File No. 150221	Committee Item No	3
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COMMITTEE/BOARD OF SUPERVISORS

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SUBSTITUTED 5/19/2015 ORDINANCE NO.

FILE NO. 150221

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

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

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

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

Deletions to Codes are in strikethrough italics Times New Roman font.

Board amendment additions are in double-underlined Arial font.

Board amendment deletions are in strikethrough Arial font.

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

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

Section 1. Findings.

(a) Tree-lined streets are a key component of San Francisco's urban forest and contribute to a more walkable, livable, and sustainable city. They remove pollutants from air and water, create greener and more vibrant neighborhoods, and make streets more enjoyable to walk and shop along.

- (b) The City has long required street trees when certain types of development projects are built. The Planning Code imposes these requirements and the Planning Department implements them. However, the Planning Department does not have (1) jurisdiction over the public right-of-ways in which street trees are planted or (2) meaningful expertise in arboriculture or sidewalk utility conflicts. Accordingly, the Planning Department has implemented tree planting requirements through an interagency referral process with Department of Public Works ("PW"), which has jurisdiction over public right-of-ways and tree permitting. This process is inefficient, time-consuming, and not friendly to applicants for various City permits.
- (c) The authority relating to street trees is more appropriately housed within the Public Works Code and implemented by the staff of PW, which has both the jurisdiction and expertise to more successfully implement the City's street tree requirements.
- (d) Topping of trees or other inappropriate pruning and maintenance can severely injure or kill a tree. PW has witnessed numerous instances where street trees in the vicinity of general advertising signs have been improperly pruned in an effort to make such signs more visible at the expense of the street trees health and longevity.
- (e) The Board of Supervisors wants to balance the potentially competing needs of maintaining visible advertising signs and protecting the viability and other benefits of street trees. The Board intends to strike this balance through a new requirement to obtain a permit for maintenance of street trees within a specified distance of general advertising signs, a condition that a certified arborist directly supervise the maintenance activity, and creation of penalties for violating the permit terms or failing to obtain a permit.
- (f) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). The Board of Supervisors affirms this determination. Said

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

- (g) Pursuant to Planning Code Section 302, the Board finds this ordinance will serve the public necessity, convenience and welfare for the reasons set forth in Planning Commission Resolution No. 19372, which reasons are incorporated herein by reference as though fully set forth. A copy of Planning Commission Resolution No. 19372 is on file with the Clerk of the Board of Supervisors in File No. 150221.
- (h) At a duly noticed public hearing held on May 14, 2015, the Planning Commission in Resolution No. 19372 found that the proposed Planning and Public Works Code amendments contained in this ordinance are consistent with the City's General Plan and with the priority policies of Planning Code Section 101.1. The Commission recommended that the Board of Supervisors adopt the proposed amendments. The Board finds that the proposed amendments contained in this ordinance are consistent with the City's General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in said Resolution.

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

SEC. 138.1. STREETSCAPE AND PEDESTRIAN IMPROVEMENTS.

- (c) Required streetscape and pedestrian improvements. Development projects shall include streetscape and pedestrian improvements on all publicly accessible rights-of-way directly fronting the property as follows:
- (1) **Street trees**. <u>Project Sponsors shall plant and maintain street trees as set forth in</u>

 <u>Article 16, Sections 805(a) and (d) and 806(d) of the Public Works Code.</u>

1	(1) Application. In any District, street trees shall be required under the
2	following conditions: construction of a new building; relocation of a building; the addition of gross
3	floor area equal to 20 percent or more of the gross floor area of an existing building; the addition of a
4	new dwelling unit, a garage, or additional parking; or paving or repaving more than 200 square feet of
5	the front setback.
6	(B)—Standards.
7	(i) All districts. In any district, street trees shall:
8	——————————————————————————————————————
9	applicable ordinances;
10	(bb) Be suitable for the site;
11	——————————————————————————————————————
7	feet of frontage of the property along each street or alley, with any remaining fraction of 10 feet or
13	more of frontage requiring an additional tree. Such trees shall be located within the public right-of-way
14	along such lot, and shall comply with all applicable codes and standards.
15	——————————————————————————————————————
16	free from overly compacted soils, and generally conducive to tree root development;
17	——————————————————————————————————————
18	property owner, in accordance with Sec. 174 and Article 16 of the Public Works Code and compliant
19	with applicable water use requirements of Chapter 63 of the Administrative Code.
20	(ii) DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit
21	Developments. In DTR, RC, C, NC and Mixed-Use Districts, and Planned Unit Developments, in
22	addition to the requirements of subsections (aa)-(ee) above, all street trees shall:
23	(aa) Have a minimum 2 inch caliper, measured at breast height;
24	——————————————————————————————————————
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present: (1) the project is on a lot that (a) is greater than one-half acre in total area, (b)

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

- (ii) Project sponsors that meet the thresholds of this Subsection shall submit a streetscape plan to the Planning Department showing the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.
- (B) **Standards**. Notwithstanding the requirements of Section 138.1(c)(2)(i),2 the Department shall consider, but need not require, the streetscape and pedestrian elements listed below when analyzing a streetscape plan:
- (i) Required streetscape elements. A continuous soil-filled trench
 parallel to the curb shall connect all street tree basins for those street trees required under the Public
 Works Code. The trench may be covered only by permeable surfaces as defined in Section 102 of the
 Planning Code, except at required tree basins, where the soil must remain uncovered. The Director of
 Planning, or his or her designee, may modify or waive this requirement where a continuous trench is
 not possible due to the location of existing utilities, driveways, sub-sidewalk basements, or other preexisting surface or sub-surface features.
- (ii) Additional Standard streetscape elements. The Department shall consider, but need not require, additional All standard streetscape elements for the appropriate street type per Table 1 and the Better Streets Plan, including benches, bicycle racks, curb ramps, corner curb extensions, stormwater facilities, lighting, sidewalk

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

(aa) <u>a.</u> Streetscape elements shall be selected from a Cityapproved palette of materials and furnishings, where applicable, and shall be subject to approval by all applicable City agencies.

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

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

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

SEC. 428. STREET TREES IN-LIEU FEE.

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

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

SEC. 802. DEFINITIONS.

