shall be to initiate landmarking proceedings
24 for one Sequoiadendron giganteum tree, located on Assessor's Block 2656, Lot No. 020 and
25

1 listed individually below with corresponding photographs on file with the Clerk and referenced
2 herein; and

3 WHEREAS, The tree that is the subject of this resolution satisfies many of the
4 designation criteria in Public Works Code, Section 810(f)(4)(A)-(E), including having
5 prominent and beautiful visual impacts, as well as environmental and economic significance to
6 its surrounding community; now, therefore, be it

7 RESOLVED, This Board, pursuant to the Public Works Code, Section 810(b), hereby
8 adopts this Resolution of intent to initiate a landmark tree nomination for the Sequoiadendron
9 giganteum tree located at 3066 Market Street, Assessor's Block 2656, Lot No. 020; and, be it

10 FURTHER RESOLVED, That this Board requests an independent evaluation of the
11 tree, by a Department of Public Works arborist or independent third party arborist, to report on
12 the condition of the tree, including health and structural stability; and, be it

13 FURTHER RESOLVED, This Board acknowledges the temporary designation of such
14 tree for landmark tree status pursuant to Public Works Code, Section 810(d); and, be it

15 FURTHER RESOLVED, The Board directs the Clerk to forward this Resolution and
16 accompanying documents contained in the file to the Urban Forestry Council, and due to the
17 urgent nature of the situation, to urge the Urban Forestry Council to expeditiously complete
18 the landmark tree designation review for the subject tree; and, be it

19 FURTHER RESOLVED, The Board urges the Director of Public Works to immediately
20 notify the affected property owner of the pending nomination and inform said owner of the
21 special permit and approval requirements for removal of landmark trees under Public Works
22 Code, Section 810(f) if such notification has not yet occurred.

Landmark Tree Nomination Form

Disclaimer: Any information you include on this form will be part of the public record. Anyone may request to see the information you submit for a landmark tree nomination. For more legal information, see the last page of this form.

Who can nominate a landmark tree?

- The Board of Supervisors, Planning Commission, and Landmarks Preservation Advisory Board may nominate a tree.
- The head of a City department or agency may nominate a tree on property under their jurisdiction. City departments and agencies should conduct an internal approval process before nominating a tree.
- A property owner may nominate a tree on his or her property.
- A member of the public may ask an authorized nominator to nominate a tree.

Please note that a permit will be required for any future removal of a landmark tree.

Pursuant to Ordinance 0017-06 and Public Works Code 810, the Urban Forestry Council requests the following information.

I am one of the following authorized nominators

- Property owner
- Board of Supervisor member
- Head of a city department or agency
- Planning Commission member
- Landmarks Preservation Advisory Board member

Authorized nominator (Supervisor, Planning Commission, Landmarks Advisory Board, Head of City Department, Property Owner):

Supervisor Scott Wiener

Name

1 Dr. Carlton B. Goodlett Place Room 244

Address

San Francisco, CA 94102

Address

415-554-6968

Phone (day)

Fax #

Scott.Wiener@sfgov.org

Email

Member of the public who initiated nomination (if applicable):

Name

Address

Address

Phone (day)

Fax #

Email

I am an authorized nominator and I support this nomination.

Signature

Date

I am the property owner and I grant permission for city staff to evaluate the nominated tree on the property with advance notice.

Signature

Date

The Urban Forestry Council will use the following criteria to evaluate each potential landmark tree. If you need more space to describe the tree, please attach additional sheets.

TREE DESCRIPTION

Tree name (species and common name): Sequoiadendron giganteum Giant Sequoia

Number of trees: 1

Street address: 3066 Market Street, San Francisco 94114

- Location of Tree: Front yard Rear yard Side yard Corner-side yard
- Public right-of-way Public lands Not sure
- Other: _____

If the tree which extends beyond multiple properties:

Which part of the tree does so?

- Trunk Canopy

Where in the neighboring area?

- Front yard Rear yard Side yard Corner-side yard

GPS units (OPTIONAL): Block 2656, Lot 020

Height approx. 75 feet

Average canopy width approx. 25 feet
Distance from one edge to opposite edge of tree canopy

Circumference at chest level approx. 185 inches
Distance around trunk at 4.5 ft off the ground. <http://www.isa-arbor.com/publications/tree-ord/heritage.aspx>

Circumference at ground level approx. 250 inches
Distance around trunk on the ground where the trunk meets the soil.

Rarity

Rarity: Rare Uncommon Common Other

Unusual species in San Francisco or other geographic regions.

Comment: _____

Physical

Size: Large Medium Small

Notable size compared to other trees of the same species in San Francisco.

Comment: Compare with *Sequoiadendron giganteum* at Garfield Square, Treat, 25th and 26th Streets, Several Examples in Mission District.

Age: Significantly advanced age for the species.

Comment: _____

Distinguished form: Yes No

Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: Majestic and unique for the area

Tree condition: Good Poor Hazard

Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: _____

Historical

Historical Association: Yes None apparent

Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: _____

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: _____

Environmental

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: Photo attached. Unique species in neighborhood.

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: No other trees of this size and variety.

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe:

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe:

High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe:

Important wildlife habitat: Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

Describe: Home to various species such as ravens, hawks, squirrels, songbirds.

Erosion control: Yes No

Tree prevents soil erosion.

Describe: Down-slope building is below grade.

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: Reduces traffic noise from Market Street; Mitigates prevailing SW winds

Cultural

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe:

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation:

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: It is an important part of the open space for block 2656 and reflects the aesthetic of the homes of the area.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage:

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible:

Additional comments

This tree could be trimmed to provide the open aesthetic desired by the contractor by a certified arborist instead of being removed permanently

SAN FRANCISCO URBAN FORESTRY COUNCIL

6

If you have any questions about this form, tree terms or tree concepts, please contact the Urban Forestry Council staff (below). It is acceptable if you cannot provide some of the information requested on this form.

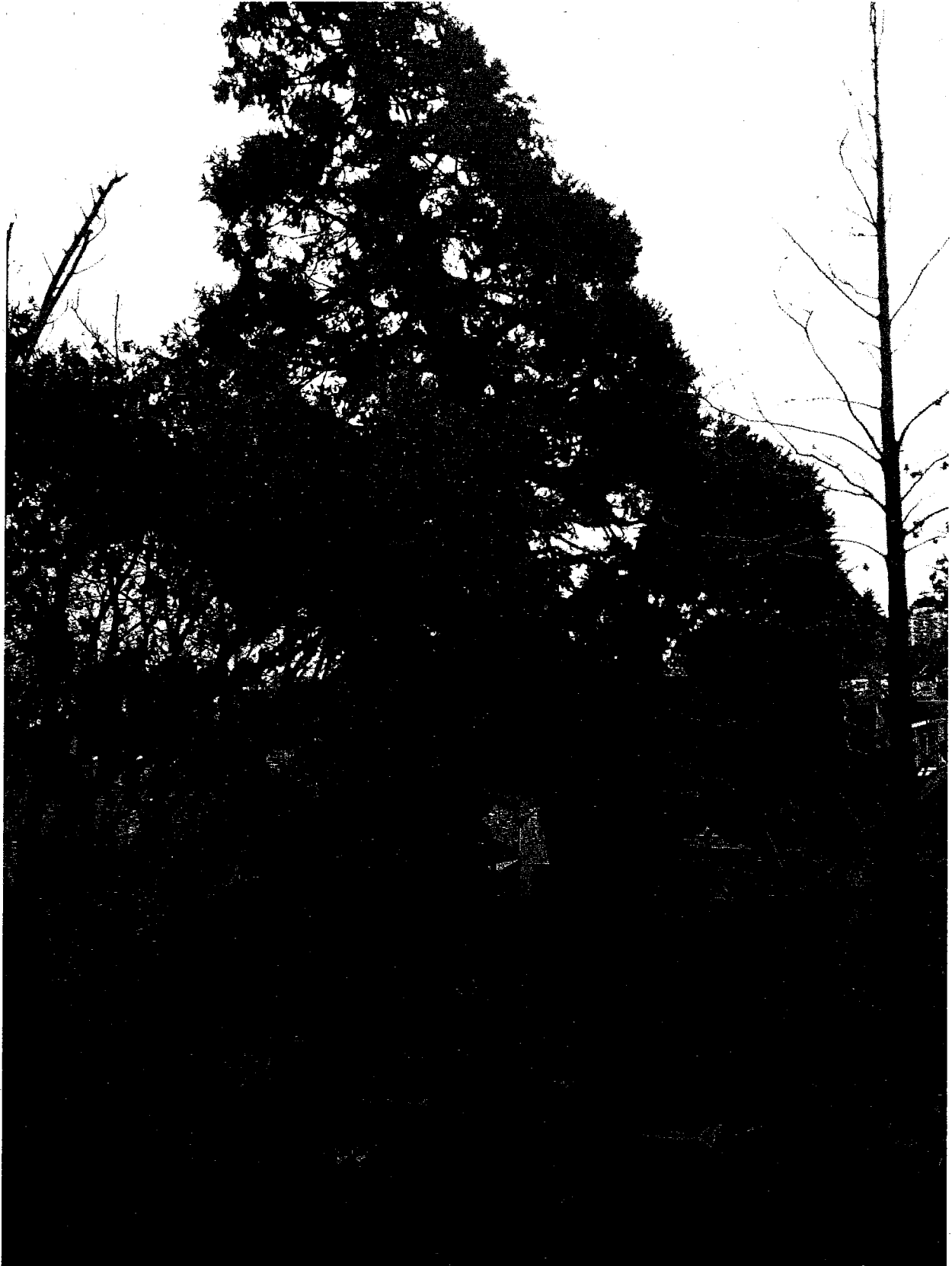
A photograph of the tree must be submitted with this form.

