



SAN FRANCISCO PUBLIC UTILITIES COMMISSION

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Date: February 22, 2010

To: Members of the Urban Forest Council

From: Bart Broome, Government Relations Manager

Re: Green Landscaping Ordinance – for February 23, 2010 UFC Meeting

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MAYOR

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PRESIDENT

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VICE PRESIDENT

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GENERAL MANAGER

The San Francisco Public Utilities Commission (SFPUC) has worked with the Mayor's Office, the Planning Department & Planning Commission, and the Department of Public Works (DPW) on amendments to the Green Landscaping Ordinance that would reduce the water consumption impacts of expanding the amount of irrigated plantings in San Francisco. The SFPUC requests that the Urban Forest Council include these amendments as part of any vote of support for the Green Landscaping Ordinance.

Due to the environmental impacts of finding additional water sources, the uncertainty of current supplies due to climate change, and the expanding California water crisis in the San Francisco Bay Delta exacerbated by drought, the SFPUC has agreed to meet our City's growing demand for water through conservation measures. That agreement was part of the programmatic environmental impact report for the seismic improvement to our water system and it mandates that we reduce the water that San Francisco draws from the regional system by 10 million gallons per day by 2018.

The Green Landscaping Ordinance will increase water demand and that increased demand must be offset with water conservation measures which can be very expensive to property owners, public agencies, and SFPUC rate payers. The SFPUC recognizes the value in greening our city through the Green Landscaping Ordinance and we have developed amendments that would help achieve the laudable goals of both water conservation and urban greening.

These amendments were approved by the Planning Commission on February 18th and would do the following:

- Amend the Planning Code to require that landscaped areas in front setbacks and vehicular use areas, and tree plantings mandated in parking lots and in the public right-of-way, comply with the City's current Water Efficient Irrigation Ordinance. This ordinance located in Chapter 63 of the SF Administrative Code will be updated later this spring with more stringent water use requirements mandated by the state.
- Amend the Planning Code to require that alternative landscape treatments approved by the Zoning Administrator to meet the vehicular use area screening requirement use low water use plant materials and comply with

the Water Efficient Irrigation Ordinance.

- Amend the Planning Code to require that additional landscape requirements for Planned Unit Developments modified by the Zoning Administrator include the use of low water use plant materials.
- Amend the Public Works Code to include a definition for “low water use” that allows DPW to permit exceptions based on certain circumstances.
- Amend the Public Works Code to require the use of low water use trees when planted in the public right-of-way, including trees planted as part of the Arterial Planting Program and the Tree Adoption Program.
- Amend the Public Works Code to require the use of low water use plants and trees for landscaping improvements done through the Neighborhood Planting Program. An exception is provided for areas solely dedicated to vegetable gardening and the cultivation of fruit or nut trees.

A key point is the definition of “low water use” (see page 7 of this memo) which was negotiated between the SFPUC and the DPW. The definition is designed to provide flexibility and allows DPW to define a tree as “low water use” based on their experience with the species. The San Francisco Street Tree Species List established by the Bureau of Urban Forestry is expressly included under the term “low water use” because the list was developed in consideration of water use for each species.

The SFPUC amendments have been vetted by the Planning Department, the Planning Commission, and the Department of Public Works. Mark Sustarich, the SFPUC representative will be present in the Urban Forest Council meeting on February 23rd to answer your questions. Again it is our hope that the Urban Forest Council will vote to support the Green Landscaping Ordinance as recommended to be amended by the Planning Commission which includes amendments suggested by the SFPUC.

SFPUC amendments are on the pages that follow.

Green Landscaping Ordinance SFPUC Water Conservation Amendments

SFPUC amendments are underlined and highlighted. Page numbers are from the ordinance text as introduced at the Board of Supervisors.