Unless the context specifically indicates otherwise,

- (a) "Administrative cost" shall mean 20 percent of the Department's actual replacement cost, or a minimum of \$100, whichever is greater.
 - (b) "City" shall mean the City and County of San Francisco.
- (e) "Community Boards" of San Francisco shall mean the neighborhood mediation/dispute settlement service established under the auspices of The Community Board Program, Inc.
- (d) "Department" shall mean the Department of Public Works of the City-and County of San Francisco.
- (e) "Director" shall mean the Director of the Department of Public Works or the Director's designee, which shall include the Urban Forester or other departmental staff.
- "Ex officio" shall mean a current employee of any City department, or California or federal agency whose appointment to the Urban Forestry Council has been approved by the Director of the Department of the Environment.
- "Hazard Tree" shall mean any tree that poses an imminent hazard to person or property. The Director may determine that a tree is a hazard if it or any part of it: (1) appears dead, dangerous, or

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

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

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

- "Interested San Francisco organization" shall mean a San Francisco organization or individual that has made a written request to the Department for notification of proposed tree removals in a specified area(s) or neighborhood(s).
- (f) "Landmark <u>#</u>Tree" shall mean a tree so designated pursuant to Section 810 of this Article 16.
 - (h) "Landscape mMaterial" shall mean any tree, shrub, groundcover or other plant.
- "Maintenance" shall mean those actions necessary to promote the life, growth, health, or beauty of a tree. Maintenance includes both routine and major activities. "Routine mMaintenance" shall include adequate watering to ensure the tree's growth and sustainability; weed control; removal of tree-well trash; staking; fertilizing; routine adjustment and timely removal of stakes, ties, tree guards, and tree grates; bracing; and sidewalk repairs related to the tree's growth or root system pursuant to Section 706 of this Code. "Major mMaintenance" shall include structural pruning as necessary to maintain public safety and to sustain the health, safety, and natural growth habit of the tree; pest and disease-management procedures as needed and in a manner consistent with public health and ecological diversity; replacement of dead or damaged trees. Pruning practices shall be in compliance with International Society of Aboriculture Best Management Practices and ANSI Pruning Standards, whichever is more protective of tree preservation.
- (m) "Median <u>s</u>Strip" shall mean the dividing area in the public way between opposing lanes of vehicular traffic.
- (n)—"Notice" shall mean written notice by personal delivery or by mailing, either by letter or postal card, postage prepaid to the last known address as the same appears on the City's most recent assessment rolls.
- (o) "Hazard tree" shall mean any tree that poses an imminent hazard to person or property.

 The Director may determine that a tree is a hazard if it or any part of it: (1) appears dead, dangerous,

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

- (p) "Person" shall mean any individual, firm, partnership, association, corporation, company, or organization of any kind.
- (q) "Planting" shall mean putting or setting into the ground or into a container to grow and irrigating until self-sufficient.
- (r) "Removal" shall mean any intentional or negligent moving, carrying away, elimination or taking away of part or all of a tree.
- "Replacement **\textstyle{V}\text{alue}" shall mean the actual cost to the Department of replacing a tree or landscape material removed or destroyed with a comparable size and species of tree or with comparable landscape material. Certain trees or landscape material, because of their size, species or historical significance, cannot be replaced from available nursery stock. In such case, "replacement value" shall be determined pursuant to the valuation formula adopted by the International Society of Arboriculture, as amended from time to time, plus the Department's actual costs to replace the tree. "Replacement value" shall include the Department's administrative costs.
- (*) "Sidewalk" shall mean the area between the curbing and the abutting private property lot line, whether paved or unpaved, as legislated by the Board of Supervisors and as reflected in the Department's official maps.
 - (u) "Significant Tree" shall mean a tree so defined in Section 810A of this Article.

- (y) "Street" shall mean the vehicular travel-way portion of any public street, avenue, boulevard, lane, road, parkway, freeway, or other public way.
- "Street \underline{tT} ree" shall mean any tree growing within the public right-of-way, including unimproved public streets and sidewalks, and any tree growing on land under the jurisdiction of the Department.
- (x) "Tree" shall mean any large perennial plant having a woody trunk(s), branches, and leaves. Trees also shall include palm trees.
- "Urban <u>fF</u>orest" shall mean all trees on public streets and rights-of-ways within the borders of the City and County of San Francisco, any trees growing on land subject to the jurisdiction of the Department, and any other trees subject to the provisions of this Article <u>16</u>.
- (2) "Urban Forestry Council" shall mean the Urban Forestry Council as established under the Environment Code Chapter 12.

SEC. 805. RESPONSIBILITY FOR MAINTENANCE OF STREET TREES.

(a) Responsibilities of Property Owners.

- duty of owners of lots or portions of lots immediately abutting on, fronting on or adjacent to any <u>s</u>Street <u>t</u>Tree to maintain such <u>s</u>Street <u>t</u>Tree. This duty shall include both <u>r</u>Routine and <u>m</u>Major maintenance of the <u>s</u>Street <u>t</u>Tree. It shall be the responsibility of all public agencies, including City, State and federal agencies, to maintain <u>s</u>Street <u>t</u>Trees abutting on such public agency's property in accordance with this Section <u>805</u>. In addition, and in accordance with Section 706 of this Code, abutting property owners shall be responsible for the care and maintenance of the <u>s</u>Sidewalk and sidewalk areas adjacent to any <u>s</u>Street <u>t</u>Tree.
- (2) Any person who suffers injury or property damage as a legal result of the failure of the owner to so maintain a <u>sS</u>treet <u>tTree</u>, <u>sS</u>idewalk and sidewalk areas shall have a

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cause of action for such injury or property damage against such property owner. In addition to its rights under Section 706 of this Code, the City-and County of Sand Francisco shall have a cause of action for indemnity against such property owner for any damages the City may be required to pay as satisfaction of any judgment or settlement of any claim that results from injury to persons or property as a legal result of the failure of the owner to maintain a $\pm \underline{S}$ treet $\pm \underline{T}$ ree in accordance with this Section $\pm \underline{S}$.