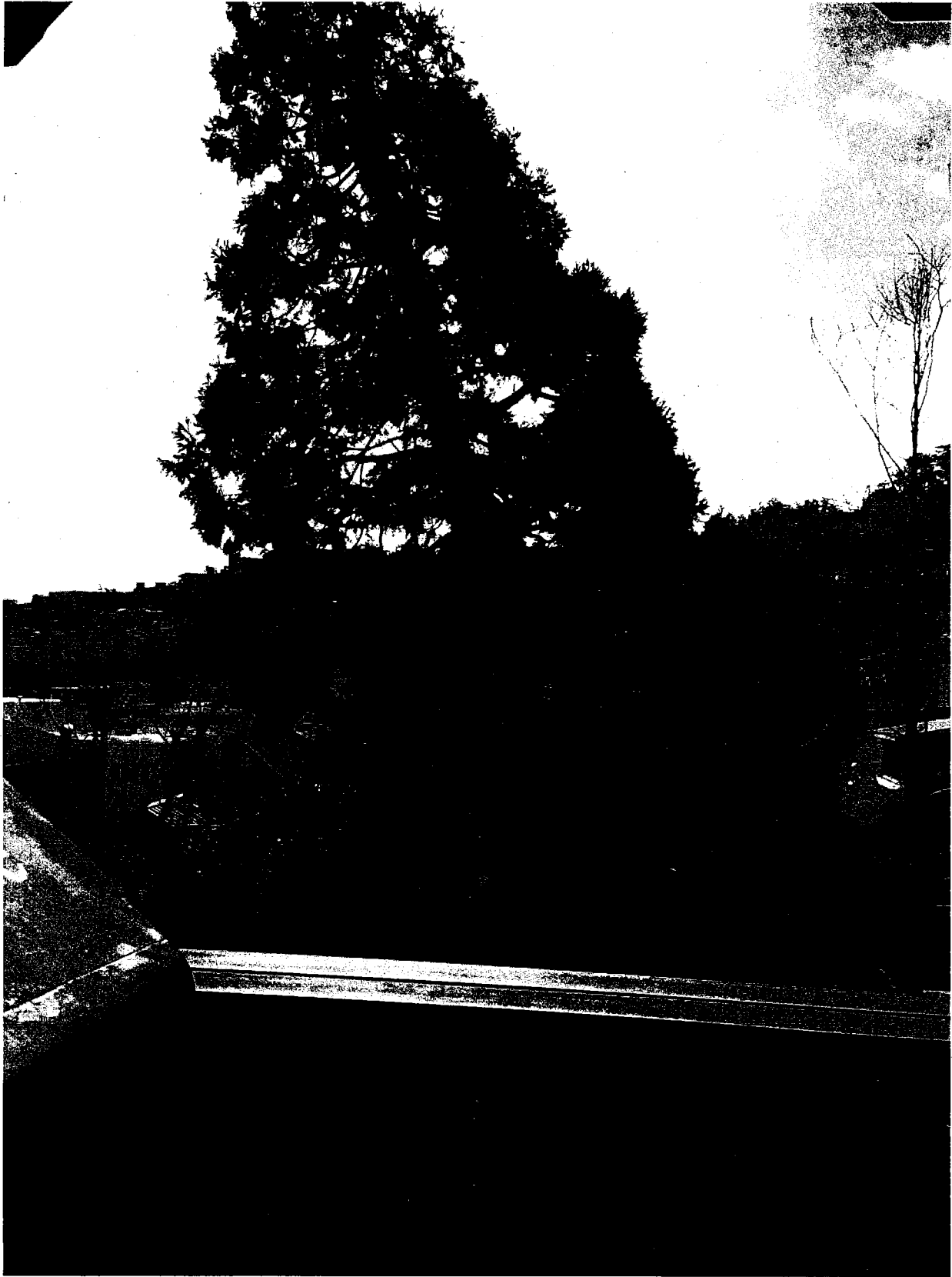
Please attach **optional** supporting documents such as letters, arborist report, etc.

Send to: Urban Forestry Council, c/o Mei Ling Hui, 11 Grove Street, San Francisco, CA 94102
OR meiling.hui@sfgov.org

Any information you submit will be part of the public record.

The Public Records Act defines a "public record" broadly to include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics." Govt. Code § 6252(e). The Sunshine Ordinance defines "public information" as the content of "public records" as defined in the Public Records Act. Admin Code § 67.20(b). Pursuant to the Public Records Act and Sunshine Ordinance, this document is a public record and will be available to the public upon request, at the hearing site, at the San Francisco Main Library, and on the Urban Forestry Council's website. Admin Code §§ 8.16, 67.7 (b), and 67.21(a).





Application received date _____	Received by _____
Tree evaluation form _____	UFC recommendation date _____
Board of Supervisors Decision _____	
Landmark Tree # _____	Title recorded date _____

FILE NO. 051458

ORDINANCE NO. **17-06**

1 [Public Works Code - landmark trees, significant trees, and penalties for violations.]

2
3 **Ordinance amending the Public Works Code by amending Section 801 to add to the**
4 **purposes; by amending Section 802 to modify various definitions; amending Sections**
5 **802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802**
6 **and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of**
7 **the Tree Advisory Board and to assume new duties; amending Section 806 to allow for**
8 **appeals of decisions concerning removal of street trees that are the responsibility of**
9 **City departments and to extend the notice period to 30 days for removal of street trees**
10 **that are the responsibility of private property owners; amending Sections 806 and 807**
11 **to require imposition of in lieu fees under specified circumstances; adding Section**
12 **810A to define significant trees and establish a regulatory program governing their**
13 **removal; amending Sections 804, 807, and 808 to make conforming changes regarding**
14 **significant trees; amending Sections 804, 807, 808, and 810 concerning landmark trees**
15 **and procedures to designate, nominate, and remove landmark trees; amending Section**
16 **811 to create civil penalties and fines and to modify provisions on administrative**
17 **penalties; requiring the Office of the Legislative Analyst to prepare a report concerning**
18 **financial incentives related to landmark trees; and making environmental findings.**

19 Note: Additions are *single-underline italics Times New Roman*;
20 deletions are *strikethrough italics Times New Roman*.
21 Board amendment additions are double underlined.
22 Board amendment deletions are ~~strikethrough normal~~.

