



What You Should Know About

The Tree Protection Legislation

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DATE: May 5, 2006
SUBJECT: Tree Disclosure & Protection Requirements
TITLE: Planning Department Implementation of Tree Protection Legislation

PURPOSE: This Bulletin provides guidelines for the Planning Department to assure that trees with protected status receive proper consideration during permit review, in accord with legislation adopted by the Board of Supervisors.

The guidelines established herein are meant to ensure that legislation governing the protection of trees is implemented. This is in accordance with the requirements of Board Legislation 0017-06 amending Sections 8.01-8.11 of the Department of Public Works Code, effective March 1st, 2006.

This Bulletin is issued in concert with similar Bulletins from the Department of Public Works and the Department of Building Inspection. It is the intent of the departments implementing this policy that the review of applications be conducted in an orderly, fair and efficient manner, with sufficient flexibility to allow the resolution of problems that may occur in the course of the process.

References

- Ordinance 0017-06 "Public Works Code-Landmark Trees, Significant Trees, and penalties for Violations"
- San Francisco Department of Public Works Code, Department of Public Works Code Section 8.01-8.11

Discussion

These procedures relate to tree disclosure during review of project applications, initial processing, project review and analysis, and to revisions,

addenda and corrections submitted subsequent to initial application.

Employees shall use reasonable judgment in the application of these guidelines, and must consult with their supervisors when questions arise.

Definitions

1. **PROTECTED TREES:** The City and County of San Francisco currently considers "Protected Trees" as street trees, significant trees and landmark trees. Removal of any of these requires a permit. If any activity is to occur within the dripline, prior to building permit issuance, a tree protection plan prepared by an International Society of Arboriculture (ISA) certified arborist is to be submitted to the Planning Department for review and approval.
2. **LANDMARK TREES:** Landmark Trees have the highest level of protection in the City. These trees are trees that meet criteria for age, size, shape, species, location, historical association, visual quality, or other contribution to the City's character and have been found worthy of Landmark status after public hearings at both the Urban Forestry Council and the Board of Supervisors. Temporary landmark status is also afforded to nominated trees currently undergoing the public hearing process. The Department of Public Works maintains the official "Landmark Tree Book" with all designated Landmark Trees in San Francisco.
3. **SIGNIFICANT TREES:** Trees within 10-feet of the property edge of the sidewalk that are above 20-feet in height, or with a canopy greater than 15-feet in diameter, or with a trunk diameter greater than 12-inches in diameter at breast height.
4. **STREET TREES:** Street trees are trees within the public right-of-way. Street trees may be maintained by either the adjacent property owner or the City.

Procedures

1. **Submit a Tree Disclosure Statement:** All permit applications that could potentially impact a protected tree must include a Planning Department “Tree Disclosure Statement” (see Attachment A). This form must accompany all building permit applications that include building envelope expansion, new curb cuts, new garages, and all demolition or grading permit applications. The Tree Disclosure Statement is the applicant’s legal declaration of the status of all trees on the property. As part of the Tree Disclosure Statement, applicants must identify and show accurately the size of the trunk diameter and canopy dripline in relation to the proposed project on the Site Plans.
2. **a) In the event the tree is to remain:** If construction activity occurs within the dripline, the permit applicant will also be obligated to get a specific “Tree Protection Plan” from an ISA certified arborist. The plans would continue through the normal plan review procedures and would be stamped with “MUST FOLLOW SPECIFIC TREE PROTECTION PLAN” stamp. The applicant must submit the tree protection plan to the Planning Department for review and approval. The applicant must also provide a written statement to the Department of Building Inspection (DBI) verifying that the specified protection measures are in place before demolition, grading or building permits will be issued, unless the Department of Public Works-Urban Forestry Bureau (DPW) waives or modifies these requirements.
b) In the event the tree is proposed for removal: If the applicant seeks to remove a Protected Tree, the applicant must get a tree removal permit from DPW before the Planning Department permit is issued. The Planning staff will stamp the plans with a “SUBJECT TO DPW APPROVAL” stamp. The Planning Department and the Department of Building Inspection can continue to process the application, however, no permit for work

within the dripline may be issued before the tree removal has been approved by DPW.