- (3) The Department shall have available to interested persons, upon request, public pruning standards to ensure that *Street *Trees receive proper care.
- (b) Permit Required for Major Maintenance of Street Trees Adjacent to General Advertising

 Signs.
- (1) The Department shall require a permit to perform Major Maintenance, as defined in Section 802, on any Street Tree within 150 feet of any portion of a general advertising sign, as defined in Planning Code Section 602.7. The Department shall issue such permit only to the owners of lots or portions of lots immediately abutting on, fronting on or adjacent to any such Street Tree unless the subject Tree is under the Maintenance responsibility of the Department, in which case the Department may perform the Major Maintenance itself.
- (2) Any permit for Major Maintenance of Street Trees specified in Section 805(b)(1) shall include a condition that the Maintenance work be conducted under the direct supervision of a certified arborist in accordance with this Article 16 and other standards that the Department adopts.
- (3) The fee for a permit for Major Maintenance of a Street Tree(s) specified in Section 805(b)(1) shall be \$ 300.00. This fee is subject to the fee adjustment provisions of Section 2.1.2 and additional fee provisions of Section 2.1.3.
- (c) Responsibilities of the Department. The Department may, at the Director's discretion, determine to undertake the regular #Routine and/or mMajor mMaintenance of certain #Street #Trees or corridors of #Street #Trees to promote consistency in the

mMaintenance of tTrees or in the public interest. Where the Department determines to undertake such regular mMaintenance of tTrees, the Director shall specify in writing by Departmental Order those tTrees or corridors of tTrees for which it has undertaken mMaintenance responsibility and shall specify in writing whether the Department will be responsible for tRoutine or mMajor mMaintenance, or both. Such determinations by the Department shall be readily accessible to property owners and members of the public. Where the Department has undertaken certain mMaintenance responsibility for the tTrees in writing, the abutting property owner shall be relieved of responsibility for such tTree mMaintenance.

Where the Department assumes $m\underline{M}$ aintenance responsibilities after the effective date of this Article $\underline{16}$, it shall send written notice of that fact to the abutting property owner.

- (e-<u>d</u>) Street Tree Establishment and Replacement of Dead Street Trees.
- (1) **Establishment of Street Trees**. The establishment period for newly planted <u>sStreet tTrees</u> shall be three years from the date of <u>pP</u>lanting. If the <u>sStreet tTree</u> is not adequately established at the end of this period, the Director shall treat this as an <u>iInjury</u> to the <u>tTree</u>, as defined in Section 802(g), and may seek penalties for violation, as set forth in Section 811. The Director may establish rules, regulations, or any other form of written guidelines concerning standards for proper care and <u>mM</u>aintenance during the establishment period.
- (2) Replacement of Dead Street Trees. The permittee or agency responsible for a <u>sStreet</u> <u>tTree</u> shall replace a dead <u>sStreet</u> <u>tTree</u> within six months of the demise or <u>rRemoval</u> of the <u>tTree</u>. Removal of a dead <u>sStreet</u> <u>tTree</u> and <u>pPlanting</u> of a replacement <u>sStreet</u> <u>tTree</u> shall be subject to all requirements set forth in this Article <u>16</u> for <u>rRemoval</u> and <u>pPlanting</u>. The Director is authorized to waive this replacement requirement and may place conditions on

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any such waiver, which may include, but is not limited to, replacement $p\underline{P}$ lanting at an alternate location or payment of the $i\underline{N}$ n-lieu fee. Any such waiver shall be in writing.

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

- (1) The Department shall use its best efforts to maintain an inventory of all $t\underline{T}$ rees under its jurisdiction.
- (2) As of the effective date of this Article $\underline{16}$, the Department shall continue to maintain $\underline{*S}$ treet $\underline{*T}$ rees listed in its database as Department-maintained $\underline{*T}$ rees. Such information shall be made available to the public upon request.
- (3) Within 120 days of the effective date of this Article $\underline{16}$, the Department shall publish in a newspaper of general circulation in the City a list of all $\underline{*}\underline{T}$ rees or corridors of $\underline{*}\underline{T}$ rees maintained by the Department.

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

- (1) The Director may, in his or her discretion, determine to relinquish #Iree
 mMaintenance responsibilities for certain #Irees or corridors of #Irees. Prior to such relinquishment, the Director shall post the affected #Irees and send nNotice to abutting property owners of the Department's intent to relinquish mMaintenance responsibilities on a date certain. Within 10 days of the posting and mailing of such nNotice, any affected property owner may object in writing to such relinquishment. At the written request of any person, the Director will-shall hold a hearing prior to relinquishing mMaintenance responsibility for a particular #Iree or corridor of #Irees. The Director's decision on such relinquishment shall be final and nonappealable.
- (2) Prior to relinquishing $m\underline{M}$ aintenance responsibilities, the Department shall perform all necessary $m\underline{M}$ aior \underline{tree} $\underline{m}\underline{M}$ aintenance. As of the date designated by the Director, all \underline{tT} ree $\underline{m}\underline{M}$ aintenance and \underline{tree} related maintenance shall be the responsibility of the abutting property owner.

SEC. 806. PLANTING AND REMOVAL OF STREET TREES.

(a) Planting and Removal by the Department.

- appropriate $\ell \underline{T}$ ree (s) in a $\ell \underline{S}$ idewalk or public right-of-way. When the Department determines to plant a new $\ell \underline{S}$ is treet $\ell \underline{T}$ ree(s), the Department will undertake $\ell \underline{M}$ aintenance responsibility for such new $\ell \underline{S}$ is treet $\ell \underline{T}$ ree and shall send a courtesy $\ell \underline{N}$ otice to the abutting property owner prior to $\ell \underline{P}$ lanting such new $\ell \underline{T}$ ree. Any objections to the proposed work must be submitted to the Director in writing and postmarked within 30 days after $\ell \underline{N}$ otice by the Director. The Director shall consider such objections and may hold a hearing, in the Director's discretion. The Director's decision on the matter shall be final and nonappealable.
- (2) Removal of Street Trees. No <u>sS</u>treet <u>tTree</u> shall be cut down or removed by the Department unless:
- (A) The Department gives 30 days' prior written nN otice to the owner of the property abutting the affected nN and
- (B) Thirty days prior to the rRemoval date, the Department notifies all rLemin I interested San Francisco organizations and, to the extent practical, all owners and occupants of properties that are on or across from the block face where the affected rLemin I ree is located. In addition, 30 days prior to the rLemin I emoval date, the Department shall post a notice on the affected rLemin I ree.

(3) Appeal of Tree Removal.

