

LEGISLATIVE DIGEST

[Public Works Code - Street Tree Replacement]

Ordinance amending the Public Works Code to require Public Works, with certain exceptions, to replace any street tree it has removed within 120 days; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

The San Francisco Urban Forestry Ordinance, Article 16 of the Public Works Code, addresses the planting, maintenance, and removal of street trees. Street trees are trees that are growing within the public right-of-way, such as public sidewalks, and any tree growing on land under Public Works' jurisdiction.

Under Article 16, and Proposition E (approved by the voters at the November 2016 election), the City is generally responsible for the maintenance of street trees. The Public Works Code also allows private property owners to voluntarily assume the maintenance responsibility for street trees, if they have entered into a voluntary agreement with Public Works to do so. Public Works Code § 805(c).

Article 16 also authorizes Public Works to plant new street trees, and allows Public Works to remove street trees, subject to the public notice requirements. Public Works Code § 806(a).

Amendments to Current Law

The proposed ordinance would generally require Public Works, if it removes a Street Tree under Section 806(a), to replace the street tree at the same location within 120 days of its removal.

This street tree replacement requirement would be subject to two exceptions.

- If Public Works removed a street tree and cannot replace it in the same location due to accessibility requirements or interference with underground utilities, Public Works would be allowed to plant a replacement street tree in a different location as close as reasonably possible to the location of the street tree that was removed.
- Public Works would not be required to replace any street trees, if a private property owner has already agreed to plant and maintain a new street tree at the same location.

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