In the event of a conflict between a development proposal and a protected tree the Planning Department may advise DPW on the public necessity of the proposal. The final decision for tree removal, however, lies with DPW. DPW will call the assigned Planning Department staff to discuss the project so that project information is taken into account in DPW’s decision making. Once a decision has been made and any appeal periods have expired, DPW will send a “Tree Removal Decision” form or letter back to the Planning.

3. Questions about the applicability of those standards to a specific project should be referred to the project planner.

The Department of Public Works, the Planning Department, the Department of Building Inspection, the Department of the Environment, and the Mayor’s Office of Greening shall review these procedures jointly on an annual basis, to confirm that the intent of this legislation is fulfilled, and that protected trees are appropriately protected.

Approved:
Dean Macris, Planning Director

PROTECTING TREES DURING CONSTRUCTION

NOTE: A certified arborist must develop site-specific changes prior to issuance of a demolition or building permit.

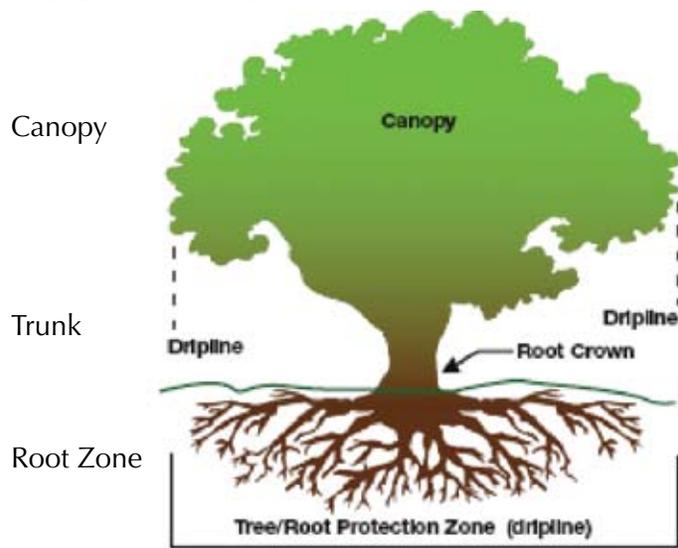
Basics of Tree Protection Plans

Tree protection plans vary based on site, tree species, tree location, type of construction and other factors. Protection plans may show details of tree care or construction measures necessary to ensure the health of the tree.

While your arborist will determine precisely what is necessary to protect trees during construction, here's a summary of what a tree protection plan may contain:

1. Site plan with tree species, trunk location, trunk diameter at breast height, and canopy dripline area within development.
2. Protective fencing establishing an area to be left undisturbed during construction.
3. Protection specifications including construction specifications such as boring instead of trenching for utility lines or tree care specifications such as drainage, fertilization or irrigation measures.
4. Pruning specifications if needed to preserve the health of the tree and allow construction to proceed.

BASIC TREE ANATOMY



Canopy, Trunk and Root Zone

All parts of the tree should be protected from harm during construction and guided towards health into the future.

What does a Tree Protection Plan typically include?

The Tree Protection Plan may contain:

- a. Tree Inventory: size, species, condition, trunk diameter at breast height, estimated crown diameter, identification of significant, landmark and street trees with an accurate location of all trees whose dripline is within the development area, whether on this project property or on adjoining sites, including any areas where trenching is proposed. The trunk locations and dripline areas should be clearly marked.
- b. Measures to ensure the survival of trees that will remain on site throughout the entire construction process and thereafter. Includes fencing specifications, signs, and prohibited activities within Tree Protection Zones.
- c. Arborist commitment to a preconstruction meeting between project arborist and construction personnel to discuss implementation of Tree Protection Plan.
- d. Arborist commitment to periodic inspections during construction and report any deviations from protection plan to DBI.
- e. Size and species of trees proposed to replace trees proposed for removal.
- f. Description of maintenance program for existing and proposed trees.
- g. Description of irrigation, grading, and drainage characteristics on the project and adjoining properties as it relates to existing and proposed trees.