(A) If within 30 days after the giving of nN otice for nN treet nN or nN otice for nN or n

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consider public testimony concerning the proposed $\underline{t}\underline{T}$ ree $\underline{t}\underline{R}$ emoval. Written $\underline{t}\underline{N}$ otice of the date, time, and place of the hearing shall be posted on the affected $\underline{t}\underline{T}$ ree, provided in a newspaper of general circulation, and sent to the objecting party, the owner of the property abutting the affected $\underline{t}\underline{T}$ ree, and all $\underline{t}\underline{I}$ nterested San Francisco organizations, not less than seven days prior thereto.

- (B) The Director shall issue his or her written decision and order on the objections after the public hearing specified above.
- (C) The Director's decision shall be final and appealable to the Board of Appeals.

(4) Removal of Hazard Street Trees.

- (A) No hazard <u>sS</u>treet <u>tT</u>ree shall be cut down or removed by the Department unless:
- (i) The Department gives 15 days' prior written $n\underline{N}$ otice to the owner of the property abutting the affected $t\underline{T}$ ree; and
- (ii) Fifteen days prior to the $\underline{*R}$ emoval date, the Department notifies all $\underline{*I}$ nterested San Francisco organizations and, to the extent practical, owners and occupants of properties that are on or across the block face where the affected $\underline{*T}$ ree is located. In addition, 15 days prior to the $\underline{*R}$ emoval date, the Department shall post a notice on the affected $\underline{*T}$ ree.
- (B) Hazard <u>sStreet</u> <u>tTree</u> shall have the same meaning as <u>"hH</u>azard <u>tTree</u> in Section 802(o) except that a hazard <u>sStreet</u> <u>tTree</u> is located within the public right-of-way <u>and is the maintenance responsibility of the Department</u>.
- (5) **Emergency Removal**. In the case of manifest danger and immediate necessity, as determined by the Director, the Department may remove any <u>sS</u>treet <u>tTree</u> immediately. After such emergency <u>rRemoval</u>, the Department shall provide <u>nNotice</u> of the

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

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

- (1) Planting and Removal Permits. It shall be unlawful for any person to plant or to remove any <u>sS</u>treet <u>tPree</u> without a valid permit for such work issued by the Department. All permits for the <u>pPlanting</u> or <u>rRemoval</u> of <u>sS</u>treet <u>tPrees</u> issued by the Director for residential properties shall be recorded on the Report of Residential Building Records in accordance with Section 351 of the Housing Code. All work associated with a <u>sS</u>treet <u>tPree</u> permit must be completed within six months of issuance, unless an extension has been granted by the Department.
- (2) **Planting**. An abutting property owner who desires a permit to plant a sStreet tTree shall apply to the Department on the designated form. If approved by the Director, the Department shall issue a permit to plant the specified climate appropriate species of tTree(s) shall be issued to the applicant. There shall be no administrative fee imposed for a permit to plant a sStreet tTree unrelated to property development. The Director's decision on a sStreet tTree planting permit shall be final and appealable to the Board of Appeals.

(3) Removal.

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

- (i) The fee for a permit to remove 1-3 sStreet tTrees shall be \$607.00 when the permit is requested to allow for development or construction; the fee for a permit to remove 1-3 sStreet tTrees shall be \$300.00 when the permit is requested to remove a hazard or a diseased tTree or to prevent damage to the sSidewalk; the fee for a permit to remove 4-9 sStreet tTrees shall be \$808.00; and the fee to remove 10 or more sStreet tTrees shall be \$1,214.00.
- of any application is or will exceed the fee amount established pursuant to subsection (i), the <u>The</u>

 Director, in his or her discretion, may require an applicant or permittee to pay a sum in excess of the subject fee amounts. This additional sum shall be sufficient to recover actual costs that the

 Department incurs and shall be charged on a time and materials basis. The Director also may charge for any time and materials costs that other agencies, boards, commissions, or departments of the City, including the City Attorney's Office, incur in connection with the processing or administration of a particular application. Whenever additional fees as set forth in Section 2.1.3 are or will be charged, the Director, upon request of the applicant or permittee, shall provide in writing the basis for the additional fees or an estimate of the additional fees to be charged.
- (iii) Fee Review and Adjustment. Beginning with fiscal year 2010-2011, the fees that are established herein shall be reviewed and adjusted each year in accordance with the procedures set forth in Public Works Code Section 2.1.2.
- (B) Thirty days prior to the $r\underline{R}$ emoval date, the Department shall give $r\underline{N}$ otice to all $i\underline{I}$ nterested San Francisco organizations and, to the extent practicable, the owners and occupants of properties that are on or across from the block face or adjacent to where the affected $i\underline{T}$ ree is located. In addition, 30 days prior to the $i\underline{R}$ emoval date, the Department shall post a notice on the affected $i\underline{T}$ ree. If within 30 days after the giving of such notice any person files with the Department written objections to the $i\underline{R}$ emoval, the Director

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1	the public right-of-way along such property that have been protected during construction and that the		
2	Director does not recommended for Removal, shall count toward meeting the requirement.		
3	(3) Standards for Required Trees. New Street Trees that the Director requires to be		
4	planted under this Subsection shall:		
5	(A) be planted within the public right-of-way adjacent to the property containing		
6	the development project;		
7	(B) be of a species suitable for the site conditions;		
8	(C) be a minimum of 24-inch box size;		
9	(D) have a minimum 1 1/4-inch caliper, measured at 6-inches above ground;		
10	(E) be planted no higher than the adjacent Sidewalk and provide a below-grade		
11	environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to Tree		
,	root development; and		
13	(F) be watered, maintained, and replaced if necessary by the property owner, in		
14	accordance with this Article 16, and be in compliance with applicable water use requirements of		
15	Administrative Code Chapter 63.		
16	(4) Waivers and Modifications. The Director may waive or modify the number of		
1.7	and/or standards for Street Trees required pursuant to this Subsection only as described below:		
18	(A) The Director, in his or her sole discretion, may waive or modify the		
19	requirements of this subsection when inadequate Sidewalk width or interference with driveways, sub-		
20	sidewalk basements, or other pre-existing surface, sub-surface, or above-grade features render		
21	installation of the required Street Tree(s) in the required fashion impossible, impractical, and/or		
22	unsafe. For each required Street Tree that the Director waives, the applicant, at his or her choosing,		
23	shall either (i) pay an In-lieu fee pursuant to Section 802 or (ii) to fulfill all or a portion of the		
24	requirement, provide alternative landscaping, including but not limited to Sidewalk landscaping, in		
5	amount comparable to or greater than the number of Street Trees waived: or		

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

SEC. 808. PROTECTION OF TREES AND LANDSCAPE MATERIAL.