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

24 Section 1. Environmental Findings. The Planning Department has determined that the
25 actions contemplated in this Ordinance are in compliance with the California Environmental
Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is

1 on file with the Clerk of the Board of Supervisors in File No. 051458 and is incorporated herein
2 by reference.

3 Section 2. The San Francisco Public Works Code is hereby amended by amending
4 Sections 801, 802, 803, 804, 806, 807, 808, 809, 810, and 811, to read as follows:

5 SEC. 801. PURPOSE.

6 The San Francisco Urban Forestry Ordinance is enacted to further the following
7 public purposes:

8 (a) To realize the optimum public benefits of trees on the City's streets and
9 public places, including favorable modification of microclimates, abatement of air and noise
10 pollution, reduction of soil erosion and runoff, enhancement of the visual environment, and
11 promotion of community pride;

12 (b) To integrate street planting and maintenance with other urban elements
13 and amenities, including but not limited to utilities, vehicular and pedestrian traffic, and
14 enhancement of views and solar access;

15 (c) To promote efficient, cost effective management of the City's urban forest
16 by coordinating public and private efforts within a comprehensive and professional
17 management system;

18 (d) To reduce the public hazard, nuisance, and expense occasioned by
19 improper tree selection, planting, and maintenance;

20 (e) To provide for the creation of an equitable, sustained, and reliable means
21 of funding urban-forest management throughout the City;

22 (f) To create and maintain a unified urban-forest resource, enhancing the
23 City's overall character and sense of place.

1 (g) To recognize that trees are an essential part of the City's aesthetic
2 environment and that the removal of important trees should be addressed through appropriate
3 public participation and dialogue, including the California Environmental Quality Act (Public
4 Resources Code Sections 21000 et seq.

5 SEC. 802. DEFINITIONS.

6 Unless the context specifically indicates otherwise,

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

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

10 (c) "Community Boards" of San Francisco shall mean the neighborhood
11 mediation/dispute settlement service established under the auspices of The Community Board
12 Program, Inc.

13 (d) "Department" shall mean the Department of Public Works of the City and County
14 of San Francisco.

15 (e) "Director" shall mean the Director of the Department of Public Works or the
16 Director's designee.

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

20 (g) "Injure" or "injury" shall mean any act which harms or damages a tree, including
21 but not limited to impact, cutting, carving, painting, transplanting, or knocking over, and
22 includes but is not limited to the following: injurious attachment of any rope, wire, nail,
23 advertising poster, or other contrivance to any street tree ~~as set forth in Sections 675 and 675.1 of~~
24 the Municipal Police Code subject to the provisions of this Article; intentionally or negligently
25

1 allowing any gaseous, liquid, or solid substance that is harmful to a tree to come into contact
2 with a tree; setting fire or intentionally or negligently permitting any fire to burn when such fire
3 or the heat therefrom will injure any part of any tree; pruning which in and of itself will kill or
4 cause a tree to decline; or severing of all or part of a tree.

5 (h) "In-lieu fee" shall mean a fee deposited into the Adopt-A-Tree Fund and
6 imposed by the Director. The in-lieu fee shall be equal to the replacement value of a tree(s) to
7 be removed or trees that have been destroyed *or as otherwise specified in Section 811*. In the
8 case of trees required to be planted by Section 143 of the City Planning Code, yet excused
9 under Section 143(d) of the Planning Code, the in-lieu fee shall be equal to the City's cost to
10 plant and water a tree for two years.

11 (i) "Interested San Francisco organization" shall mean a San Francisco
12 organization or individual that has made a written request to the Department for notification of
13 proposed ~~street~~ tree removals in a specified area(s) or neighborhood(s).

14 (j) "Landmark tree" shall mean a tree so designated pursuant to Section 810 of this
15 Article.

16 (k) "Landscape material" shall mean any tree, shrub, groundcover or other plant.

17 (l) "Maintenance" shall mean those actions necessary to promote the life, growth,
18 health, or beauty of a tree. Maintenance includes both routine and major activities. "Routine
19 maintenance" shall include adequate watering to ensure the tree's growth and sustainability;
20 weed control; removal of tree-well trash; staking; fertilizing; routine adjustment and timely
21 removal of stakes, ties, tree guards, and tree grates; bracing; and sidewalk repairs related to
22 the tree's growth or root system pursuant to Section 706 of this Code. "Major maintenance"
23 shall include structural pruning as necessary to maintain public safety and to sustain the
24 health, safety, and natural growth habit of the tree; pest and disease-management procedures
25

1 as needed and in a manner consistent with public health and ecological diversity; replacement
2 of dead or damaged trees. Pruning practices shall be in compliance with International Society of
3 Aboriculture Best Management Practices and ANSI Pruning Standards, whichever is more protective
4 of tree preservation.

5 (m) "Median strip" shall mean the dividing area in the public way between opposing
6 lanes of vehicular traffic.

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

10 (o) "Nuisance Hazard tree" shall mean any tree that poses an imminent hazard to
11 person or property. The Director may determine that a tree may be deemed is a nuisance
12 hazard if it or any part of it: (1) appears dead, dangerous, or likely to fall, even after proper
13 maintenance activities are performed to eliminate dead or dangerous parts; (2) obstructs or
14 damages a street, or sidewalk, or other existing structure; (3) harbors a serious disease or
15 infestation threatening the health of other trees; (4) interferes with vehicular or pedestrian
16 traffic; or (5) obstructs official street cleaning activities; or (6) poses any other significant
17 hazard or potential hazard, as determined by the Director; provided, however, that feasible
18 measures have been applied to abate any such hazard, such as applicable maintenance
19 activities listed in Section 802(l) of this Article. The Director's determination shall be in writing.

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

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

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

3 (s) "Replacement value" shall mean the actual cost to the Department of replacing
4 a tree or landscape material removed or destroyed with a comparable size and species of tree
5 or with comparable landscape material. Certain trees or landscape material, because of their
6 size, species or historical significance, cannot be replaced from available nursery stock. In
7 such case, "replacement value" shall be determined pursuant to the valuation formula
8 adopted by the International Society of Arboriculture, as amended from time to time, plus the
9 Department's actual costs to replace the tree. "Replacement value" shall include the
10 Department's administrative costs.

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

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

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

17 (vow) "Street tree" shall mean any tree growing within the public right-of-way, including
18 unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction
19 of the Department.

20 (wax) "Tree" shall mean any large perennial plant having a woody trunk(s), branches,
21 and leaves. Trees also shall include palm trees.

22 (x) ~~"Tree Advisory Board" or "Tree Board" shall mean a board of private citizens to be~~
23 ~~appointed and to perform specific duties as set forth in Section 803 of this Article.~~

1 (y) "Urban forest" shall mean all trees on public streets and rights-of-way within the
2 borders of the City and County of San Francisco, ~~and~~ any trees growing on land subject to the
3 jurisdiction of the Department, and any other trees subject to the provisions of this Article.

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

6 SEC. 803. ~~TREE ADVISORY BOARD; ESTABLISHMENT; APPOINTMENT~~ URBAN
7 FORESTRY COUNCIL; ADDITIONAL POWERS AND DUTIES.

8 (a) ~~There is hereby established an advisory board to be known as the Tree Advisory Board~~
9 ~~consisting of nine private citizens, at least three of whom shall be professionally trained and~~
10 ~~experienced in a tree related field. All members of the Tree Board shall serve without compensation.~~
11 ~~Members shall be appointed by the Director for a term of four years and shall serve at the Director's~~
12 ~~pleasure. All terms shall commence 30 days after the enactment of this Article. Members may serve~~
13 ~~successive terms without limitation. At least one member shall be selected from a list of persons~~
14 ~~nominated by the Director, one from a list nominated by the Mayor, and one from a list nominated by~~
15 ~~the Board of Supervisors. At least one Department representative shall serve as an ex officio nonvoting~~
16 ~~member of the Tree Board. Any City agency, State agency, or federal agency may request of the~~
17 ~~Director an appointment to the Tree Board as an ex officio nonvoting member.~~