PLANNING CODE AMENDMENTS

Section 132 (g) beginning on Page 8

(g) *Landscaping and Permeable Surfaces. The landscaping and permeable surface requirements of this Section and Section (h) below shall be met by the permittee in the case of construction of a new building; the addition of a new dwelling unit, a garage, or additional parking; or paving or repaving more than 25 square feet of the front set-back . All front setback areas required by this Section 132 shall be appropriately landscaped, meet any applicable water use requirements of Chapter 63 of the Administrative Code, and in every case not less than 20 percent of the required setback area shall be and remain unpaved and devoted to plant material, including the use of native/drought resistant low water use plant material as defined in Section 802 of the Public Works Code. For the purposes of this Section, permitted obstructions as defined by Section 136 shall be excluded from the front set-back area used to calculate the required landscape and permeable surface area.*

Section 142 (c) and (d) beginning on Page 10

(c) *Perimeter Screening. All vehicular use areas that are greater than 25 linear feet adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:*

- (1) *Ornamental fencing or a solid wall that is 4 feet in height and a 5 foot deep permeable surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way and that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code; or*
- (2) *A combination of permeable landscaping compliant with applicable water use requirements of Chapter 63 of the Administrative Code, and ornamental fencing where the permeable surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has been otherwise configured to result in either: (i) a public space or amenity that is accessible from the public right-of-way or (ii) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff.*

(d) The Zoning Administrator is authorized to modify the requirements of subsection thereby allowing alternative landscape treatments to partially or wholly satisfy this screening requirement provided that alternative landscape treatments such as landscaped berms, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree plantings are provided elsewhere on the site and will be visible from the public right-of-way or are provided in the public right-of-way as regulated by Section 810B of the Public Works Code. The Zoning Administrator may authorize such modification only upon finding that the proposed alternative landscape treatment would:

(1) Provide a visual effect that promotes and enhances the pedestrian experience through the use of quality urban design; and

(2) Promote the reduction of stormwater runoff; and

(3) Use low water use plant materials, as defined in Section 802 of the Public Works Code, and compliant with applicable water use requirements of Chapter 63 of the Administrative Code.

Section 143 (c) beginning on Page 12

(c) The species of trees selected shall be compliant with applicable water use requirements of Chapter 63 of the Administrative Code, suitable for the site, and, in the case of trees installed in the public right-of-way, the species and locations shall be subject to approval by the Department of Public Works. Procedures and other requirements for the installation, maintenance and protection of trees in the public right-of-way shall be as set forth in Article 16 of the Public Works Code.

Section 143 (e) beginning on Page 12

(e) When a pre-existing site constraint prevents the installation of a street tree, as an alternative to payment of any portion of the in-lieu fee, the Zoning Administrator may allow the installation of sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code, to satisfy the requirements of Section 143, subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B.

Section 143 (i) and (j) beginning on Page 13

~~*(g)(i) DTR and C-3 Districts. In DTR and C-3 Districts, in addition to the requirements of subsections (a)- (d) (h) above, all street trees shall:*~~

~~*(1) be open to the sky and free from all encroachments for that entire width, planted at least one foot back from the curb line;*~~

- ~~(2)~~ (1) have a minimum 2 inch caliper, measured at breast height;
- ~~(3)~~ (2) branch a minimum of 8 feet above sidewalk grade;
- ~~(4)~~ (3) where in the public right-of-way, be planted in a sidewalk opening at least 16 square feet, and have a minimum soil depth of 3 feet 6 inches;
- ~~(5)~~ (4) where planted in individual basins rather than a landscaped planting bed, be protected by a tree grate with a removable inner ring to provide for the tree's growth over time;
- ~~(6)~~ (5) provide a below-grade environment with nutrient-rich soils, free from overcompacted soils, and generally conducive to tree root development;
- ~~(7)~~ (6) be irrigated, maintained and replaced if necessary by the property owner, in accordance with **Article 16 and Sec. 174 of the Public Works Code, Article 16 and compliant with applicable water use requirements of Chapter 63 of the Administrative Code**; and
- ~~(8)~~ (7) be planted in a continuous soil-filled trench parallel to the curb, such that the basin for each tree is connected.