- (a) Injury to or Destruction of Trees Prohibited. It shall be unlawful for any person to intentionally, maliciously, or through gross negligence <code>iI</code>_njure or destroy a <code>sS</code>_treet <code>tT</code>_ree, any <code>tT</code>_ree on City property, a <code>sS</code>_ignificant <code>tT</code>_ree, or a <code>tL</code>_andmark <code>tT</code>_ree. Removal of a <code>tT</code>_ree under City order or <code>tR</code>_emoval in accordance with a permit issued pursuant to Section 806, 810, or 810A of this Article <code>16</code> is exempt from this prohibition.
- (b) Injury to or Destruction of Landscape Materials Prohibited. It shall be unlawful for any person to intentionally, maliciously or through gross negligence <code>iI</code>njure or destroy any <code>IL</code> and scape <code>mM</code> aterial in any <code>sStreet</code> median, center strip, or other landscaped portion of a public right-of-way under the City's jurisdiction, except as authorized by the Department.
 - (c) Construction Work: Protection of Trees Required.
- (1) It shall be unlawful for any person to engage in any construction work on private or public property without first taking steps to protect street trees, stignificant trees, and trees from damage, including damage caused by soil compaction or contamination, excavation, or placement of concrete or other pavement or foundation material. If excavation, construction, or street work is planned within the dripline of a

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

- (2) Prior to Department of Building Inspection issuance of a building permit or site permit, the applicant for a project that may damage one or more Street Trees, Significant Trees, and/or Landmark Trees shall submit a Tree protection plan to the Director for review and approval.
- (3) Prior to issuance of a Public Works permit for excavation, construction, or Street work that will occur within the dripline of a Significant Tree, a Landmark Tree, or a Tree on any Street or other publicly owned property, the applicant shall submit a Tree protection plan to the Director for review and approval.
- (4) If the Public Utilities Commission or Municipal Transportation Agency plans to

 perform any excavation, construction, or Street work within the dripline of a Significant Tree, a

 LandmarkTtree, or a Tree on any Street or other publicly owned property, said department shall submit a Tree protection plan to the Director for informational purposes only.
- (5) The Tree protection plan referenced above in Subsection (2)-(4) shall be prepared by a certified arborist.
- (6) The Director shall charge a fee of \$151.00 for review and approval of a Tree protection plan. This fee is subject to the fee adjustment provisions of Section 2.1.2 and additional fee provisions of Section 2.1.3.
- (7) An applicant's or permittee's failure to obtain a Director approved Tree protection plan pursuant to Subsections (2) or (3) above, shall be deemed in violation of the subject permit. The Director may enforce such a violation under the terms of the relevant Public Works permit, including a requirement that all work stop until the applicant or permittee complies with this Section. In the case of a Department of Building Inspection building or site permit, the Director shall request the Director of

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

SEC. 811. PENALTIES FOR VIOLATION OF ORDINANCE.

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

(b) Civil Penalties and Fees.

- (1) The Director may call upon the City Attorney to maintain an action for injunction to restrain or summary abatement to cause the correction or abatement of the violation of this Article <u>16</u>, and for assessment and recovery of a civil penalty and reasonable attorney's fees for such violation.
- (2) Any person who violates this Article <u>16</u> may be liable for a civil penalty, not to exceed \$500 for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred; and the willfulness of the defendant's misconduct. The City Attorney also may seek recovery of the attorneys' fees and costs incurred in bringing a civil action pursuant to this Section.

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(c) Administrative Penalties.

In addition to the penalties set forth in Subsections (a) and (b) above, the Director may require any person who removes, injures, or destroys a #Tree in violation of the provisions of this Article 16 to pay a sum of money equal to the Tree's Replacement value or the diminishment of the *t*Tree's value as set forth in the current edition of the Guide for Plant Appraisal (Council of Tree and Landscape Appraisers). Further, in addition to the penalties set forth in Subsections (a) and (b) above, the Director may require any person who removes, fails to maintain, injures, or destroys sidewalk landscaping or the associated design improvements in violation of the provisions of Section 810B to pay a sum of money equal to the *Replacement value of the affected Handscape Handscape Haterial and associated design improvements or the diminishment of the value of the *L* and scape material as set forth in the current edition of the Guide for Plant Appraisal (Council of Tree and Landscape Appraisers). In no case shall the administrative penalty be less than \$500 per violation. When one or more additional violations occur within one year of the first violation, the Director may assess a responsible party double the tTree's tReplacement value or the diminishment of the tTree's value. Depending on the nature and seriousness of the misconduct, including unpermitted removal of or damage to a *L*Landmark or *s*Significant *t*Tree; the unpermitted removal of or damage to &Sidewalk landscaping installed pursuant to a permit issued under Section 810B; the number of violations; the persistence of the misconduct; the length of time over which the misconduct occurred; or the willfulness of the defendant's misconduct, the Director may assess additional penalties in excess of the amounts specified above. In addition to the administrative penalty assessed pursuant to this Section, the Director may assess enforcement costs to cover the reasonable costs incurred in enforcing the administrative penalty, including reasonable attorneys' fees. Any and all amounts paid or collected pursuant

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

- (2) Notwithstanding the monetary limitation specified above in this Subsection (c), if a responsible party performs Major Maintenance on a Street Tree subject to the provisions of Section 805(b) without a permit or injures, destroys, or removes such a Tree, the Department may assess a penalty of up to \$10,000 per violation in addition to the other remedies specified above.
- penalties to the responsible party. Such <u>nN</u>otice shall include a statement that payment is due within 60 days of the mailing date of the <u>nN</u>otice. If a responsible property owner fails timely to remit payment, the Department shall send a second <u>nN</u>otice of payment due. Such second <u>nN</u>otice shall include a statement that failure timely to remit payment in full to the City within 30 days of the mailing of the second <u>nN</u>otice shall cause the Director to institute lien proceedings pursuant to Sections 706.4-706.7 of this Code. Enforcement and collection of liens for costs associated with <u>nHazard tTree</u> abatement shall be in accordance with Sections 706.4-706.7 of this Code, except that all monies received in payment of such liens with the exception of enforcement costs, shall be credited to the Adopt-a-Tree Fund.