18 (b) ~~The Tree Board shall meet at least six times a year and shall establish its own operating~~
19 ~~procedures which, at a minimum, shall meet the public notice, meeting, voting, agenda and other~~
20 ~~procedural requirements of Section 3.500 of the San Francisco Charter.~~

21 (c) ~~The Tree Board~~ Urban Forestry Council shall serve in an advisory capacity to the
22 Director or his designee on matters relating to this Article and to tree management in the City.
23 The responsibilities of the ~~Tree Board~~ Urban Forestry Council may include but shall not be
24 limited to the following:
25

1 (1) Studying the problems and determining the needs of the City concerning
2 its street tree planting and maintenance programs, and advising the Director in this regard;

3 (2) Preparing for the Director an annual report detailing the state of the urban
4 forest;

5 (3) Recommending to the Director appropriate species of trees to be planted
6 on City streets or other areas under the Department's jurisdiction;

7 (4) Working with the Community Boards of San Francisco in developing
8 guidelines, standards, and procedures for the mediation of conflicts between property owners
9 over the protection of views, solar access, planting/removal of trees, and other tree-related
10 issues;

11 (5) Working with the Director concerning the maintenance of an Urban
12 Forestry Management Plan;

13 (6) Developing and recommending for Board of Supervisors' adoption
14 uniform criteria for establishing designating "landmark" status for trees under the jurisdiction of
15 the Department and uniform criteria, rules, and procedures for the removal of "landmark" trees
16 pursuant to Section 810;

17 (7) Making recommendations to the Director on appeals of applications for
18 tree removal;

19 (8) Recommending to the Director information to be distributed to the public
20 concerning the selection, planting, and maintenance of trees throughout the City; and

21 (89) Recommending to the Director desirable City tree programs and
22 activities, including legislation and funding mechanisms.

23 (b) The Urban Forestry Council shall perform such other duties assigned to it under the
24 Municipal Codes.

1 SEC. 804. JURISDICTION.

2 (a) Department's Jurisdiction. The Department shall have jurisdiction over the
3 planning, planting, maintenance, and removal of trees in any street or other public right-of-way
4 as defined in Section 244 of this Code; over any landscape material in any street median,
5 center strip, or other landscaped portion of a public right-of-way; over trees and other
6 landscape material in other public spaces under the jurisdiction of the Department; *and* over
7 ~~nuisance~~ hazard trees on private property only as specified in Section 809 and 810A of this
8 Article; over landmark trees as specified in Section 810; and over significant trees as specified in
9 Section 810A.

10 SEC. 806. PLANTING AND REMOVAL OF STREET TREES.

11 (a) Planting and Removal by the Department.

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

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

22 (A) The Department gives 30 days' prior written notice to the owner of the
23 property abutting the affected tree; and
24
25

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

6 (3) Appeal of Tree Removal.

7 (A) If within 30 days after the giving of notice for street tree removal, as
8 specified in Subsection (a)(2), or if within 15 days after the giving of notice for removal of a
9 nuisance hazard street tree, as specified in Subsection (a)(4), any person files with the
10 Department written objections to the removal, the Director shall hold a hearing to consider
11 public testimony concerning the proposed tree removal. Written notice of the date, time and
12 place of the hearing shall be posted on the affected tree, provided in a newspaper of general
13 circulation, and sent to the objecting party, the owner of the property abutting the affected
14 tree, and all interested San Francisco organizations, not less than seven days prior thereto.

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

17 (C) The Director's decision shall be final and ~~nonappealable~~ appealable to the
18 Board of Appeals.

19 (4) Removal of Nuisance Hazard Street Trees.

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

22 (i) The Department gives 15 days' prior written notice to the owner of the
23 property abutting the affected tree; and
24
25

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

6 (B) *Nuisance Hazard* street tree shall have the same meaning as
7 "~~nuisance~~hazard tree" in Section 802(o) except that a *nuisance hazard* street tree is located
8 within the public right-of-way and is the maintenance responsibility of the Department.

9 (5) Emergency Removal. In the case of manifest danger and immediate
10 necessity, as determined by the Director, the Department may remove any street tree
11 immediately. After such emergency removal, the Department shall ~~make a reasonable effort~~
12 ~~to notify owners~~ provide notice of the necessity for such action to the owner of the property
13 abutting the affected tree, all interested San Francisco organizations and, to the extent
14 practical, all owners and occupants of properties that are on or across from the block face
15 where the affected tree was removed ~~and interested San Francisco organizations of the~~
16 ~~necessity for such action.~~

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

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

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

7 (3) Removal.

8 (A) An abutting property owner who desires a permit to remove a street tree
9 shall apply to the Department on the designated form. Such application must be accompanied
10 by an administrative fee in accordance with a fee schedule adopted by the Director. The
11 Department may grant or deny the permit in accordance with the following procedures and
12 requirements. If the Department grants a tree removal permit, it ~~may~~ shall require that another
13 street tree be planted in the place of the removed tree or impose an in-lieu fee unless it makes
14 written findings detailing the basis for waiving this requirement.

15 (B) Thirty days prior to the removal date, the Department shall give notice to
16 all interested San Francisco organizations and, to the extent practicable, the owners and
17 occupants of properties that are on or across from the block face or adjacent to where the
18 affected tree is located. In addition, ~~40~~30 days prior to the removal date, the Department shall
19 post a notice on the affected tree. If within ~~40~~30 days after the giving of such notice any
20 person files with the Department written objections to the removal, the Director shall hold a
21 hearing prior to removing the tree. Written notice of the date, time and place of the hearing
22 shall be posted on the affected tree and sent to the objecting party and all interested San
23 Francisco organizations not less than seven days prior thereto.

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

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

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

11 SEC. 807. DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM;
12 POWERS AND DUTIES.

13 (a) Arterial Planting Program. The Department shall continue its program of
14 appropriate street tree planting along major traffic routes and commercial streets throughout
15 the City.

16 (b) Neighborhood Planting Program. The Department shall continue to encourage
17 and support neighborhood planting programs. Support may include, but need not be limited
18 to, provision of trees and materials, sidewalk cutting and removal, planting labor, technical
19 advice, and organizational assistance. The Department is hereby authorized to donate such
20 funds, materials and labor to neighborhood planting programs as are deemed by the Director
21 to be in the public interest and in the interest of the promotion of the urban forest.

22 (c) Public Education. The Department shall undertake an on-going program of
23 public outreach and education in order to promote public understanding of the City's urban
24 forest and public adherence to the standards and procedures established under this Article.
25

1 (d) Authority over Site Development Plans.

2 (1) The Department shall have the authority to review and comment on site
3 development plan applications received by the City's Central Permit Bureau that pertain to the
4 planting, alteration, or removal of street trees. The Department shall also have the authority to
5 review and comment on site development plan applications that pertain to the alteration or
6 removal of landmark trees designated pursuant to Section 810(a) of this Article and significant
7 trees pursuant to Section 810A of this Article. Protection of such trees during construction
8 shall be required in accordance with Section 808(c) of this Article. Removal of such trees
9 shall be subject to the applicable rules and procedures for removal set forth in Section 806,
10 810, or 810A of this Article.

11 (2) If the Zoning Administrator modifies or waives the requirements of
12 Planning Code Section 143 pursuant to Planning Code Section 143(d), the Department
13 ~~may~~shall impose an in-lieu fee of the property owner so excused. Further, if a property owner
14 is required to plant a street tree pursuant to Planning Code Section 143, the Department
15 ~~can~~shall require that the property owner maintain such tree or replace any such tree that
16 subsequently dies or is removed by any person, or pay an in-lieu fee. The Department shall
17 follow the requirements set forth herein for tree replacement or payment of an in-lieu fee
18 unless it makes written findings detailing the basis for waiving said requirements.

19 (e) Adopt-A-Tree Fund. Pursuant to Section 10.117-77 of the Administrative Code,
20 the Department shall maintain an Adopt-A-Tree Fund to enhance the urban forestry program.