*(j) Planned Unit Developments as defined by Section 304 of this Code are required **to meet** the street tree requirements described in Section 143 (a) – (h) and shall meet the following additional landscaping requirements:*

Section 143 (j) (3) beginning on Page 15

*(3) The Zoning Administrator is authorized to modify the additional landscaping requirements for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or she finds that modifications provide equal or greater ecological benefit than the above requirements, **including the use of low water use plant materials as defined in Section 802 of the Public Works Code.** Acceptable modifications may include alternative landscape treatments such as landscaped berms, detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree planting are provided elsewhere on the site or on the adjacent public right-of-way itself, subject to permit approval from the Department of Public Works.*

Section 156 (j) beginning on Page 17

- (j) Interior Landscaping. All permanent parking lots are required to provide 1 tree per 5 parking spaces **in a manner that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code,** and a minimum of 20% permeable surface, as defined by Section 102.33 Permeable Surfaces. Permeable surfaces and grading shall be coordinated so that stormwater can infiltrate the surface in areas with less than 5% slope.*
- (k) Street Tree Requirement. All parking lots shall meet the street tree requirements specified in Section 143.*

PUBLIC WORKS CODE AMENDMENTS

Page 39 beginning on Line 15

Section 3. The Public Works Code is hereby amended by amending Sections 802, 805, 806, and 807 to read as follows:

NOTE: Sections 802, 806 and 807 are not amended in the introduced version of the Green Landscaping Ordinance, but are added here in their entirety with SFPUC changes underlined and highlighted.

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.
- (c) "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.
- (f) "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.
- (g) "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; 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, yet excused under Section 143(d) of the Planning Code, the in-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.

(i) "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).

(j) "Landmark tree" shall mean a tree so designated pursuant to Section 810 of this Article.

(k) "Landscape material" shall mean any tree, shrub, groundcover or other plant.

(l) "Low water use" means plants, shrubs, ground covers, or trees that meet at least one of the following conditions:

(1) The species has a water use ranking of "low" or "very low" in Region 1 (North-Central Coast) as established in the California Department of Water Resources 2000 publication "Water Use Classification of Landscape Species" or subsequent editions as it may be updated;

(2) The species has a water use ranking of "no water", "little water", or "little to moderate water" in the climate zone for the planting location as established in the Sunset Western Garden Book, Eighth Edition, published by Oxmoor House on February 1, 2007 or subsequent editions as it may be updated;

(3) The plantings are part of an engineered stormwater management feature approved by the General Manager of the Public Utilities Commission pursuant to the San Francisco Stormwater Design Guidelines established by the Public Utilities Commission;

(4) The Department of Public Works has determined that the species, when irrigated for sufficient plant health and appearance, is low water use based on the Department's experience with the species, and the Department has added the species to the Low Water Use Plant Exception List maintained by the Department;

(5) The species appears on the San Francisco Street Tree Species List established by the Department of Public Works Bureau of Urban Forestry;

(6) The planting is part of a species test approved by the Department of Public Works; or

(7) The species has been permitted at the site by the Department Public Works based on wet soil conditions stemming from proximity to naturally occurring water features such as a high water table, springs, ponds, lakes, creeks, and wetlands.

(m) "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 maintenance" 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 maintenance" 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 Arboriculture Best Management Practices and ANSI Pruning Standards, whichever is more protective of tree preservation.

~~(m)~~ (n) "Median strip" shall mean the dividing area in the public way between opposing lanes of vehicular traffic.

~~(n)~~ (o) "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)~~ (p) "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 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 listed in Section 802(l) of this Article. The Director's determination shall be in writing.

~~(p)~~ (q) "Person" shall mean any individual, firm, partnership, association, corporation, company, or organization of any kind.

~~(q)~~ (r) "Planting" shall mean putting or setting into the ground or into a container to grow and irrigating until self-sufficient.