Sample Fencing Protections

Ideal



Ideal Fencing Materials: Trees to be preserved may be protected with five or to six (5' - 6') foot high fences. Fences are to be mounted on two-inch diameter galvanized iron posts, driven into the ground to a depth of at least 2-feet at no more than 10-foot spacing. Paved areas: if fencing must be located on paving or concrete that will not be demolished, the posts may be supported by an appropriate grade level concrete base.

Ideal Fencing Location: The fences should enclose the entire area under the **canopy dripline** or TPZ of the tree(s) to be saved preserved throughout the life of the project.

Alternative Fencing Protections For Trees

Type I Protections for trees in a planting strip

For trees situated within a **narrow planting strip in a sidewalk or other limited space**, the fenced area may be less than the full canopy. If necessary, only the planting strip may be enclosed with protective fencing in order to keep the sidewalk and street open for public use.



Type II Street Tree Protections

Trees situated in a **small tree well or sidewalk planter pit**, may be wrapped with 2-inches of orange plastic fencing from the ground to the first branch and overlaid with 2-inch thick wooden slats bound securely (slats should not be allowed to dig into the bark). During installation of the plastic fencing, caution shall be used to avoid damaging any branches. Major scaffold limbs may also require plastic fencing as directed by your the project arborist.



- h. Written report from International Society of Arboriculture certified project arborist verifying that Tree Protection Zone is in place. Project arborist statement certifying that the project as proposed is in compliance with the San Francisco Tree Ordinance and will preserve protected trees from indiscriminate or unnecessary removal or damage.

Fencing For Protected Trees

Fenced enclosures shall be erected around trees to be protected to achieve three primary functions, 1) to keep the foliage canopy and branching structure clear from contact by equipment, materials and activities; 2) to preserve roots and soil conditions in an intact and non-compacted state and 3) to identify the Tree Protection Zone (TPZ) in which no soil disturbance is permitted and activities are prohibited, unless otherwise approved by the Department of Public Works.

Fencing Duration

Tree fencing should be erected before demolition, grading or construction begins and remain in place until final inspection of the project, except for work specifically allowed in the TPZ. Work in the TPZ requires approval by the project arborist or DPW Urban Forester (in the case of work around Street Trees).

Additional Protections

Warning Sign

A warning sign should be prominently displayed on each fence at 20-foot intervals. The sign should be a minimum 8.5-inches x 11-inches and clearly state: "WARNING - Tree Protection Zone - This fence should not be removed and any violation is subject to a fine according to Public Works Code Section 8.02- 8.11."

Additional tree work

Pruning should not occur unless the project arborist determines that it is necessary for tree health. A qualified tree worker or certified arborist should prune a tree under the supervision of the project arborist.

Reference to Adjacent Tree Health & Protection

Adjacent trees that may be impacted by the project site should be protected from harm due to the construction. Please work with your neighbors to ensure construction on your property does not damage protected trees on the property of others. The applicant shall be responsible for the repair or replacement of any publicly owned trees that are damaged during the course of construction, pursuant to Public Works Code Section 8.02- 8.11.

Recommendations During Construction

The following tree preservation measures may apply to trees to be retained: No storage of material, waste, topsoil, vehicles or equipment shall be permitted within the tree enclosure area. Nothing other than the arborist's specified protective measures should be attached to or placed against trees. The soil, grade, drainage, and degree of soil compaction under and around the tree canopy area should not be altered. Trees to be retained should be irrigated, aerated and maintained as necessary to ensure survival. Adding four to six inches of mulch reduces potential soil compaction within the TPZ, but no mulch should touch the tree trunk. Any required trenching should be routed in a manner that minimizes root damage. All work conducted in the ground within the root protection area of any protected tree should be accomplished with hand tools. Construction activity should be diverted from the Tree/Root Protection Zone. Cutting of roots should be avoided unless specified and supervised by the project arborist (i.e., place pipes and cables below uncut roots).



INFORMATION ON NOMINATING A LANDMARK TREE

I. Nomination of a Landmark Tree

The Landmark Tree program allows for the nomination of trees on public and private property within the City and County of San Francisco. Certain individuals and groups are authorized to nominate a tree for landmark tree designation.

Property owners may nominate a tree on their property. In addition, The Board of Supervisors, Planning Commission, Landmarks Preservation Advisory Board and the heads of City departments or agencies may nominate a tree. An authorized nominator will submit a nomination form to the Urban Forestry Council.