21 (f) In-Lieu Planting Program. The Department shall develop and implement an In-
22 Lieu Planting Program to offset the loss of street trees, significant trees, and landmark trees due
23 to removal, destruction, or death. The In-Lieu Planting Program shall also compensate for the
24 loss of trees required to be planted by Section 143 of the Planning Code, yet excused by the
25

1 Zoning Administrator pursuant to Planning Code Section 143(d). The Department ~~may~~shall
2 impose an in-lieu fee in accordance with a fee schedule adopted by the Director where a
3 street tree is destroyed, removed or is excused from planting where otherwise required by
4 Planning Code Section 143. The Department ~~may~~ also shall assess an in-lieu fee or such other
5 penalty as set forth in Section 811 as mitigation for violation of the requirements of this Article.
6 The Department shall follow the requirements set forth herein for payment of an in-lieu fee
7 unless it makes written findings detailing the basis for waiving said requirements. As set forth
8 in Section 811, in-lieu fees shall be deposited in the Adopt-A-Tree Fund.

9 (g) Tree Adoption Program. The Department shall develop and implement a tree
10 adoption program to allow persons to donate money for the purpose of tree planting and
11 maintenance. Money donated to the City and County for the purpose of tree planting and
12 maintenance shall be deposited into the Adopt-A-Tree Fund.

13 SEC. 808. PROTECTION OF TREES AND LANDSCAPE MATERIAL.

14 (a) Injury to or Destruction of Trees Prohibited. It shall be unlawful for any person to
15 intentionally, maliciously or through gross negligence injure or destroy a street tree, ~~or any~~
16 tree on City property, a significant tree, or a landmark tree. Removal of a tree under City order
17 or removal in accordance with a permit issued pursuant to Section 806, 810, or 810A of this
18 Article is exempt from this prohibition.

19 (b) Injury to or Destruction of Landscape Materials Prohibited. It shall be unlawful
20 for any person to intentionally, maliciously or through gross negligence injure or destroy any
21 landscape material in any street median, center strip, or other landscaped portion of a public
22 right-of-way under the City's jurisdiction, except as authorized by the Department.

23 (c) Construction Work: Protection of Trees Required. It shall be unlawful for any
24 person to engage in any construction work on private or public property without first taking
25

1 steps to protect street trees, significant trees, and landmark trees from damage, including
2 damage caused by soil compaction or contamination, excavation, or placement of concrete or
3 other pavement or foundation material. If excavation, construction, or street work is planned
4 within the dripline of a significant tree, aAll-landmark trees or a tree on any street or other
5 publicly owned property ~~near any excavation, construction, or street work~~ said tree(s) shall be
6 adequately protected. If any construction work results in the injury or damage to such trees,
7 the responsible party(ies) may be subject to the penalties set forth in Section 811 of this
8 Article.

9 SEC. 809. NUISANCE HAZARD TREES; ABATEMENT.

10 (a) Notice to Property Owner(s). Upon a finding by the Director that a tree on private
11 property or a street tree for which a property owner is responsible is a "nuisance hazard tree" as
12 defined herein, the Director shall provide notice to the property owner(s) which describes the
13 condition creating the nuisance hazard, the actions required to be taken to abate the nuisance
14 hazard, and the date by which compliance must be completed. Required action may include
15 replacement or removal of the tree in accordance with applicable requirements and
16 procedures provided in this Article for removal of the subject tree. In cases of extreme danger,
17 as determined by the Director, the Director may require immediate compliance.

18 (b) Director of Public Works To Abate Nuisance Hazard if Owner Fails To Do So. If
19 the responsible property owner does not undertake in a timely manner the abatement action,
20 as required by said notice, the Director may perform necessary work to abate the
21 nuisance hazard. The cost of such abatement, including labor, equipment, materials, inspection
22 services, and administrative costs, shall be an obligation owing by the responsible property
23 owner(s) to the City.
24
25

1 (c) Method of Enforcement and Collection of Lien. The Department shall send
2 notice of assessment of costs to the responsible property owner. Such notice shall include a
3 statement that payment is due within 60 days of the mailing date of the notice. If a responsible
4 property owner fails timely to remit payment, the Department shall send a second notice of
5 payment due. Such second notice shall include a statement that failure timely to remit
6 payment in full to the City within 30 days of the mailing of the second notice shall cause the
7 Director to institute lien proceedings pursuant to Sections 706.4-706.7 of this Code.
8 Enforcement and collection of liens for costs associated with ~~nuisance~~hazard tree abatement
9 shall be in accordance with Sections 706.4-706.7 of this Code, except that all monies received
10 in payment of such liens, with the exception of enforcement costs, shall be credited to the Adopt-
11 A-Tree Fund.

12 SEC. 810. LANDMARK TREES.

13 (a) Designation Criteria. ~~With the advice of the Tree Board and following a public~~
14 ~~hearing, the Director shall adopt criteria for the designation of landmark trees, which criteria~~
15 ~~shall include consideration of the age, size, shape, species, location, historical association,~~
16 ~~visual quality, or other contribution to the City's character. Upon the recommendation of the~~
17 ~~Director, the Board of Supervisors may designate as a "landmark tree" any street tree or any~~
18 ~~tree on property under the jurisdiction of the Department meeting the criteria adopted by the~~
19 ~~Director, or may rescind such designations. Any person seeking to have a tree designated as~~
20 ~~a landmark must pay all costs related to the Board of Supervisors hearing.~~

21 ~~(b) Advise the Zoning Administrator. Upon request by the Zoning~~
22 ~~Administrator, the Director shall advise the Zoning Administrator regarding landmark trees on~~
23 ~~a proposed construction site. The Department shall propose measures to protect landmark~~
24 ~~trees on a construction site against damage to trunk, roots, and branches.~~

1 ~~(c) Removal; Special Permit Required. Except in the case of manifest danger~~
2 ~~and immediate necessity, landmark trees shall be removed only upon a determination of the~~
3 ~~Board of Supervisors following a public hearing. The Director shall issue criteria governing~~
4 ~~such determinations. If the Board of Supervisors determines that removal of a landmark tree~~
5 ~~is necessary or permissible, it may impose such reasonable conditions on the permit for~~
6 ~~removal as it deems necessary to compensate for the loss of the tree, including but not limited~~
7 ~~to the replacement value of the tree, and administrative costs, or contribution to the Adopt A-~~
8 ~~Tree Fund. Any person seeking permission to remove a landmark tree must pay all costs~~
9 ~~related to the Board of Supervisors hearing. The Urban Forestry Council shall develop and~~
10 ~~recommend for adoption by the Board of Supervisors uniform criteria for the designation of~~
11 ~~landmark trees, which criteria shall include consideration of the age, size, shape, species,~~
12 ~~location, historical association, visual quality, or other contribution to the City's character, as~~
13 ~~set forth Section 810(f)(4)(A)-(E) below. Upon adoption by the Board of Supervisors, the~~
14 ~~designation criteria shall apply to all trees within the territorial limits of the City and County of~~
15 ~~San Francisco. Pending adoption of criteria for designation of landmark trees, the Urban~~
16 ~~Forestry Council, affected City departments, and the Board of Supervisors shall rely on the~~
17 ~~general criteria set forth in Section 810(f)(4)(A)-(E).~~

18 (b) Designation Process.

19 (1) Nominations. A tree may be nominated for designation as a landmark
20 tree by any of the following parties: (i) the property owner whose property contains the
21 subject tree by a written request to the Urban Forestry Council; (ii) the Board of Supervisors,
22 Planning Commission, or Landmarks Preservation Advisory Board by adoption of a resolution
23 of intent to nominate a tree for landmark status; or (iii) the director of any City agency or
24
25

1 department by filing a nomination letter with the Urban Forestry Council. Each tree nominated
2 for landmark tree status shall be the subject of a separate individual nomination.

3 (2) Content of Nominations. Nominations shall be made in writing to the
4 Urban Forestry Council and shall include the basis for the nomination, which may address one
5 or more of the adopted designation criteria, including the factors listed below in Section
6 810(f)(4)(A)-(E) below; the lot, assessor's block, and street address of the subject property;
7 one or more pictures of the tree; and any other information that the nominating property owner
8 or entity believes would be pertinent to the nomination.