~~(r)~~ (s) "Removal" shall mean any intentional or negligent moving, carrying away, elimination or taking away of part or all of a tree.

~~(s)~~ (t) "Replacement value" 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.

~~(t)~~ (u) "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)~~ (v) "Significant Tree" shall mean a tree so defined in Section 810A of this Article.

~~(v)~~ (w) "Street" shall mean the vehicular travel-way portion of any public street, avenue, boulevard, lane, road, parkway, freeway, or other public way.

~~(w)~~ (x) "Street tree" 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)~~ (y) "Tree" shall mean any large perennial plant having a woody trunk(s), branches, and leaves. Trees also shall include palm trees.

~~(y)~~ (z) "Urban forest" shall mean all trees on public streets and rights-of-way 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.

~~(z)~~ (aa) "Urban Forestry Council" shall mean the Urban Forestry Council as established under the Environment Code Chapter 12.

NOTE: "Water Use Classification of Landscape Species" can be found at this link <http://www.water.ca.gov/wateruseefficiency/docs/wucols00.pdf> and the list of plant species with water use rankings begins on Page 62. As part of the SFPUC's Water Efficient Irrigation Ordinance and companion Rules and Regulations, the SFPUC will be posting on our website a list of plant species with their water use rankings.

The San Francisco Stormwater Design Guidelines apply to development projects in which the area of disturbed ground is equal to or greater than 5,000 square feet. The Stormwater Design Guidelines allow for the use of some plants that may not be ranked as "low water use" in limited circumstances for the purpose of stormwater control and reduction. The Guidelines and the approved Vegetation Pallet can be found at this link. http://sfwater.org/mto_main.cfm/MC_ID/14/MSC_ID/361/MTO_ID/543

NOTE: SEC 805 was not changed from what was included in the introduced version of the Green Landscaping Ordinance.

SEC. 806. - PLANTING AND REMOVAL OF STREET TREES.

(a) Planting and Removal by the Department.

(1) Planting. The Department may determine to plant a new **low water use** tree(s) in a sidewalk or public right-of-way. When the Department determines to plant a new street tree(s), the Department will undertake maintenance responsibility for

such new street tree and shall send a courtesy notice to the abutting property owner prior to planting such new tree. Any objections to the proposed work must be submitted to the Director in writing and postmarked within 30 days after notice 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 street tree shall be cut down or removed by the Department unless:

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

(B) Thirty days prior to the removal date, the Department notifies all 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 tree is located. In addition, 30 days prior to the removal date, the Department shall post a notice on the affected tree.

(3) Appeal of Tree Removal.

(A) If within 30 days after the giving of notice for street tree removal, as specified in Subsection (a)(2), or if within 15 days after the giving of notice for removal of a hazard street tree, as specified in Subsection (a)(4), any person files with the Department written objections to the removal, the Director shall hold a hearing to consider public testimony concerning the proposed tree removal. Written notice of the date, time and place of the hearing shall be posted on the affected tree, provided in a newspaper of general circulation, and sent to the objecting party, the owner of the property abutting the affected tree, and all interested 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 street tree shall be cut down or removed by the Department unless:

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

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

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

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

affected tree, all 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 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 street tree without a valid permit for such work issued by the Department. All permits for the planting or removal of street trees 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 street tree 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 street tree shall apply to the Department on the designated form. If approved by the Director, a permit to plant the specified **low water use** species of tree(s) shall be issued to the applicant. There shall be no administrative fee imposed for a permit to plant a street tree unrelated to property development. The Director's decision on a street tree 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 street 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 tree removal permit, it shall require that another street tree be planted in the place of the removed tree or impose an in-lieu fee unless it makes written findings detailing the basis for waiving this requirement.

