[Public Works, Administrative, Planning, Business and Tax Regulations Codes - Street Tree Standards, Appeals, and Adopt-A-Tree Fund]

Ordinance amending the Public Works Code to allow development projects to satisfy street tree planting requirements through payment of an in lieu fee or providing alternative landscaping; exempt accessory dwelling units from street tree planting requirements; eliminate appeals to the Board of Appeals ~~and the Director of the Department of Public Works~~ for hazardous tree removals undertaken by City departments and commissions; amending the Administrative Code to specify a separate account within the Adopt-A-Tree Fund to receive in lieu fees for street tree requirements; amending the Planning Code to update street tree applicability requirements; amending the Business and Tax Regulations Code to prescribe timeframes for the hearing and decision on appeals of certain street tree removals to the Board of Appeals; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making public necessity, convenience, and welfare findings under Planning Code, Section 302.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental and Land Use Findings.

(a) The Planning Department has determined that the actions contemplated in this

ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 251211 and is incorporated herein by reference. The Board affirms this determination.

(b) On March 12, 2026, the Planning Commission, in Resolution No. 21898, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code, Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 251211, and is incorporated herein by reference.

(c) Pursuant to Planning Code, Section 302, this Board finds that this ordinance will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21898, and incorporates such reasons by this reference thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 251211.

Section 2. Background and Findings.

(a) San Francisco's urban forest creates a more walkable, livable, and sustainable city. Trees and other vegetation clean the air and water, create greener neighborhoods, calm traffic, improve public health, provide wildlife habitat, and absorb greenhouse gases. Annually, the benefits provided by trees in San Francisco are estimated at over $100 million. However, with just over 125,000 trees, San Francisco's tree canopy—measured by the amount of land covered by trees when viewed from above—is just 13.7%, one of the smallest of any major city in the United States.

(b) Article 16 of the Public Works Code—the Urban Forestry Ordinance—seeks to "[t]o promote efficient, cost effective management of the City's urban forest by coordinating public

and private efforts within a comprehensive and professional management system." Private parties planting and maintaining new street trees is a key strategy of the 2014 Urban Forestry Plan, on file with the Clerk of the Board of Supervisors in File No. 141264, and the 2010 Better Streets Plan, on file with the Clerk of the Board of Supervisors in File No. 101194. To this end, since 2010, the Public Works Code (previously the Planning Code) has required development applicants to plant one street tree for every 20 feet of lot frontage.

(c) Alternatives to street tree planting, which include payment of an in lieu fee or provision of alternative sidewalk landscaping, are currently limited to situations where the Director of Public Works determines that planting a street tree in the required fashion is impossible, impractical, and/or unsafe. The Public Works Code sets the in lieu fee in an amount equal to the Department's cost to plant and water a tree for three years—the period necessary to establish a street tree. The current in lieu fee amount is $2,590, subject to annual inflation adjustments, as detailed further in the Public Works Fee Study and Street Tree In Lieu Fee Calculation matrix, both of which are on file with the Clerk of the Board of Supervisors in File No. 251211 and incorporated herein by reference. In lieu fees are deposited into the Adopt-A-Tree Fund, proceeds of which are used to fund the Department's planting and maintenance of new street trees. In expending funds for the planting and maintenance of new street trees, the Department intends to prioritize Environmental Justice Communities identified in the General Plan's Environmental Justice Framework and improve tree canopy cover across these neighborhoods.

(d) Except for large projects that meet the criteria for Better Streets Plan improvements in Planning Code Section 138.1(c)(2)(A), this ordinance enables certain development projects to satisfy the street tree planting requirements through payment of an in lieu fee, without a finding that tree planting is impossible, impractical, and/or unsafe. In situations where planting the street tree would be impossible, impracticable, and/or unsafe, this ordinance would allow a

development application to satisfy the street tree planting requirement by planting alternative sidewalk landscaping, as defined in the ordinance. This ordinance also exempts Accessory Dwelling Units and Junior Accessory Dwelling Units ("ADU/JADU") from the street tree requirements. By expanding the availability of the in lieu fee option, defining appropriate street tree planting requirements, and exempting ADU/JADUs, this ordinance promotes efficiency and certainty in the development process, one of the key goals of the Permit SF initiative.

(e) The City's current position is that the street tree in lieu fee is not subject to the requirements of the Mitigation Fee Act, Government Code Sections 66000 et seq. Nonetheless, this in lieu fee is supported by the 2021 Citywide Infrastructure Nexus Study, adopted in Ordinance No. 193-23 in Board File No. 230764, which analyzed street tree planting as an element of San Francisco's sustainable streets infrastructure. The findings of the 2021 Citywide Infrastructure Nexus Study and the accompanying Level of Service Analysis are hereby incorporated by reference. This ordinance does not establish, increase, or impose a fee within the meaning of Government Code Section 66001(a). The in lieu fee in this ordinance remains equal to the Department's cost of planting and watering a street tree for three years, which bears a reasonable relationship to the impact of the foregone street tree, as detailed further in the Street Tree In Lieu Fee Calculation matrix.