9 (3) Urban Forestry Council Hearing and Determination. The Urban Forestry
10 Council shall hold a public hearing on a nomination within 60 days of receipt of a completed
11 nomination request, and shall determine whether the tree qualifies as a landmark tree
12 pursuant to the adopted designation criteria. After the conclusion of the public hearing, the
13 Urban Forestry Council shall adopt written findings that specify the basis for its decision to
14 approve or reject the nomination and shall forward these findings to the applicant for the
15 nomination and the affected property owner. If the Urban Forestry Council determines that
16 the subject tree meets the adopted designation criteria, it shall forward said decision to the
17 Director, as to a tree on private property, or to the subject City agency, commission or
18 department, as to a tree on City-owned property. If the Urban Forestry Council rejects the
19 nomination, the Council shall not accept a new request for the subject tree for three years
20 from the date of its decision. If the Urban Forestry Council determines that a tree qualifies as
21 a landmark tree, its written findings on the nomination shall be forwarded, along with any
22 recommendations of relevant City agencies, commissions or departments, to the Board of
23 Supervisors for its consideration pursuant to Section 810(b)(4) of this Article. If the Urban
24 Forestry Council fails to forward said findings to the Board of Supervisors within 90 days of
25

1 the Urban Forestry Council's receipt of the nomination request, the Board of Supervisors may,
2 in its discretion, schedule a public hearing on the nomination, in which event, the failure of the
3 Urban Forestry Council to forward said findings within the 90 day period shall constitute its
4 approval of the nomination.

5 (4) Designation. Upon the recommendation of the Urban Forestry Council,
6 the Board of Supervisors may designate as a "landmark tree" any tree within the territorial
7 limits of the City and County of San Francisco that meets the adopted designation criteria, or
8 may rescind such designations. If the Urban Forestry Council does not issue findings in a
9 timely manner pursuant to Subsection (b)(3), the Board of Supervisors shall adopt its own
10 findings as part of the designation of a landmark tree.

11 (c) Landmark Tree Designation Recorded Notice and Official Book. Upon Board of
12 Supervisors designation of a landmark tree, the Department or affected agency shall record a
13 notice on the subject property concerning the landmark tree. The Department also shall
14 record the landmark tree designation in an official book entitled Landmark Trees. If the
15 landmark tree is a street tree under the maintenance responsibility of the Department, the
16 Department shall record the landmark tree designation in a separate section of the Landmark
17 Tree book that is reserved for those landmark trees under the maintenance responsibility of
18 the Department. The Department shall maintain this book for public review and update it on a
19 regular basis with the assistance of affected agencies.

20 (d) Temporary Designation of Landmark Tree Status. At the time a member of the
21 Board of Supervisors introduces a resolution of intent to initiate a nomination and submits to
22 the Clerk of the Board of Supervisors the information required for a landmark tree nomination
23 request as set forth in Section 810(b)(2), the subject tree shall be temporarily designated as a
24 landmark tree ("temporary designation") and be subject to the provisions governing landmark
25

1 trees set forth herein while proceedings are pending on the landmark tree designation. At the
2 time the Planning Commission or Landmarks Preservation Advisory Board adopts a resolution
3 of intent to initiate a nomination, temporary designation of the subject tree shall occur. If the
4 Director of the Department or the director of any other City agency, commission or department
5 initiates landmark tree designation, temporary designation shall occur when the Urban
6 Forestry Council adopts a resolution determining that the subject tree qualifies for landmark
7 tree status. In addition, the Director of the Department shall have the authority to issue an
8 emergency order that temporarily designates a tree on private property or on any property
9 under the jurisdiction of the Department to prevent the immediate removal of a tree. Upon
10 initiation of a nomination pursuant to this Section, the entity initiating nomination shall
11 immediately inform the Director who shall immediately cause a notice to be provided to the
12 relevant department or private property owner informing them of the special permit and
13 approval requirements pursuant to Section 810(f). If 180 days have elapsed from the date of
14 temporary designation and final action on landmark tree designation has not been completed,
15 the temporary designation status for the subject tree shall expire unless the Board of
16 Supervisors adopts a resolution to extend the temporary designation. Such extension shall
17 not exceed 90 additional days. Although the subject tree ultimately may be designated as a
18 landmark tree sometime after expiration of temporary designation status, once the temporary
19 designation has expired, the affected tree shall not be subject to a new temporary designation
20 for at least two years from the date of temporary designation. If the Urban Forestry Council
21 rejects a nomination under subsection (b)(3), the temporary designation shall automatically
22 terminate.

23 (e) Zoning Administrator. The Zoning Administrator shall be required to identify
24 designated landmark tree(s) on proposed development or construction sites and to notify the
25

1 Urban Forestry Council and the Department or affected City agency, commission or
2 department. The Zoning Administrator and the Department or such other City Agency,
3 commission or department with jurisdiction, shall be required to impose measures to protect
4 such landmark trees on a construction site against damage to trunk, roots, and branches in
5 accordance with Section 808(c) of this Article. Removal of such trees shall be subject to the
6 rules and procedures for removal of landmark trees provided in this Section.

7 (f) Removal Criteria and Procedures.

8 (1) Removal Criteria. The Urban Forestry Council shall develop and
9 recommend for adoption by the Board of Supervisors uniform criteria, rules, and procedures
10 governing determinations to remove landmark trees. Removal criteria shall require
11 consideration and written findings on all of the factors related to the landmark tree as set forth
12 in Section 810(g)(4), below, and shall not authorize the removal of a landmark tree unless the
13 it constitutes a hazard tree pursuant to Section 802(o). Public notice, in accordance with the
14 requirements of Section 806(a)(2), and a hearing shall be required.

15 (2) Removal on Private Property; Special Permit Required. A property owner
16 who desires a permit to remove a landmark tree shall apply to the Department on the
17 designated form. Such application must be accompanied by an administrative fee in
18 accordance with a fee schedule adopted by the Director. Except in the case of manifest
19 danger and immediate necessity, landmark trees on private property shall be removed only
20 after the Director's determination and issuance of a permit, following a public hearing. If the
21 Director determines that removal of a landmark tree is necessary or permissible in
22 accordance with the adopted removal criteria, the Director may impose such reasonable
23 conditions on the permit for removal as he or she deems necessary to compensate for the
24 loss of the tree, including but not limited to the replacement value of the tree, administrative
25

1 costs, and contribution to the Adopt-A-Tree Fund. The Director's determination shall be final
2 and appealable to the Board of Appeals. Any person seeking permission to remove a
3 landmark tree must pay all costs related to the permit process and public hearings. Pending
4 adoption of criteria for removal of landmark trees, the Department shall rely on the general
5 criteria set forth in Section 810(f)(4)(A)-(F).

6 (3) Removal on City-owned Property; Special Approval Required. Removal
7 of a landmark tree(s) on City property under the jurisdiction of any City agency, commission,
8 or department shall be subject to the criteria, rules, and procedures adopted by the Board of
9 Supervisors pursuant to Section 810(f)(1), above, including the process for public notice and a
10 hearing prior to removal of the tree. After following said criteria, rules, and procedures, the
11 subject City agency, commission, or department shall make its decision on removal of a
12 landmark tree(s). Such decision is final and nonappealable. Pending the Board of
13 Supervisor's adoption of the criteria, rules, and procedures pursuant to Section 810(f)(1), the
14 agency, commission, or department shall follow the general criteria of Subsection (f)(4)(A)-(F)
15 and similar rules and procedures for removal of street trees as set forth in Section 806(c) and
16 for removal of hazard trees as set forth in this Section 806(a)(4). This Subsection shall not
17 supercede the Charter jurisdiction that has been granted to any City agency, commission, or
18 department.

