

FILE NO. 090722

ORDINANCE NO.

166-09

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

2

3 **Ordinance amending Section 806 of the Public Works Code to increase the fees**

4 **charged for removal of street trees under the Urban Forestry Ordinance from \$267 to**

5 **\$607, for a permit to remove 1-3 street trees to allow for development or construction; from**

6 **\$267 to \$300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to**

7 **remove hazards; from \$360 to \$808, for a permit to remove 4-9 street trees; and from**

8 **\$565 to \$1,214, for a permit to remove 10 or more street trees; and making**

9 **environmental findings.**

10 NOTE: Additions are single-underline italics Times New Roman;

11 deletions are ~~strike-through italics Times New Roman~~.

12 Board amendment additions are double-underlined;

13 Board amendment deletions are ~~strikethrough-normal~~.

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

15 Section 1. Findings.

16 (a) Environmental Findings. The Planning Department has determined that the

17 actions contemplated in this Ordinance are in compliance with the California Environmental

18 Quality Act (California Public Resources Code sections 21000 et seq.). Said determination is

19 on file with the Clerk of the Board of Supervisors in File No. 090722, and is incorporated

20 herein by reference.

21 (b) Findings Related to the Adequacy of the Fees. As documented in Board File No.

22 090722, the Department of Public Works has calculated the estimated costs associated

23 with the removal of trees under the Urban Forestry Ordinance, including applicable staff time

24 related to travel and inspection of the relevant trees, management, processing, and contacting

25 the public, the applicant, or the Board of Permit Appeals, as needed, as well as materials.

The Department estimates that cost for issuing a permit to remove 1-3 trees is \$607; that the

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1 cost for issuing a permit to remove 4-9 trees is \$808, and that the cost for issuing a permit to
2 remove more than 10 trees is \$1,214. The Board of Supervisors finds that adjusting the fees
3 listed in Article 806 of the Public Works Code to cover these costs will enable the Department
4 to successfully implement the Urban Forestry Ordinance.

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

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

8 (a) Planting and Removal by the Department.

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

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

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

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

25 (3) Appeal of Tree Removal.

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

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

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

12 (4) Removal of Hazard Street Trees.

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

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

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

20 (B) Hazard street tree shall have the same meaning as "hazard tree" in Section
21 802(o) except that a hazard street tree is located within the public right-of-way and is the
22 maintenance responsibility of the Department.

23 (5) Emergency Removal. In the case of manifest danger and immediate necessity, as
24 determined by the Director, the Department may remove any street tree immediately. After
25 such emergency removal, the Department shall provide notice of the necessity for such action

1 to the owner of the property abutting the affected tree, all interested San Francisco
2 organizations and, to the extent practical, all owners and occupants of properties that are on
3 or across from the block face where the affected tree was removed.

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

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

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

18 (3) Removal.

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

1 (i) The fee for a permit to remove 1-3 street trees shall be ~~\$267.00~~ 607.00 when the
2 permit is requested to allow for development or construction; the fee for a permit to remove 1-
3 3 street trees shall be \$300.00 when the permit is requested to remove a hazard or a
4 diseased tree or to prevent damage to the sidewalk; the fee for a permit to remove 4-9 street
5 trees shall be ~~\$360.00~~ 808.00; and the fee to remove 10 or more street trees shall be ~~\$565.00~~
6 1,214.00.

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

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

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

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

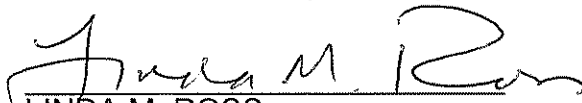
4 (C) The Director shall issue his or her written decision and order on the objections
5 after the public hearing specified above.

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

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

13
14 APPROVED AS TO FORM:
15 DENNIS J. HERRERA, City Attorney

16 By:


17 LINDA M. ROSS
18 Deputy City Attorney



City and County of San Francisco

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

Tails Ordinance

File Number: 090722

Date Passed:

Ordinance amending Section 806 of the Public Works Code to increase the fees charged for removal of street trees under the Urban Forestry Ordinance from \$267 to \$607, for a permit to remove 1-3 street trees to allow for development or construction; from \$267 to \$300, for a permit to remove 1-3 street trees to prevent sidewalk damage or to remove hazards; from \$360 to \$808, for a permit to remove 4-9 street trees; and from \$565 to \$1,214, for a permit to remove 10 or more street trees; and making environmental findings.

July 7, 2009 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

July 14, 2009 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell, Mirkarimi

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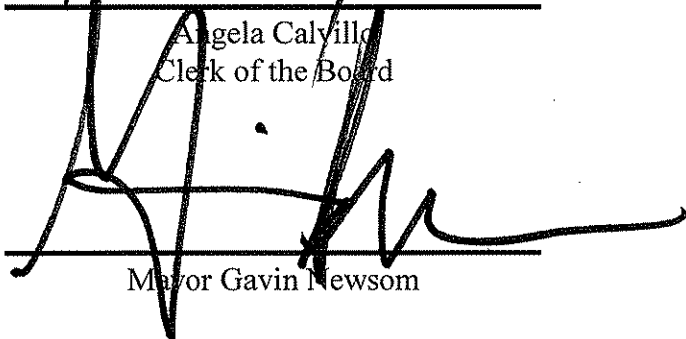
I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on July 14, 2009 by the Board of Supervisors of the City and County of San Francisco.

7/21/2009

Date Approved



Angela Calvillo
Clerk of the Board



Mayor Gavin Newsom