

From: [Betsy Eddy](#)
To: [Major, Erica \(BOS\)](#)
Subject: Fwd: DHCA Support for Sierra Club Amendments for Street Tree Planting and Removal Article 16
Date: Sunday, December 5, 2021 5:22:50 PM
Attachments: [2021-11-19 Sierra Club - File No. 210836 Article 16 Amendments.pdf](#)
[DHCA Support Letter for Sierra Club Changes to Article 16 Submitted 12-5-21.pdf](#)

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Hi Ms. Major,

I am sorry I entered your email address incorrectly on my email message to Supervisors Melgar, Peskin and Preston. I hope our DHCA Support letter for amendments to Article 16 made by the Sierra Club can be provided to the Land Use and Transportation Committee members before the Committee Meeting tomorrow.

Thank you,

Betsy Eddy
DHCA C0-President
415-867-5774

----- Forwarded message -----

From: **Betsy Eddy** <betsy.eddy@gmail.com>
Date: Sun, Dec 5, 2021 at 5:06 PM
Subject: DHCA Support for Sierra Club Amendments for Street Tree Planting and Removal Article 16
To: <MelgarStaff@sfgov.org>, <Aaron.Peskin@sfgov.org>, <Dean.Preston@sfgov.org>
Cc: <ChanStaff@sfgov.org>, <matt.haney@sfgov.org>, <Gordon.Mar@sfgov.org>, <Hillary.Ronen@sfgov.org>, <Ahsha.Safai@sfgov.org>, <Catherine.Stefani@sfgov.org>, <Shamann.Walton@sfgov.org>, Rafael Mandelman <rafael.mandelman@sfgov.org>, Mandelman Staff <mandelmanstaff@sfgov.org>, <grace.major@sfgov.org>, Becky Evans <rebecae@earthlink.net>, joshua klipp <joshuaklipp@gmail.com>

Dear Supervisors Melgar, Peskin and Preston,

Our Diamond Heights Community Association (DHCA) Board voted to support the amendments to the Public Works Code for Street Tree Planting and Removal Code brought forth by the Sierra Club Program of San Francisco. Both the Sierra Club letter and our Board support letter are attached.

Thank you for working on amending the Code since it is so important to improve the protection and maintenance of street trees in San Francisco.

Gratefully,

Betsy Eddy

DHCA Co-President
415-867-5774



San Francisco Group, SF Bay Chapter

Serving San Francisco County

Date: November 19, 2021
To: San Francisco Board of Supervisors
Subject: File # 210836, Public Works Code - Street Tree Planting and Removal

Dear Supervisors,

The Sierra Club's San Francisco Group is concerned about the possible negative consequences of some of the proposed revisions to San Francisco's Public Works Code Street Tree Planting and Removal - Article 16. These revisions could have the unintended impacts of:

1. increased existing inequities in the distribution of San Francisco's street trees;
2. reduced civic engagement;
3. inadequate ability to penalize illegal tree removal and tree abuse; and
4. departmental overreach by allowing DPW to require the removal of trees on private property and not currently under their jurisdiction.

There is much that is good in this proposed legislation. Therefore, we suggest the following amendments to this legislation to strengthen its benefits for San Francisco's urban forest.

These include:

1. increase equity in replacing removed trees;
2. restore public involvement in decisions regarding removal of trees;
3. empower the Department of Public Works to enforce penalties; and
4. remove the expansion of DPW jurisdiction over trees on private property.

Background

1. Revision to Require Replacement of Removed Trees

This proposed revision requires Public Works to plant replacement Street Trees within 120 days of removal in the same location or nearby.

Positive Consequence

Currently, there is no timeline to replace a street tree that has been removed. Tree wells can sit empty for years or are sometimes paved over altogether. We support a mandatory timeline for replacing a tree that has been removed.

Negative Consequence

However, the Department of Public Works currently lacks the ability to keep up replanting to match the rate of removals.¹ Additionally, there is a disparate tree canopy distribution against the percentage of people of color in San Francisco.²

If the Department of Public Works is forced to prioritize planting only in neighborhoods where a tree is removed, this means that neighborhoods which are already green will continue to have trees, while those that do not have trees, will not be prioritized.

Recommended Amendments

Keep the 120-day replanting requirement. But for every tree replaced in a neighborhood that exceeds the City's average of 13.7% canopy, *also* require the planting of a tree of equal size in a disadvantaged neighborhood below this percentage.

2. Revision to Eliminate Administrative Objections

This proposed revision eliminates the public's right to file administrative objections to proposed removals of Hazard Street Trees. In other words, DPW would be allowed to declare a tree a hazard and remove it immediately, without the public's ability to bring their own expert testimony to bear on this decision.

Negative Consequences

- a. This revision is unnecessary. Trees that are an immediate danger to the public can already be taken down under the category of "Emergency Removal" with no public process. By entirely removing public process for "hazard" trees, DPW sets up the potential for future abuse by Departmental leadership. This is a serious concern given that our City's most recent Director of Public Works had a systematic program of removal of a species of tree that he did not favor.
- b. Additionally, some of the most innovative City projects are the result of civic engagement, *e.g.*, Mission Verde along the 24th Street Corridor. Reducing public process reduces the likelihood of community involvement and partnership at a time our City needs maximum civic engagement in its work toward climate resilience.

Recommendation

Strike this proposed revision as unnecessary.

3. Revisions Related to Development and Construction

There are two proposed revisions designed to target illegal removals and tree injury that currently are rampant and yet unpenalized. Unfortunately, the proposed changes do not adequately address this issue or empower Public Works to enforce penalties.

Recommended Amendments

- a. In construction projects, require developers to put up a bond several times the value of the tree on a pro rata basis (*e.g.*, 5x the value of the tree if a project is \$1mil or above; 2x the value of the tree if it is \$250k or less). If the tree is injured during construction, this bond is transferred into the City's Street Tree Planting Fund. By pro-rating, homeowners and small businesses are still encouraged to engage in development.
- b. Whether during construction or otherwise, if a tree is removed illegally, require the actor to replace it based on a biomass replacement formula, and authorize the Department of Public Works to enact a lien to ensure compliance.

¹ See

https://sfbos.org/sites/default/files/061421_PA_of_DPW_Street_Resurfacing_Prog_%26_StreetTreeSF%20Prog.pdf at p. 63.

² See <https://www.treeequityscore.org/reports/place/san-francisco-ca/>

4. Revision Related to Trees on Private Property

Although Article 16 deals with “street trees”, a proposed revision would give DPW the right to enter private property, determine that a privately-owned tree is a hazard tree, and require its removal with no right for appeal on the part of the private property owner.

Negative Consequence

It is concerning that a proposed revision impacting trees not along a public right of way would fall under the jurisdiction of Public Works. Further, because Public Works seeks to remove public process around the determination of hazard trees, the result is that the private property owner would have no choice but to comply and have the tree removed.

Recommendation

This provision should be struck, and considered as a separate, voter-approved, ballot measure.

Other amendments to consider

The legislation could further be strengthened by including:

- Reference to climate change and the need to be a climate resilient City;
- Reference to trees and tree canopy as an issue of environmental justice;
- The inadequacy of 1:1 tree replacement (i.e. replacing a mature tree with a sapling); and
- The enforcement of tree care for trees planted for construction projects; for example, often trees are planted but then not maintained and frequently die.

Why is it so important to protect and increase our urban tree canopy?

The Sierra Club believes that biodiversity, native vegetation, and green infrastructure like trees and shrubs are all critical components in our fight for climate resilience. At 13.7%, San Francisco’s is the smallest urban canopy of any major city in the United States, yet our City is failing to come close to the goals of our Urban Forest Plan - a plan that is expressly relied upon in our City’s climate action strategies.³ The above recommendations and additional proposed revisions are the bare minimum San Francisco must implement to begin to address our need for increased tree canopy as a matter of climate resilience and environmental justice.

We look forward to hearing your response to our recommendations and thank you for your attention to this matter.

Sincerely,

Becky Evans

Becky Evans

Chair, SF Group Executive Committee

³ "Budget and Legislative Analyst's report," June 14, 2021 “. . . the City’s 10-year average of 2,154 street trees planted annually is less than half of the 5,000 of street trees that need to be planted annually to ensure that the City’s street tree population does not shrink . . .”



Diamond Heights Community Association, PO Box 31529, San Francisco, CA 94131

Supervisors Myrna Melgar, Aaron Peskin, Dean Preston
Land Use and Transportation Committee
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, Ca. 94102

Date: December 4, 2021

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Re: Supervisors File # 210836, Public Works Code - Street Tree
Planting and Removal

Dear Supervisors Melgar, Peskin and Preston,

Our Diamond Height Community Association (DHCA) Board requests that you and the Board of Supervisors support the Sierra Club San Francisco Group's recommended changes to the San Francisco's Public Works Code Street Tree Planting and Removal - Article 16.

The current changes under consideration are good but could go further to clarify the code. Our DHCA Board agrees with the changes recommended by the San Francisco Group of the Sierra Club stated in the attached letter. As indicated in the letter, the amendments would:

1. Increase equity in replacing removed trees
2. Restore public involvement in decisions regarding removal of trees
3. Empower the Department of Public Works to enforce penalties
4. Remove the expansion of DPW jurisdiction over trees on private property.

Thank you for considering the amendments brought forth by the San Francisco Group of the Sierra Club

Betsy Eddy
DHCA Co-President

Cc: Members of the Board of Supervisors,
Mandelmanstaff@sfgov.org, Erica Major, Becky Evans, Joshua Klipp