19 (4) Required Findings. As part of any determination that authorizes removal
20 of any landmark tree, the City entity making such determination shall, in addition to the
21 adopted removal criteria, consider and make written findings on each of the following factors
22 related to the tree:

23 (A) Size, age, and species;
24
25

1 (B) Visual characteristics, including the tree's form and whether it is a
2 prominent landscape feature;

3 (C) Cultural or historic characteristics, including whether the tree has
4 significant ethnic appreciation or historical association or whether the tree was part of a
5 historic planting program that defines neighborhood character;

6 (D) Ecological characteristics, including whether the tree provides
7 important wildlife habitat, is part of a group of interdependent trees, provides erosion control,
8 or acts as a wind or sound barrier;

9 (E) Locational characteristics, including whether the tree is in a high
10 traffic area or low tree density area, provides shade or other benefits to multiple properties,
11 and is visually accessible from the public right-of-way; and

12 (F) One or more criteria that qualify the tree as a hazard tree pursuant
13 to Section 802(o).

14 (5) Emergency Removal on Private Property. In the case of manifest danger
15 and immediate necessity, as determined by the Director, the Director may remove or require
16 the responsible owner(s) to remove a landmark tree immediately. After such emergency
17 removal, the Director shall provide written notice of the necessity for such action to the Board
18 of Supervisors and the Urban Forestry Council and shall also provide such notice to all
19 interested San Francisco organizations and, to the extent practical, to the owners and
20 occupants of properties that are on or across from the block face where the affected tree was
21 removed. If the Department incurs any costs related to an emergency removal, said costs,
22 including labor, equipment, materials, inspection services, and administrative costs, shall be
23 an obligation owing by the responsible owner(s) to the City. Removal of a landmark tree
24 pursuant to this Subsection is not subject to Section 810(f)(4) above.

1 (6) Emergency Removal on City-owned Property. In the case of manifest
2 danger and immediate necessity, as determined by the director or general manager of the
3 subject agency, commission, or department, the subject agency, commission, or department
4 may remove a landmark tree within its jurisdiction immediately. After such emergency
5 removal, the subject agency, department, or commission shall provide written notice of the
6 necessity of such action to the Board of Supervisors, Urban Forestry Council and Department
7 of Public Works and shall also provide such notice to all interested San Francisco
8 organization and, to the extent practical, the owners and occupants of properties that are on
9 or across from the block face where the affected tree was removed. Removal of a landmark
10 tree pursuant to this Subsection is not subject to Section 810(f)(4) above.

11 (g) If a landmark tree(s) has been designated as part of a local historic district or
12 landmark under Article 10 of the Planning Code, removal of such tree shall be subject to the
13 procedures set forth in the Planning Code Article 10 in addition to the requirements of
14 Subsection 810(f) above. In the case of a conflict between Section 810(f) and the Article 10
15 designation, the more restrictive provisions shall apply.

16 SEC. 811. PENALTIES FOR VIOLATION OF ORDINANCE.

17 (a) Criminal Penalties. Violation of any of the provisions of Sections 806, 808, and
18 810(e)(f)(1), and 810A(b) of this Article shall be chargeable as an infraction or a misdemeanor.
19 Every violation determined to be an infraction is punishable by a fine of \$200 for a first
20 violation and \$400 for each additional violation within one year. Every violation determined to
21 be a misdemeanor is punishable by a fine not exceeding \$1,000 and/or imprisonment in the
22 County Jail for a period not to exceed six months, for each offense.

23 (b) ~~Administrative~~ Civil Penalties and Fees.
24
25

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

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

14 (c) Administrative Penalties.

15 (1) In addition to the penalties set forth in Subsections (a) and (b) above, the
16 Director may require any person who removes, damagesinjures, or destroys a tree in violation
17 of the provisions of this Article shall to pay a sum of money equal to the tree's replacement
18 value or the diminishment of the tree's value as set forth in the current edition of the Guide for
19 Plant Appraisal (Council of Tree and Landscape Appraisers). In no case shall the administrative
20 penalty be less than \$500 per violation. When one or more additional violations occur within one year
21 of the first violation, the Director may assess a responsible party double the tree's replacement value or
22 the diminishment of the tree's value. Depending on the nature and seriousness of the misconduct,
23 including unpermitted removal of or damage to a landmark or significant tree; the number of
24 violations; the persistence of the misconduct; the length of time over which the misconduct occurred;
25

1 or the wilfulness of the defendant's misconduct, the Director may assess additional penalties in excess
2 of the amounts specified above. In addition to the administrative penalty assessed pursuant to this
3 Section, the Director may assess enforcement costs to cover the reasonable costs incurred in enforcing
4 the administrative penalty, including reasonable attorneys' fees. Any and all amounts paid or
5 collected pursuant to this subsection, with the exception of enforcement costs, shall be deposited
6 into the Adopt-A-Tree Fund.

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

17 Section 3. The San Francisco Public Works Code is hereby amended by adding
18 Section 810A, to read as follows:

19 SEC. 810A. SIGNIFICANT TREES.

20 (a) Definition. For purposes of this Section, a significant tree shall be a tree: (1) on
21 property under the jurisdiction of the Department of Public Works or (2) on privately owned-
22 property with any portion of its trunk within 10 feet of the public right-of-way, and (3) that
23 satisfies at least one of the following criteria: (a) a diameter at breast height (DBH) in excess
24 of twelve (12) inches, (b) a height in excess of twenty (20) feet, or (c) a canopy in excess of
25

1 fifteen (15) feet. The Director may deem a significant tree a hazard tree if such tree satisfies
2 the provisions of Section 802(o). A landmark tree shall not be treated as a significant tree
3 even if the landmark tree meets one or more of the abovementioned criteria. A landmark tree
4 shall be governed by the provisions of Section 810.

5 (b) Removal: Requirements.

6 (1) Removal of a significant tree(s) on privately-owned property shall be
7 subject to the rules and procedures governing permits for removal of street trees as set forth
8 in Section 806(b).

9 (2) Removal of a significant tree(s) that are the responsibility of the
10 Department shall be subject to the rules and procedures governing permit for Departmental
11 removal of street trees as set forth in Section 806(a).

12 (3) If the Director determines that a significant tree is a hazard tree, this
13 Article's provisions applicable to removal of a hazard tree shall apply.

14 (4) Emergency Removal. In the case of manifest danger and immediate
15 necessity, as determined by the Director in writing, the Director may remove or require the
16 responsible owner(s) to remove a significant tree immediately. After such emergency
17 removal, the Department shall provide written notice to all interested San Francisco
18 organizations and, to the extent practical, owners and occupants of properties that are on or
19 across from the block face where the affected tree was removed of the necessity for such
20 action. If the Department incurs any costs related to an emergency removal, said costs,
21 including labor, equipment, materials, inspection services, and administrative costs, shall be
22 an obligation owing by the responsible owner(s) to the City. Removal of a significant tree
23 pursuant to this Subsection is not subject to Subsection (c) below.

1 (c) As part of the Director's determination to authorize removal of a significant tree,
2 the Director shall consider the following factors related to the tree:

3 (1) Size, age, and species;

4 (2) Visual and aesthetic characteristics, including the tree's form and whether
5 it is a prominent landscape feature or part of a streetscape;

6 (3) Cultural or historic characteristics, including whether the tree has
7 significant ethnic appreciation or historical association or whether the tree was part of a
8 historic planting program that defines neighborhood character;

9 (4) Ecological characteristics, including whether the tree provides important
10 wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as
11 a wind or sound barrier;

12 (5) Locational characteristics, including whether the tree is in a high traffic
13 area or low tree density area, or provides shade or other public benefits;

14 (6) Whether the tree constitutes a hazard tree as set forth in Section 802(o);
15 and

16 (7) Whether the tree has been maintained as set forth in Section 802(l).

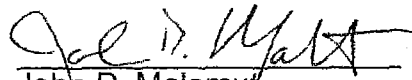
17 (d) Zoning Administrator. The Zoning Administrator shall be required to identify
18 significant tree(s) on proposed development or construction sites and to notify the
19 Department. The Zoning Administrator and the Department shall be required to impose
20 measures to protect such significant trees on a construction site against damage to trunk,
21 roots, and branches in accordance with Section 808(c) of this Article. Removal of such trees
22 shall be subject to the rules and procedures for removal of significant trees provided in this
23 Section.

