

Subject: UFC meeting 9/25/20, my comments on item 6
Date: Thursday, September 24, 2020 at 2:49:49 PM Pacific Daylight Time
From: Nancy Wuerfel
To: Chansler, Katie (ENV)

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Hi Katie,

Please forward this email today to the members of the Urban Forestry Council containing my comments regarding item 6 - Discussion and possible action to recommend, for adoption by the Board of Supervisors, uniform criteria, rules, and procedures, governing determinations to remove Landmark trees pursuant to San Francisco Public Works Code Article 16 Section 810(f)(1).

I am providing to the Council the appropriate sections of the PUBLIC WORKS CODE SECTION 810 - Landmark Trees - that are proposed to be revised so that everyone can see the context of these changes. I have underlined the added wording, and deletions have a strike through.

I have two requests for changes to be considered by the Council. *First, please add "because of a hazard" that I show highlighted in section (f)(1)(A). There cannot be any misunderstanding that just the "desire" of the owner or agency is not enough - there must be a hazard for this desire. Second, I do not see the value of deleting either of the sections below, since the Board of Supervisors may not get to this work in a timely fashion, and there needs to be some rules governing removal in the interim. Please leave this wording in place.*

I thank the Council for considering my comments on this important matter.

Sincerely,

Nancy Wuerfel

(f) Removal Criteria and Procedures.

(1) Removal Criteria. The Urban Forestry Council shall develop and recommend for adoption by the Board of Supervisors uniform criteria, rules, and procedures governing determinations to remove landmark trees. Removal criteria shall require consideration and written findings on all of the factors related to the landmark tree as set forth in Section 810(g)(4), below, and shall not authorize the removal of a landmark tree unless it constitutes a hazard tree pursuant to Section 802(o). Public notice, in accordance with the requirements of Section 806(a)(2) and Section 806(a)(3), and a hearing shall be required.

A. "If either a private property owner or a City agency desires to remove a Landmark Tree on its respective property **BECAUSE OF A HAZARD**, the owner or the agency, respectively, shall apply to the Department for a Landmark Tree Removal Permit and shall obtain a tree risk assessment performed by an ISA certified arborist who is Tree Risk Assessment Qualified. The assessment shall inform the Director's determination of whether or not a Landmark Tree is a hazard tree, as per Section 802.

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B. The Director shall incorporate the tree risk assessment into the written finding that determines (as per Section 802) whether the Landmark Tree is a hazard tree. The Director's finding shall include an explanation of whether the hazardous condition could be mitigated by another method (e.g., cabling or heavy pruning) other than total removal of the tree. If the Director's finding indicates that the hazardous condition could be mitigated by an action or actions other than total removal of the tree, then the finding shall include specific recommendations for such actions.

(2) **Removal on Private Property; Special Permit Required.** A property owner who desires a permit to remove a landmark tree shall apply to the Department on the designated form. Such application must be accompanied by an administrative fee in accordance with a fee schedule adopted by the Director. Except in the case of manifest danger and immediate necessity, landmark trees on private property shall be removed only after the Director's determination and issuance of a permit, following a public hearing. If the Director determines that removal of a landmark tree is necessary or permissible in accordance with the adopted removal criteria, the Director may impose such reasonable conditions on the permit for removal as he or she deems necessary to compensate for the loss of the tree, including but not limited to the replacement value of the tree, administrative costs, and contribution to the Adopt-A-Tree Fund. The Director's determination shall be final and appealable to the Board of Appeals. Any person seeking permission to remove a landmark tree must pay all costs related to the permit process and public hearings. ~~Pending adoption of criteria for removal of landmark trees, the Department shall rely on the general criteria set forth in Section 810(f)(4)(A) (F).~~

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

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

- (A) Size, age, and species;
- (B) Visual characteristics, including the tree's form and whether it is a prominent landscape feature;
- (C) Cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character;
- (D) Ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier;
- (E) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, provides shade or other benefits to multiple properties, and is visually accessible from the public right-of-way; and
- (F) One or more criteria that qualify the tree as a hazard tree pursuant to Section 802(o).
- (G) Whether the tree appears to have had routine maintenance and/or major maintenance as defined in Section 802.

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Add into appropriate footnotes in the code: "This ordinance was modified by the Board of Supervisors on recommendation from the Urban Forestry Council on X Date etc. etc."

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