(f) This ordinance prescribes timeframes for the hearing and decision by the Board of Appeals on street tree removals undertaken by a City agency, commission, or department. However, in situations where a street tree poses a safety hazard, prompt decision making is necessary to ensure public safety. To that end, this ordinance retains the ability for a member of the public to appeal the hazardous tree removal to the Director of Public Works but eliminates a further appeal to the Board of Appeals. ~~the ability for a member of the public to appeal such a hazardous tree removal and thereby delay the removal of the hazard.~~

Section 3. Article 16 of the Public Works Code is hereby amended by revising Sections 802, 806, and 807, to read as follows:

SEC. 802. DEFINITIONS.

* * * *

"In-lieu fee" shall mean a fee *imposed and* deposited into the Adopt-A-Tree Fund ~~*and imposed by the Director*~~ *pursuant to Section 806*. ~~*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 805 or 806, yet excused by the Director through a waiver or modification, 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.*~~

* * * *

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 climate appropriate 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.** The Department may not cut down or remove a Street Tree, unless 30 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. *This subsection (a)(2) shall not apply to Removal of Hazard Trees.*

(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),*~~ 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 *and the Department's website*, ~~*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 a 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) *The Department's decision on Removal of a Hazard Street Tree shall be* ~~final and non~~*appealable* to the Director pursuant to subsection (a)(3). The Director's decision on Removal of a Hazard Street Tree shall be final and nonappealable.

(C) Hazard Street Tree shall have the same meaning as Hazard Tree in Section 802 except that a Hazard Street Tree is located within the public right-of-way.

(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.

* * * *

(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 ~~S~~s*ubsection (b) of this Section 806*; provided, however, that for purposes of Street Tree Removal, the notice and procedures for Director's hearings set forth in ~~S~~s*ubsections* (a)(2) and (a)(3) shall apply.

(d) **Required Street Trees for Development Projects**. The Director shall require Street Trees for the development projects as set forth in this ~~S~~s*ubsection (d).*

(1) **Applicability**. This ~~S~~s*ubsection (d)* shall apply to development projects that involve any of the following *except the construction of an Accessory Dwelling Unit and/or Junior Accessory Dwelling Unit, as those terms are defined in Planning Code Section 102*:

(A) the construction of a new building;

(B) the addition of a dwelling unit;

(C) the addition of a new curb-cut;

(D) the addition of a garage; and/or

(E) a net addition to an existing building of 500 gross square feet or more.

(2) **Number of Trees Required**. The Director shall require one Street Tree for each 20 feet of Street frontage of the property containing the development project, with any remaining fraction of 10 feet or more of frontage requiring an additional Tree. Any existing Street Trees located within the public right-of-way along such property that have been protected during construction and that the Director does not recommend~~ed~~ for Removal, shall count toward meeting the requirement.

(3) **Standards for Required Trees**. New Street Trees that the Director requires to be planted under this Subsection shall:

(A) be planted within the public right-of-way adjacent to the property containing the development project;

(B) be of a species suitable for the site conditions;

(C) be a minimum of 24-inch box size;

(D) have a minimum 1 1/4-inch caliper, measured at 6-inches above ground;

(E) be planted no higher than the adjacent Sidewalk and provide a below-grade environment with nutrient-rich soils, free from overly-compacted soils, and generally conducive to Tree root development; and

(F) be watered, maintained, and replaced if necessary by the property owner, in accordance with this Article 16, and be in compliance with applicable water use requirements of Administrative Code Chapter 63.

(4) ***Alternatives to New Street Trees*** ~~*Waivers and Modifications*~~. *An applicant may satisfy some or all of the requirements of subsection (d)(2)* ~~*The Director may waive or modify the number of and/or standards for Street Trees required pursuant to this Ssubsection only*~~ as described below:

(A) ***In-Lieu Fee.*** ~~*The Director, in his or her sole discretion, may waive or modify the requirements of this subsection when inadequate Sidewalk width or interference with driveways, sub-sidewalk basements, or other pre-existing surface, sub-surface, or above-grade features render installation of the required Street Tree(s) in the required fashion impossible, impractical, and/or unsafe.*~~ *Except as provided in subsection (d)(4)(A)(i), f*~~F~~or each required Street Tree ~~*that the Director waives,*~~ the applicant~~, at his or her choosing, shall either (i)~~ *may elect to* pay an In-lieu fee. *The In-lieu fee shall be equal to the City's cost to plant and water a tree for three years. The In-lieu fee shall be $2,590 for Fiscal Year 2025-2026. This fee shall be reviewed and adjusted each year as provided in Public Works Code Section 2.1.2*. ~~*pursuant to Section 802 or (ii) to fulfill all or a portion of the requirement, provide alternative landscaping, including but not limited to Sidewalk landscaping, in amount comparable to or greater than the number of Street Trees waived; or*~~

*(i) **Large Projects**. Projects meeting the criteria in Planning Code Section 138.1(c)(2)(A)(i) shall be ineligible for the In-lieu fee in subsection (d)(4)(A) unless the Director determines that inadequate Sidewalk width or interference with driveways, sub-sidewalk basements, or other pre-existing surface, sub-surface, or above-grade features render installation of*

the required Street Tree(s) in the required fashion impossible, impractical, and/or unsafe.

(B) ***Alternative Landscaping.*** ~~*Only in those extraordinary and unusual circumstances where an applicant successfully demonstrates that an overriding City policy renders the Planting of the required Street Tree(s) inappropriate and both the Director and the Director of Planning concur, the Director may waive one or more required Street Trees.*~~ *If the Director determines that inadequate Sidewalk width or interference with driveways, sub-sidewalk basements, or other pre-existing surface, sub-surface, or above-grade features render installation of the required Street Tree(s) impossible, impractical, and/or unsafe,* ~~*If*~~for each required Street Tree ~~*that the Director waives, the Director, in his or her sole discretion, shall require that*~~ the applicant ~~*either*~~ *may elect to* ~~*(i) pay an In-lieu fee pursuant to Section 802 or (ii)*~~ fulfill all or a portion of the requirement by providing alternative landscaping *that complies with all of the following:*~~*, including but not limited to Sidewalk landscaping, in amount comparable to or greater than the number of Street Trees waived.*~~

(i) the water use requirements of Chapter 63 of the Administrative Code;

(ii) applicable provisions of Public Works Code Section 810B;

(iii) a minimum area of 75 square feet of sidewalk landscaping for each required Street Tree that cannot be planted; and

(iv) applicable requirements in the Director's Order on Tree Planting (Director's Order No. 187,246) and any successor order.

(5) ***Administration of the In Lieu Fee.***

(A) ***Deposit****. The In-lieu fees collected pursuant to subsection (d)(4) shall be deposited into a separate account within the Adopt-A-Tree fund under Section 10.100-227 of the Administrative Code. All funds therein shall be appropriated to fund the planting and watering of Street Trees in accordance with the law.*

(B) ***Collection****. If a project applicant elects to pay the In lieu fee in subsection (d)(4) at the time of Development Application, as that term is defined in Planning Code Section 102, the*

Planning Department shall provide notice to the Department of Building Inspection's Development Fee Collection Unit in accordance with the procedures set forth in Section 402 of the Planning Code. If a project applicant elects to pay the In-lieu fee in subsection (d)(4) after approval of a Development Application, the Department shall provide notice to the Development Fee Collection Unit. The Development Fee Collection Unit shall collect the In-lieu fee in accordance with Section 107A.13 of the San Francisco Building Code.

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

* * * *

(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 16 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 Sections 806, 810, or 810A of this Article.

(2) *The Department shall transmit annually the amount of the In-lieu fee in Section 806(d)(4) to the Planning Department for inclusion on the Development Impact Fee Register. ~~If the Director modifies or waives the requirements of Section 806(d) in accordance with subsection 806(d)(4), the Department shall impose an in-lieu fee on the property owner so excused.~~*

(3) If an applicant elects to provide alternative landscaping pursuant to Section

806(d)(4)(B), the Department shall determine whether the proposed alternative landscaping complies with the required standards.

(e) **Public Works Adopt-A-Tree Fund.** Pursuant to Section 10.100-227 of the Administrative Code, the Department shall maintain the Public Works Adopt-A-Tree Fund to enhance the urban forestry program.

(f) ~~*In Lieu*~~***Tree*** **Planting Program**. The Department shall develop and implement an ~~*In Lieu*~~ *Tree* Planting Program to offset the loss of street trees, significant trees, and landmark trees due to removal, destruction, or death. *The Tree Planting Program shall be funded through: (1) fees or penalties assessed pursuant to Section 811 as mitigation for violation of the requirements in this Article 16; (2) In-lieu fees paid pursuant to Section 806; and (3) funds from the Tree Adoption Program described in subsection (g).* The ~~*In Lieu*~~*Tree* Planting Program also shall compensate for ~~*the loss of*~~ *Street* ~~*t*~~*T*rees required to be planted by Section 806(d) *for which the applicant has elected to pay an In-lieu fee. The Department shall use funds from In-lieu fees to plant and water trees for three years.* ~~*, unless the Director has modified or waived such requirements under subsection 806(d)(4). 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 Section 806(d). 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 16. 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 Public Works 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 tree planting and maintenance. Money donated to the City and County for the purpose of tree planting and maintenance shall be deposited into the Public Works Adopt-A-Tree Fund.