24 Section 34. This section is uncodified.

1 (a) The powers and duties of the Tree Advisory Board, set forth in Public Works Code
2 Section 803, pursuant to the Board of Supervisors Ordinance No. 165-95, Clerk of the Board
3 of Supervisors File No. 97-958, are transferred to the Urban Forestry Council pursuant to this
4 Ordinance, and the Tree Advisory Board is hereby dissolved.

5 (b) The Office of the Legislative Analyst shall prepare a report to the Board of
6 Supervisors on all possible financial incentives, including, but not limited to, tax credits, tax
7 rebates, and subsidized tree care, for residents or businesses whose properties contain
8 designated landmark trees.

9
10
11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: 
15 John D. Malamut
16 Deputy City Attorney
17
18
19
20
21
22
23
24
25



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 051458

Date Passed:

Ordinance amending the Public Works Code by amending Section 801 to add to the purposes; by amending Section 802 to modify various definitions; amending Sections 802, 806, and 809 to redefine nuisance trees as hazard trees; amending Sections 802 and 803 authorizing the Urban Forestry Council to succeed to the powers and duties of the Tree Advisory Board and to assume new duties; amending Section 806 to allow for appeals of decisions concerning removal of street trees that are the responsibility of City departments and to extend the notice period to 30 days for removal of street trees that are the responsibility of private property owners; amending Sections 806 and 807 to require imposition of in lieu fees under specified circumstances; adding Section 810A to define significant trees and establish a regulatory program governing their removal; amending Sections 804, 807, and 808 to make conforming changes regarding significant trees; amending Sections 804, 807, 808, and 810 concerning landmark trees and procedures to designate, nominate, and remove landmark trees; amending Section 811 to create civil penalties and fines and to modify provisions on administrative penalties; requiring the Office of the Legislative Analyst to prepare a report concerning financial incentives related to landmark trees; and making environmental findings.

September 27, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

October 11, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

October 11, 2005 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
Excused: 1 - Alioto-Pier

October 18, 2005 Board of Supervisors — CONTINUED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 1, 2005 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

November 1, 2005 Board of Supervisors — RE-REFERRED: City Operations and Neighborhood Services Committee

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

January 10, 2006 Board of Supervisors — PASSED ON FIRST READING

Ayes: 8 - Ammiano, Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 2 - Elsbernd, Ma

Excused: 1 - Alioto-Pier

January 17, 2006 Board of Supervisors — FINALLY PASSED

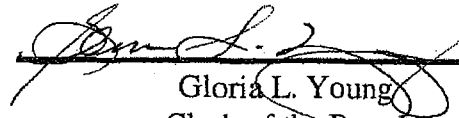
Ayes: 7 - Daly, Dufty, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 3 - Alioto-Pier, Elsbernd, Ma

Excused: 1 - Ammiano


File No. 051458

I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 17, 2006 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

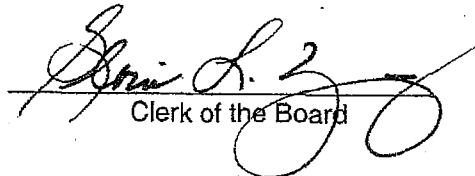
JAN 20 2006

Date Approved


Mayor Gavin Newsom

Date: January 27, 2006

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.


Clerk of the Board

File No.
051458

1 [Landmark Tree Program Criteria and Procedures]

2
3 **Resolution adopting the Urban Forestry Council's implementation and removal criteria**
4 **and procedure for landmark trees created pursuant to Ordinance 17-06.**
5

6 WHEREAS, Trees provide numerous environmental, social and economic benefits
7 such as reducing stormwater runoff, reducing energy use, improving air quality, increasing
8 property values and providing wildlife habitat; and,
9

10 WHEREAS, Trees provide beauty, natural character, and a connection with nature in
11 the midst of an urban setting; and,

12 WHEREAS, Older mature trees with historic, cultural, economic, or visual significance
13 to a municipality can be designated as "landmark" trees; which is not to say that younger
14 trees are insignificant or may not be designated as a landmark tree in the future; and,

15 WHEREAS, Landmark trees have a special significance to the community; and,

16 WHEREAS, Landmark trees have an especially prominent and beautiful visual impact;
17 and,

18 WHEREAS, The Board of Supervisors passed Ordinance 17-06, Amendment to Public
19 Works Code-Section 801, landmark trees, significant trees, and penalties for violations in
20 support of a landmark tree program; and,

21 WHEREAS, The Urban Forestry Council developed, pursuant to Ordinance 17-06,
22 criteria and procedure for the implementation and removal of landmark trees, copies of said
23 documents are on file with the clerk of the Board of Supervisors in file number 060487, and is
24 incorporated herein by reference; therefore, be it
25

1 RESOLVED, That the San Francisco Board of Supervisors adopts the Urban Forestry
2 Council's implementation and removal criteria and procedure for landmark trees; and be it

3 FURTHUR RESOLVED, That the San Francisco Board of Supervisors work with
4 property owners, City agencies and departments, and the Urban Forestry Council to promote
5 the landmark tree program and ensure timely implementation.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Jake McGoldrick
BOARD OF SUPERVISORS

Page 2

6/13/2006



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 060487

Date Passed:

Resolution adopting the Urban Forestry Council's recommended criteria and procedures for the designation and removal of landmark trees in furtherance of Ordinance No. 17-06 concerning the Urban Forestry Ordinance and authorizing other official acts pursuant to this Resolution.

April 18, 2006 Board of Supervisors — REFERRED: City Operations and Neighborhood Services Committee

Ayes: 9 - Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell, Mirkarimi, Peskin, Sandoval

Excused: 2 - Alioto-Pier, McGoldrick

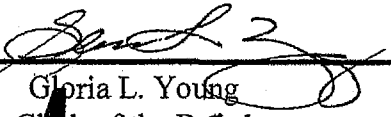
July 25, 2006 Board of Supervisors — ADOPTED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Ma, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval

Noes: 1 - Elsbernd

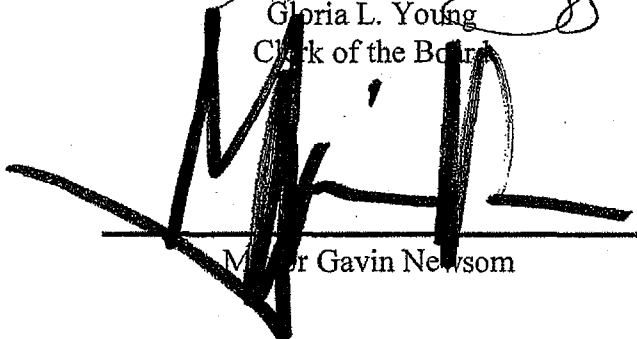
File No. 060487

I hereby certify that the foregoing Resolution was ADOPTED on July 25, 2006 by the Board of Supervisors of the City and County of San Francisco.


Gloria L. Young
Clerk of the Board

AUG 02 2006

Date Approved


Mayor Gavin Newsom

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, Department of Public Works
John Rahaim, Director, Planning Department

FROM: Andrea Ausberry, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: February 28, 2014

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by the Supervisor Wiener on February 11, 2014:

File No. 140127

Resolution of intent initiating the nomination of the Sequoiadendron giganteum tree at 3066 Market Street for landmark tree status pursuant to Public Works Code, Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Code, Section 810(d), and authorizing other official acts in furtherance of this Resolution.

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, Department of Public Works
AnMarie Rodgers, Planning Department
Sarah Jones, Planning Department
Scott Sanchez, Planning Department
Jeanie Polling, Planning Department
Nannie Turrell, Planning Department

Introduction Form

By a Member of the Board of Supervisors or the Mayor

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. []
- 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:

Landmark Designation Nomination for Tree Located at 3066 Market Street

The text is listed below or attached:

Resolution of intent initiating the nomination of the Sequoiadendron giganteum tree at 3066 Market Street for landmark tree status pursuant to Public Works Code Section 810(b), acknowledging the temporary designation of such tree pursuant to Public Works Code Section 810(d), and authorizing other official acts in furtherance of this Resolution.

Signature of Sponsoring Supervisor: *Scott Wiener*

For Clerk's Use Only:

140127