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

(ii) Additional Fees. In instances where administration or processing of any application is or will exceed the fee amount established pursuant to subsection (i), the 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 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 removal date, the Department shall give notice to all interested 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 tree is located. In addition, 30 days prior to the removal date, the Department shall post a notice on the affected tree. If within 30 days after the giving of such notice any person files with the Department written objections to the removal, the Director shall hold a hearing prior to removing the tree. Written notice of the date, time and place of the hearing shall be posted on the affected tree and sent to the objecting party and all interested San Francisco organizations not less than seven days prior thereto.

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

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

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

SEC. 807. - DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM; POWERS AND DUTIES.

(a) Arterial Planting Program. The Department shall continue its program of appropriate low water use street tree planting along major traffic routes and commercial streets throughout the City.

(b) Neighborhood Planting Program. The Department shall continue to encourage and support neighborhood low water use planting programs. Support may include, but need not be limited to, provision of low water use trees and materials, sidewalk cutting and removal, planting labor, technical advice, and organizational assistance. Low water use requirements in the Neighborhood Planting Program do not apply to areas solely dedicated to edible plants such as fruit and nut trees and vegetable gardens, except that planted areas shall comply with any applicable water use requirements of Chapter 63 of the Administrative Code. The Department is hereby authorized to donate such funds, materials and labor to neighborhood planting programs as are deemed by the Director to be in the public interest and in the interest of the promotion of the urban forest.

(c) Public Education. The Department shall undertake an on-going program of public outreach and education in order to promote public understanding of the City's urban forest and public adherence to the standards and procedures

established under this Article.

(d) Authority over Site Development Plans.

(1) The Department shall have the authority to review and comment on site development plan applications received by the City's Central Permit Bureau that pertain to the planting, alteration, or removal of street trees. The Department shall also have the authority to review and comment on site development plan applications that pertain to the alteration or removal of landmark trees designated pursuant to Section 810(a) of this Article and significant trees pursuant to Section 810A of this Article. Protection of such trees during construction shall be required in accordance with Section 808(c) of this Article. Removal of such trees shall be subject to the applicable rules and procedures for removal set forth in Section 806, 810, or 810A of this Article.

(2) If the Zoning Administrator modifies or waives the requirements of Planning Code Section 143 pursuant to Planning Code Section 143(d), the Department shall impose an in-lieu fee of the property owner so excused. Further, if a property owner is required to plant a street tree pursuant to Planning Code Section 143, the Department shall require that the property owner maintain such tree or replace any such tree that subsequently dies or is removed by any person, or pay an in-lieu fee. The Department shall follow the requirements set forth herein for tree replacement or payment of an in-lieu fee unless it makes written findings detailing the basis for waiving said requirements.

(e) Adopt-A-Tree Fund. Pursuant to Section 10.117-77 of the Administrative Code, the Department shall maintain an Adopt-A-Tree Fund to enhance the urban forestry program.

(f) In-Lieu Planting Program. The Department shall develop and implement an In-Lieu Planting Program to offset the loss of street trees, significant trees, and landmark trees due to removal, destruction, or death. The In-Lieu Planting Program shall also compensate for the loss of trees required to be planted by Section 143 of the Planning Code, yet excused by the Zoning Administrator pursuant to Planning Code Section 143(d). The Department shall impose an in-lieu fee in accordance with a fee schedule adopted by the Director where a street tree is destroyed, removed or is excused from planting where otherwise required by Planning Code Section 143. The Department also shall assess an in-lieu fee or such other penalty as set forth in Section 811 as mitigation for violation of the requirements of this Article. The Department shall follow the requirements set forth herein for payment of an in-lieu fee unless it makes written findings detailing the basis for waiving said requirements. As set forth in Section 811, in lieu fees shall be deposited in the Adopt-A-Tree Fund.

(g) Tree Adoption Program. The Department shall develop and implement a tree adoption program to allow persons to donate money for the purpose of **low water use** tree planting and maintenance. Money donated to the City and County for the purpose of tree planting and maintenance shall be deposited into the Adopt-A-Tree Fund.