SEC. 812. ENFORCEMENT OF ORDINANCE, DESIGNATED EMPLOYEES. The classes of employees of the City and County of San Francisco set forth below shall have the duty of enforcing the provisions of this Article 16 including, but not limited to, the unauthorized removal, injury or destruction of sStreet tTrees, Significant Trees, or tLandmark tTrees:

Classification No.	Class Title	
3418	Garden Supervisor	

3422	Park Section Supervisor
3426 0922	Urban Forester (Manager I)
3434	Arborist Technician
3436	Arborist Technician Supervisor I
<u>3435</u>	Urban Forestry Inspector
5170	Superintendent, Street Environmental Services
5173 <u>0932</u>	Assistant Superintendent, Street Environmental Services Urban Forestry (Manager IV)
7281	Street Environmental Services Operations Supervisor
8280	Environmental Control Officer
<u>0941</u>	Superintendent, Urban Forestry (Manager VI)

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance

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

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

Ву:

John D. Malamut Deputy City Attorney

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LEGISLATIVE DIGEST (Substituted 5/19/2015)

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

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

Existing Law

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

Amendments to Current Law

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

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May 15, 2015

Ms. Angela Calvillo, Clerk Honorable Supervisor Wiener Board of Supervisors City and County of San Francisco City Hall, Room 244 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102 1650 Mission St. Suite 400 San Francisco, CA 94103-2479

Reception: 415.558.6378

Fax: 415.558.6409

Planning Information: **415.558.6377**

Re:

Transmittal of Planning Department Case Number 2015-003697PCA:

Street Trees

Board File No. 150221

Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Wiener,

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

The Commission recommended modification is:

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

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

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

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

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

Sincerely,

Aaron D. Starr

Manager of Legislative Affairs

cc:

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

Attachments:

Planning Commission Resolution
Planning Department Executive Summary

Planning Commission Resolution 19372

HEARING DATE MAY 14, 2015

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

Reception: 415.558.6378

Fax:

415.558.6409

Planning Information: 415.558.6377

Project Name:

Street Trees

Case Number:

2015-003697 PCA [Board File No. 150221]

Initiated by: Staff Contact: Supervisor Wiener / Reintroduced April 21, 2015 Diego R Sánchez, Legislative Affairs

diego.sanchez@sfgov.org, 415-575-9082

Reviewed by:

Aaron Starr, Manager Legislative Affairs aaron.starr@sfgov.org, 415-558-6362

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

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

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

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

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

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

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

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

The Commission recommended modification is:

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

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

FINDINGS

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

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

RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 3

IMPROVE ACCESS AND CONNECTIVITY TO OPEN SPACE.

Policy 3.6

Maintain, restore, expand and fund the urban forest.

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

URBAN DESIGN ELEMENT

OBJECTIVE 4

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

Policy 4.12

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

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

AIR QUALITY ELEMENT

OBJECTIVE 3

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

Policy 3.9

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

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

- 6. Planning Code Section 101 Findings. The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:
 - 1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;
 - The proposed Ordinance would not have a negative effect on existing neighborhood serving retail uses because the Ordinance concerns itself with the implementation of the street tree requirement and the shifting of authority from the Planning Department to the Department of Public Works.
 - 2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

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

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

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

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

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

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

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

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

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

7. That the landmarks and historic buildings be preserved;

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

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

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

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

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

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

Jonas P. Ionin Commission Secretary

AYES:

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

NOES:

ABSENT:

ADOPTED:

May 14, 2015

Executive Summary Planning Code Text Change

HEARING DATE: MAY 14, 2015

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

Reception: 415.558.6378

Project Name:

Street Trees

Fax:

Case Number: Initiated by:

2015-003697 PCA [Board File No. 150221] Supervisor Wiener / Reintroduced April 21, 2015

415,558,6409

Staff Contact:

Diego R Sánchez, Legislative Affairs

Planning

Reviewed by:

diego.sanchez@sfgov.org, 415-575-9082

Information: 415,558,6377

Aaron Starr, Manager Legislative_Affairs

aaron.starr@sfgov.org, 415-558-6362

Recommendation:

Recommend Approval with Modifications

PLANNING CODE AMENDMENT

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

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

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

The Way It Is Now:

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

CASE NO. 2015-003697PCA Street Trees

Executive Summary Hearing Date: May 14, 2015

The Way It Would Be:

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

ISSUES AND CONSIDERATIONS

Current Implementation Practice

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

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

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

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

Executive Summary Hearing Date: May 14, 2015

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

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

Problems with the Existing Street Tree Implementation Practices

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

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

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

Clarifications between Originally Introduced Ordinance and Substitute Ordinance

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

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

REQUIRED COMMISSION ACTION

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

Executive Summary Hearing Date: May 14, 2015

RECOMMENDATION

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

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

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

BASIS FOR RECOMMENDATION

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

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

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

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

² Public Works Code, Article 2, Sections 2.4.1 and 2.4.4.

³ Public Works Code, Article 16, Section 804.

Executive Summary Hearing Date: May 14, 2015

Street Tree Planting and Maintenance and Departmental Staffing Expertise

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

Improvement to Current Implementation Practices / Proposed Procedural Improvements

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

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

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

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

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

CASE NO. 2015-003697PCA Street Trees

Executive Summary Hearing Date: May 14, 2015

RECOMMENDATION:

Recommendation of Approval

Attachments:

Exhibit A:

Draft Planning Commission Resolution

Exhibit B:

Board of Supervisors File No. 150221



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

May 1, 2015

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

Dear Commissioners:

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

File No. 150221

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

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

Angela Calvillo, Clerk of the Board

4 Suberry

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

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



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

May 1, 2015

File No. 150221

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

Dear Ms. Jones: -

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

File No. 150221

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

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

Auberry

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

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does: result in a physical change in the environment.



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

MEMORANDUM

TO:

Mohammed Nuru, Director, Public Works

Deborah Raphael, Director, Department of the Environment

FROM:

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

Board of Supervisors

DATE:

May 1, 2015

SUBJECT:

LEGISLATION INTRODUCED

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

File No. 150221

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

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

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



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

MEMORANDUM

TO:

Mohammed Nuru, Director, Public Works

Deborah Raphael, Director, Department of the Environment

FROM:

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

Board of Supervisors

DATE:

March 17, 2015

SUBJECT:

LEGISLATION INTRODUCED

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

File No. 150221

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

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

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



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

March 17, 2015

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

Dear Commissioners:

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

File No. 150221

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

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

Angela Calvillo, Clerk of the Board

A Suberry

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

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



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TDD/TTY No. 554-5227

March 17, 2015

File No. 150221

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

Dear Ms. Jones:

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

File No. 150221

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This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

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

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.