A member of the public who wishes to nominate a tree that is not on his or her property will have to get support from one authorized nominator: Board of Supervisors, Planning Commission, Landmarks Preservation Advisory Board, heads of City departments or agencies or property owner.

City staff will examine and evaluate the tree using an evaluation form.

Following staff review, a Landmark Tree Committee of the Urban Forestry Council will meet as needed to

consider the staff report. The committee will forward its recommendations to the Urban Forestry Council. Next, the full Council will vote periodically to approve or deny the list of active tree nominations. If the Council approves the tree, the recommendation will be forwarded to the Board of Supervisors. If the Council rejects the tree, it will not be reviewed again for three years.

The Board of Supervisors makes the final decision about the landmark status of a nominated tree. If the Board approves the tree, it becomes a designated landmark tree. If the Board rejects the tree, it will not receive any special protection or designation.

II. Designation of landmark tree

The City and County of San Francisco will take the following action for a designated landmark tree. First, the City will record a notice on the property to indicate the presence of a landmark tree through the Assessor-Recorder's office. Second, the City will record the landmark tree and number in the official Landmark Tree Book. The City will provide a certificate for the landmark tree. Property owners may erect a plaque near the landmark tree at their own cost.

Article 16 of the Department of Public Works Code establishes these processes. To see the Public Works Code online, visit <http://tinyurl.com/fg5vv>

The Department of the Environment staffs the Urban Forestry Council that reviews Landmark Tree nominations. To nominate a tree contact the Urban Forest Coordinator at (415) 355-3764.



The Department of Public Works maintains the official book of Landmark Trees and issues permits for removal. To get a list of San Francisco's Landmark Trees Contact DPW's Bureau of Urban Forestry at (415) 554-6700.



TREE REMOVAL PERMITTING PROCESS

Trees are important assets of neighborhoods and commercial districts. The citizens of San Francisco value street trees and have mandated their protection. Therefore, a permit is required before any street tree, significant tree, or landmark tree – alive, dead or hazardous – can be removed. Tree removal without a permit is a violation of Article 16 of the Public Works code and penalties may apply.

The following is required to process your application:

Return a completed and signed application form including number and name of the replacement tree species. Please return the application only. Retain this sheet for your reference. \$100 fee (make check payable to: DPW, City & County of S.F.)



Other documents that may be required:

Include proof of damage caused by trees such as paid invoices for repair. Although a tree has caused sidewalk, sewer or other property damage, removal may not be required.

If the removal is related to new construction, include site plans accurately showing tree locations as well as your building permit number.

Removal Process:

A Department of Public Works inspector will evaluate the trees for removal.

If the Department recommends the tree be removed, it will be posted for period up to 30 days. If objections to the removal are received, the removal will be scheduled for public hearing.

If the Department denies the removal, the applicant can request the case be scheduled for a public hearing. After the hearing, a hearing officer will make a recommendation to the DPW Director, who in turn will issue a final decision. The Director's decision may be appealable to the Board of Appeals.

Further recommendations:

Have an International Society of Arboriculture Certified Arborist evaluate the tree and provide a written report. Certified Arborists can be found in the Yellow Pages under the heading "Tree Services" or the International Society of Arboriculture website at <http://www.isa-arbor.com>.

Use a licensed and insured arborist or other contractor for any tree work. For each tree removed, a replacement tree planting is required. For more information regarding tree planting and tree removals, please call DPW customer service at 554-6700. To request pruning of a DPW Tree call 311 or from outside San Francisco, dial (415) 701-2311.

It is recommended that the Permittee carry adequate liability insurance for his/her own protection and in order to carry the foregoing provisions into effect.

Removal Applications, and further Guidelines for Tree Removal and Planting are available online at http://www.sfgov.org/site/sfdpw_index.asp?id=33096 or at the Central Permit Bureau at 1660 Mission Street, San Francisco, CA 94103.



Department of Building Inspection
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Want a DBI Pro to brief your community / organization on permits and inspection issues? Please contact us at 415-558-6089 or DBICommunityOutreach@sfgov.org and we will make it happen.