Section 4. Chapter 10, Article XIII of the Administrative Code is amended by revising Section 10.100-227, to read as follows:

SEC. 10.100-227. PUBLIC WORKS ADOPT-A-TREE FUND.

(a) **Establishment and Use of Fund.** The Public Works Adopt-A-Tree Fund is established as a category eight fund to receive all monetary donations, administrative fees, permit fees, fines, liens, and in-lieu fees pursuant to Article 16 of the Public Works Code which may be offered to or collected by the City and County for the planting and maintenance of trees by the Department of Public Works. *Within the Adopt-A-Tree Fund, there shall be a separate account to receive all in lieu fees paid pursuant to Section 806(d)(4)(A) of the Public Works Code and all interest received thereon.*

(b) **Use of Fund.** The fund shall be expended solely for the purposes of planting and maintaining trees under the jurisdiction of the Department of Public Works. *For in lieu fees paid pursuant to Section 806(d)(4)(A) of the Public Works Code, the funds shall be used solely to plant and water trees for three years.*

(c) **Administration of Fund.** The Department of Public Works shall submit to the Board of Supervisors on a quarterly basis a written report of revenues to and expenditures from the fund.

Section 5. Article 1.2 of the Planning Code is amended by revising Section 138.1, to read as follows:

SEC. 138.1. STREETSCAPE AND PEDESTRIAN IMPROVEMENTS.

* * * *

(c) **Required streetscape and pedestrian improvements**. Development projects

shall include streetscape and pedestrian improvements on all publicly accessible right-of-ways directly fronting the property as follows:

(1) **Street trees**. Project Sponsors shall plant and establish street trees as set forth in Article 16, Sections 805(a) and 806(d) of the Public Works Code; provided, however, that ~~*where*~~ a property owner ~~*is either (A) adding an Accessory Dwelling Unit pursuant to Section 207.1 or 207.2 of this Code or (B) legalizing a Dwelling Unit pursuant to Section 207.3 of this Code, the owner*~~ may elect to*:*

(A) pay the in-lieu fee*, as* authorized by Section *806(d)(4)(A)* ~~*807(f)*~~ of the Public Works Code*; or*,

(B) in circumstances where tree planting is impossible, impractical, and/or unsafe, provide alternative sidewalk landscaping, as authorized in Section 806(d)(4)(B) of the Public Works Code.

(2) **Other streetscape and pedestrian elements for large projects.**

(A) **Application**.

(i) In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan shall be required, if the following conditions are present:

a. The project is on a lot that is greater than one-half acre in total area; or includes more than 50,000 gross square feet of new construction; or contains 150 feet of total lot frontage on one or more publicly-accessible right-of-ways; or its frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible right-of-way; and

b. The project includes new construction of 10 or more Dwelling Units; or new construction of 10,000 gross square feet or greater of non-residential space; or an addition of 20% or more of Gross Floor Area to an existing building; or a Change of Use of

10,000 gross square feet or greater of a PDR use to a non-PDR use.

* * * *

Section 6. Article 1 of the Business and Tax Regulations Code is hereby amended by revising Section 8, to read as follows:

SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.

* * * *

(e) Appeals shall be taken by filing a notice of appeal with the Board of Appeals and paying to said Board at such time a filing fee as follows:

* * * *

(9) Additional Requirements.

* * * *

(C) Except as otherwise specified in this subsection (e)(9)(C), the Board of Appeals shall fix the time and place of hearing, which shall be not less than 10 nor more than 45 days after the filing of said appeal, and shall act thereon not later than 60 days after such filing or a reasonable time thereafter.

* * * *

(v) In the case of a decision of the Director of the Department of Public Works concerning street tree removal by a City agency, commission, or department pursuant to subsections (a) and/or (c) of Public Works Code Section 806, the Board of Appeals shall set the hearing not less than 15 days after the filing of said appeal, shall act thereon not more than 30 days after such filing, and shall not entertain a motion for rehearing.

* * * *

Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 8. Effective Date. This ordinance shall become effective on the 31st day after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Giulia Gualco-Nelson
GIULIA GUALCO-NELSON
Deputy City Attorney

4906-8702-0737, v. 1