Joy

Navarrete

. Digitally signed by Joy Navarrete
DN: cn=Joy Navarrete, o=Planning,
ou=Environmental Planning,
emall=joy.navarrete@sfgov.org, c=US
Date: 2015.03.20 09:58:20 -07'00'



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

NOTICE OF PUBLIC HEARING

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

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

Date:

Monday, June 15, 2015

Time:

1:30 p.m.

Location:

Committee Room 263, located at City Hall

1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject:

File No. 150221. Ordinance amending the Planning and Public Works Codes to shift the authority to require street trees in the case of certain types of development projects from the Planning Department to Public Works; to require a permit to perform major maintenance on street trees within a specified distance of general advertising signs, adopt a fee for such permit, and impose penalties for violations; to require a tree protection plan in advance of construction and adopt a fee for review and approval of the plan; to give specified Public Works staff enforcement authority; and affirming the Planning Department's determination under the California Environmental Quality Act, and making other findings, including findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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

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

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

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

Angela Calvillo, Clerk of the Board

DATED: May 28, 2015

PUBLISHED/POSTED: June 1 & 7, 2015



Public Notices

San Mateo County: 650-556-1556 SAN FRANCISCO CALL: 415-314-1835

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

GOVERNMENT

NOTICE OF PUBLIC HEARING LAND USE AND THANSPOR AND SEA AND THANSPOR AND SEA AND THANSPOR AND SEA AND THANSPOR AND SEA AND THAN SEA AND

In accordance with Administrative Code, Section 67.7-1, persons who are unable to latend the heading on this matter may submit the control of the comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angele Calvillion, and the control of the Contro

NOTICE OF PUBLIC
HEARING LAND USE
AND TRANSPORTATION
COMMITTEE SAM FRAMCISCO BOARD OF
SUPERVISIORS JUNE 15,
2015 - 1:30 PM CITY HALL,
COMMITTEE RM 253 10 R,
CARLYTON B, GOODLETT
PL. SF, GA 94/102
HAM TERRED SI ONLY
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be held as follows, at which me all interested parties may extend and the parties may be a seried and the parties of the parti

FICTITIOUS BUSINESS NAMES

FICTITIOUS BUSINESS
NAME STATEMENT
File No. 265323
The following person(s) is
(are) doing business as:
GOOD N RICH MARKET, 130
S. Spruce Ave., S. SF, CA
94080
Areas Kebul Inc., 130, S. S. Spruce Ave., S. SF, CA 94080 Aryana Kabul Inc., 130 S. Spruce Ave., S. SF, CA 94080 This business is conducted by a corporation. The registrating commenced the registration of the reg Glenn S. Changtin, Clerk 6/1, 6/8, 6/15, 6/22/15 NPEN-2757071# EXAMINER - BOUTIQUE & VILLAGER

NFEN-2/53981# EXAMINER - BOUTIQUE & VILLAGER

FICTITIOUS BUSINESS NAME STATEMENT File No. 255381 The following person(s) is (are) doing business as: (ATIE'S KIDS CHILD CARE 1958 Gordon Street, Redwood City Co. 94061, County of San Kattherine Morello, 1363 Gordon Street, Redwood City CA 94061

Kaltherine Morello, 1353
Gordon Street, Redwood City
CA 94061
This business is conducted by
an individual
The registrant(s) commenced
to transact business under the
fellious business under the
fellious and above name or
fellious above
the street of the street of the
declares that all information
in this statement is true and
correct. (A registrant who
declares as true information
which he or she knows to be
false is guilty of a crime.)
This statement was filled with
the County (Clerk of San Mateo
County on May 15, 2015
Mark Church, County Clerk
Glann S. Changlin, Deputy
Clerk Clerk

NPEN-2753978# EXAMINER - BOUTIQUE & VILLAGER

FICTITIOUS BUSINESS
NAME STATEMENT
FILE TO THE STATEMENT
FILE NO. 285380
The following person(s) is (are) doing business as:
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(ATTICLE PH A N T PHODUCTIONS.
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EXAMINER - BOUTIQUE & VILLAGER

FICTITIOUS BUSINESS
NAME STATEMENT
File No. 285371
The following person(s) Is
(are) doing business as:
(ARGUELLO CATTENING O.
1767 E. Bayshore Rd., Sulte
14, Redwood City CA 94063
This business is conducted by
a corporation
The registrant(s) commenced
the registrant of the registrant of the registrant of the registrant or the registra

the County Clerk of San Mateo County on May 14, 2015 Mark Church, County Clerk Besz De La Vega, Deputy Clerk Cigia Refile 5/25, 6/1, 6/8, 6/15/15 NPEN-2753968# EXAMINER - BOUTIQUE & VILLAGER

FICTITIOUS BUSINESS
NAME STATEMENT
File No. M-265219
The following person(s) is
(are) doing business as:
SHORES PROPERTIES,
1162 Banyan Way, Pacifica
CA 94044, County of San
Maleo Mateo Richard Allen Shores, 1162 Banyan Way, Pacifica CA 94044 This business is conducted by 94044
This business is conducted by an individual and individual a

FICTITIOUS BUSINESS
NAME STATEMENT
FINA A-0363977-00
FIctitious Business Name(s):
Belvedere House, 52
Belvedere House, 52
Firefittious Business Name(s):
Belvedere Ad-H17, County
of San Francisco, CA 4H17, County
of San Francisco
Belvedere Street, San
Francisco, CA 94117
The business is conducted by:
An Individual
The registrant commenced An Individual
The registrant commenced to transact business under the fictillous business name or names listed above on 03/30/15

the fictibios business name or names listed above on 03/30/15 it declare hat all information in this statement is true and correct. (A registrant who correct, but have been been seen to be statement or native pursuant to section 179/31 of the Business and Professions code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000). The statement was filled with the San Francisco County Clerk on March 30, 2015 NOTICE-In accordance with Subdivision (a) of Section 179/20, a Fortier of the San Francisco County Clerk (except, as provided in Subdivision (b) of Section 179/20, and the statement generally expires at the end of the years from the the filles of the County Clerk, except, as provided in Subdivision (b) of Section 179/20, where it expires 40 days after any change in the session of the statement pursuant to Section 179/31 other than a change in the session of the statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration. The filling of this statement must be filed before the expiration of the fights of the filling of the

or common law (See Section 14411 et seq., Business and Professions Code). 5/11, 5/18, 5/25, 6/1/15 CNS-2750228# SAN FRANCISCO EXAMINER

