

1 [San Francisco Public Works prosecution for illegal tree removal]

2 **Resolution in support of the request by San Francisco Public Works to the**
3 **District Attorney to pursue criminal charges under Section 811(a) of Article 16 of**
4 **the Public Works Code against the property owner at 1140 Harrison for the illegal**
5 **removal of five mature trees.**

6 WHEREAS, The Board of Supervisors formed the Urban Forestry Council to
7 guide the stewardship of San Francisco's trees by promoting a healthy and sustainable
8 urban forest that benefits all San Franciscans while ensuring public health and safety;
9 and,

10 WHEREAS, First among the responsibilities of the Urban Forestry Council is to
11 advise the Mayor, the Board of Supervisors, City Departments and Commissions on
12 urban forestry concerns; and,

13 WHEREAS, As evidenced by the overwhelming support for Proposition E on the
14 November 2016 ballot, San Franciscans love trees and place tremendous value on the
15 city's urban forest; and,

16 WHEREAS, San Francisco Public Works has jurisdiction over all trees in the
17 public right of way, and through Section 811(a) of Article 16 of the Public Works Code,
18 the authority to pursue criminal prosecution for the damage or destruction of protected
19 trees; and,

20 WHEREAS, tree protection plans are required for property owners to obtain
21 conditional use permits, and tree removal permits are required to remove trees in the
22 public right of way; and,

23 WHEREAS, In compliance with the processes set forth by Article 16 of the San
24 Francisco Public Works Code, on January 22, 2019, San Francisco Public Works
25 denied a permit and tree removal application to remove five trees at 1140 Harrison
26 Street; and,

1 WHEREAS, The property owner at 1140 Harrison Street appealed the staff
2 decision to a Public Works hearing which was held on March 25, 2019; and,

3 WHEREAS, At the March 25, 2019 hearing, it came to light that the property
4 owner at 1140 Harrison had already illegally removed one large tree, and had initiated
5 construction with no tree protection in place for the remaining trees; and

6 WHEREAS, On May 31, 2019, Public Works issued the Director’s decision to
7 deny the property owner’s tree removal application, but the property owner nevertheless
8 removed all remaining trees on the property in the meantime; and,

9 WHEREAS, the property owner at 1140 Harrison Street demonstrated a
10 repeated and flagrant disregard for City regulations, and his brazen disregard of the law
11 has deprived the SOMA neighborhood of healthy and established trees in a
12 neighborhood that has the lowest canopy percentage in the city; and,

13 WHEREAS, the City should send a crystal clear message that property owners
14 and developers cannot destroy the living environment without serious, meaningful
15 consequences; now, therefore be it,

16 RESOLVED, That the San Francisco Urban Forestry Council strongly supports
17 the pursuit by San Francisco Public Works of criminal charges against the property
18 owner for the illegal removal of five healthy trees at 1140 Harrison Street.

19 I hereby certify that this Resolution was adopted at the Urban Forestry Council at
20 its Regular Meeting on August 27, 2019.

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Anthony Valdez, Council Secretary

Dan Flanagan, Chair