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File No. 265
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Belmont, CA 94002, County of San Mateo Allan & Kagan, D.D., A Professional Corporation, 1801 El Carnino Real Size 302, Belmont, CA 94002; Calliornian, 1801 El Carnino Real Size 302, Belmont, CA 94002; Calliornian, Carnino Real Size 302, Belmont, CA 94002; Calliornian, Carnino Real Size 302, Belmont, CA 94002; Calliornian, Carnino Real Size 302, Carnino Real Size 30

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In violation of the rights of another under federal, state, or common law (See Section 14411 et seq., Business and Professions Code), 5/11, 5/18, 5/25, 6/1/15 CNS-2748590# SAN FRANCISCO EXAMINER EXAMINER

FICTITIOUS BUSINESS FICTITIOUS BUSINESS
NAME STATEMENT
File No. A-0384486-00
Flottlious Business Name(s):
Botanica Esther, 5209
Mission St. SF, CA 94112,
Ceginated Owner(s):
Esther Patrica Phalen, 5205
Mission St. SFCO, CA 94112
The business is conducted by:
an individual
The registrant commenced to transact business under that
incitious business name or
mee listed above on 04-2315
16 declare that all information

15 i declare that all information in this statement is true and correct. (A registrant who declares as true any material who declares as true any material material statement in the statement was a statement with the statement was to be falled by a fine not to exceed one thousand dollars (\$1,000).

This statement was filled with the San Francisco County Clork on April 23, 2015 NOTICE-in accordance with Subdivision (a) of Section 17920, a Feitillous Name Statement generally expires at the end of five years from the tale con which it was filled with 17920, a Feitillous Name Statement generally expires at the end of five years from the tale con which it was filled in Subdivision (b) of Section 17920, a provided in Subdivision (b) of Section 17920, where it expires 40 days after any change in the facts set forth in the statement pursuant to Section 17931 on the than a change in the facts set forth in the statement pursuant to Section 17931 on the than a change in the facts set forth in the statement must be filed before the expiration. The filling of this statement does not of Itself subdivision to of the rights of a fictitious Business Name Statement must be filed before the expiration. The filling of this statement does not of Itself subdivision of the rights of a fictitious Business Name in violation of the rights of a fictitious Business Name in violation of the rights of \$11,1518, \$25,61/115 \$NAN.FRANGISCO EXAMINER

FIGURE BUSINESS
FIGURE STATEMENT
File No. A-0364327-00
Ficilious Business Name File No. A-0364327-00
Ficilious Business Name(s):
Basecamp Filtness, 1501
Filbert St., San Francisco, CA 34123, County of San
Francisco
CA 34123, County of San
Francisco
CA 3400, County of San
Francisco
CA 34010, CA)
The business is conducted by:
a limited liability company
The registrant commenced to
transact business under the
transact business under the
names listed above on 4/16/16
I declare that all information
in this statement is line and
correct. (A registrant who
declares as true any material
matter pursuant to Section
in this statement is line and
correct. (A registrant who
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matter pursuant to Section
in this statement is line and
correct. (A registrant who
control to the Business and
correct (a) of misdemens and
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punishable by a fine not to
exceed one thousand dollars
(**1,000)

S/ Hamon Casrillon, CEO Delhono San Francisco LLC This statement was filed with the San Francisco County Clerk on April 16, 2015 NOTICE-in accordance with Subdivision (a) of Section 17920, a Ficilitious Name Statement generally expires at the end of live years from the date on which it was filed the section of the secti baye anter sarry clarity in charge in a charge and the same and the sa

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16 THE SAN FRANCISCO EXAMINER - SFEXAMINER.COM - MONDAY, JUNE 1, 2015

New Order



Your Order is sent.

Customer Information

Customer Name S.F. BD OF SUPERVISORS (NON-

CONSECUTIVE)

Master Id

52704

Address

1 DR CARLTON B GOODLETT PL #244

Phone

4155547704

City

SAN FRANCISCO

Fax

4155547714

State - Zip

CA - 94102

Product Information

Legal

GOVERNMENT - GOVT PUBLIC NOTICE

Order Information

Attention Name Andrea A.

Billing Reference

Save

Ad Description

Fee Ad File 150221 6/15/15

Sale/Hrg/Bid

Date

No.

Special Instructions

Orders Created

Order No.	Newspap Name	er Publishing Dates	Ad	Price Description	Price	Ad Status	
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NOTICE OF PUBLIC HEARING LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS JUNE 15, 2015 - 1:30 PM CITY HALL, COMMITTEE RM 263 1 DR. CARLTON B. GOODLETT PL. SF, CA 94102

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

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

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

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

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

BOS NOTICE REVIEW

Legislative File No.

150221

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

Initial:

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Initial:

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Date:

May 27, 2015

Publishing Logistics

Hearing Date: Jun 15

Notice Must be Submitted: May 28

Notice Must be Mailed: N/A
Notice Will Publish: June 1 * 7



Introduction Form

By a Member of the Board of Supervisors or the Mayor

PUD IN
BOARD 5-19
Time stamp

I her	eby submit the following item for introduction (select only one):	or meeting date				
	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).					
\boxtimes	8. Substitute Legislation File No. 150221					
	9. Request for Closed Session (attach written motion).					
	10. Board to Sit as A Committee of the Whole.					
	11. Question(s) submitted for Mayoral Appearance before the BOS on	·				
Plea	se check the appropriate boxes. The proposed legislation should be forwarded to the follow					
	☐ Small Business Commission ☐ Youth Commission ☐ Ethics Comm					
	☐ Planning Commission ☐ Building Inspection Commission	on.				
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative					
Spons	or(s):					
Supe	rvisor Wiener ·	•				
Subje	ect:					
Planr	ing, Public Works Codes - Street Trees					

The text is listed below or attached:

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

Signature Sponsoring Supervisor:

Scott Wieren

For Clerk's Use Only: