

ITEM 5: SPECIAL ITEM

Review of proposed legislation (File No. 251211) which eliminates the right to appeal City-initiated hazard tree removals to the Board of Appeals. The legislation also: (1) requires that the Board act on appeals of city-initiated tree removals within 30 days of the filing of the appeal, and (2) removes the right to a rehearing.

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REVISED LEGISLATIVE DIGEST
(Amended in Committee – July 27, 2026)

[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 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.

Existing Law

Decisions on Street Tree Removals

Article 16 of the Public Works Code (Sections 800 et seq.) is the Urban Forestry Ordinance, which regulates the planting and removal of street trees by private parties, the Department of Public Works, and other City agencies and commissions. A Street Tree is “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 [of Public Works].” (Public Works Code Section 802.)

Section 806(a)(2) provides that the decision by the Department of Public Works (“Department”) to remove a Street Tree is first appealable to the Director of Public Works (“Director”). Section 806(a)(3) prescribes noticing requirements for the hearing on the appeal, which includes posting on the affected Tree and in a newspaper of general circulation, and notice 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 to the hearing. After the hearing, the Director of Public Works must issue a written decision, which can then be further appealed to the Board of Appeals.

Section 806(c) applies the same notice and procedure requirements of 806(a)(2) and (a)(3) to decisions by other City departments and agencies to remove a Street Tree.

Section 806(a)(3) and (a)(4) also govern the Department of Public Works' removal of Hazard Trees. A Hazard Tree is a "tree that poses an imminent hazard to person or property." (Public Works Code Section 802.) Prior to removing a Hazard Tree, the Department of Public Works must provide 15 days' written notice on the affected tree, to the owner of the property abutting the affected tree, all interested San Francisco organizations, and to the extent practical, owner and occupants of properties on the block where the affected tree is located. If an objection is filed within those 15 days, the Director of the Department of Public Works must hold a hearing and issue a written decision, which can then be further appealed to the Board of Appeals.

Article 1, Section 8 of the Business and Tax Regulations Code prescribes the method of appeal to the Board of Appeals, including timing requirements for the filing of an appeal.

Required Street Trees for Development Projects

Section 806(d) prescribes Street Tree planting requirements for development projects. Development projects include: the construction of a new building; the addition of a dwelling unit; the addition of a new curb-cut; the addition of a garage; and/or a net addition to an existing building of 500 gross square feet or more. New developments must provide 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.

The Director of Public Works may waive or modify this Street Tree planting requirement when (i) 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; or (ii) where an applicant successfully demonstrates that an overriding City policy renders the Planting of the required Street Tree(s) inappropriate. For each required Street Tree that the Director waives, the applicant shall either (i) pay an In-lieu fee; 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.

The In-lieu fee shall be equal to the City's cost to plant and water a tree for three years. (Planning Code Section 802.) The current In-lieu fee is \$2,590 and the fee is reviewed and adjusted each year to reflect changes in the relevant Consumer Price Index, as determined by the Controller in accordance with the procedures set forth in Public Works Code Section 2.1.2. The In-lieu fee is deposited into the Adopt-A-Tree Fund, which is established in Administrative Code Section 10.100-227.

Planning Code Section 138.1 prescribes streetscape and pedestrian improvements for new development projects. Planning Code Section 138.1 incorporates the Street Tree planting requirements of Article 16 of the Public Works Code. Planning Code Section 138.1 prescribes

additional requirements under the Better Streets Plan for large projects that meet certain size and/or unit thresholds. (See Planning Code Section 138.1(c)(2)(A).)

Amendments to Current Law

Decisions on Street Tree Removals

For Street Tree removals undertaken by the Department, this ordinance would amend the Public Works Code to:

- Replace the requirement that hearing notices be published in a newspaper of general circulation with a requirement that the hearing notice be posted to the Department's website;
- For removal of a Hazard Tree: provide that the Director's decision is final and nonappealable;
- For removal of Street Trees that are not Hazard Trees: prescribe timeframes for an appeal of the Director's decision to the Board of Appeals, specifically that the Board of Appeals shall (1) set the hearing not less than 15 days after the filing of the appeal, (2) take action on the appeal not more than 30 days after such filing, and (3) not accept a motion for rehearing.

For Street Tree removals initiated by other City agencies or commissions, this ordinance would:

- Replace the requirement that hearing notices be published in a newspaper of general circulation with a requirement that the hearing notice be posted to the Department's website; and
- Prescribe timeframes for an appeal of the Director's decision to the Board of Appeals, specifically that the Board of Appeals shall (1) set the hearing not less than 15 days after the filing of the appeal, (2) take action on the appeal not more than 30 days after such filing, and (3) not accept a motion for rehearing.

This ordinance would not change the notice or appeal procedures for Street Tree removals initiated by private parties.

Required Street Trees for Development Projects

This ordinance would also amend the Public Works Code and Planning Code to exempt Accessory Dwelling Units and Junior Accessory Dwelling Units, as defined in Planning Code Section 102, from Street Tree planting requirements.

This ordinance would also enable any development project to pay the In-lieu fee instead of planting the required Street Trees, except for large projects that meet the criteria for Better Streets Plan improvements in Planning Code Section 138.1(c)(2)(A). This ordinance would not change the existing In-lieu fee procedures for those large projects; in those situations, the Director must determine that tree planting is impossible, impractical, and/or unsafe before the applicant can pay the In-lieu fee.

In instances where the Director of Public Works 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, a development project could elect to provide alternative landscaping that complies with various conditions set forth in the ordinance, including a minimum area of 75 square feet of sidewalk landscaping for each required Street Tree that cannot be planted.

The ordinance also amends the Public Works Code and the Administrative Code to prescribe procedures for the collection and deposit of In-lieu fees into the Adopt-A-Tree Fund.

Background Information

This ordinance contains findings that document how San Francisco's urban forest creates a more walkable, livable, and sustainable city. 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. The findings detail how the ordinance balances the need to grow the City's tree canopy with the need to promote efficiency and certainty in the development process. Expanding the availability of the in lieu fee to all new developments and streamlining hearings on City agency removals of street trees successfully balances these needs.

This ordinance (version 2) was substituted on June 30, 2026 for version 1 of the ordinance, introduced on December 9, 2025.

On July 27, 2026 the Land Use and Transportation Committee of the Board of Supervisors amended the ordinance (version 3) to:

- Insert uncodified finding that 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; and
- Provide that the Department's decision on removal of a Hazard Tree may be appealed to the Director and that the Director's decision is final and nonappealable.

[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

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

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

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

15
16 Section 2. Background and Findings.

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

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

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

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

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

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

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

19 (f) This ordinance prescribes timeframes for the hearing and decision by the Board of
20 Appeals on street tree removals undertaken by a City agency, commission, or department.
21 However, in situations where a street tree poses a safety hazard, prompt decisionmaking is
22 necessary to ensure public safety. To that end, this ordinance retains the ability for a member
23 of the public to appeal the hazardous tree removal to the Director of Public Works but
24 eliminates a further appeal to the Board of Appeals. ~~the ability for a member of the public to~~
25 ~~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

1 Director's decision on the matter shall be final and nonappealable.

2 (2) **Removal of Street Trees.** The Department may not cut down or remove a
3 Street Tree, unless 30 days prior to the Removal date, the Department notifies all Interested
4 San Francisco organizations and, to the extent practical, all owners and occupants of
5 properties that are on or across from the block face where the affected Tree is located. In
6 addition, 30 days prior to the Removal date, the Department shall post a notice on the
7 affected Tree. This subsection (a)(2) shall not apply to Removal of Hazard Trees.

8 (3) **Appeal of Tree Removal.**

9 (A) If within 30 days after the giving of Notice for Street Tree Removal,
10 as specified in subsection (a)(2), ~~or if within 15 days after the giving of notice for Removal of a~~
11 ~~hazard Street Tree, as specified in Subsection (a)(4),~~ or if within 15 days after the giving of notice
12 for Removal of a Hazard Street Tree, as specified in subsection (a)(4), any Person files with
13 the Department written objections to the Removal, the Director shall hold a hearing to
14 consider public testimony concerning the proposed Tree Removal. Written Notice of the date,
15 time, and place of the hearing shall be posted on the affected Tree and the Department's
16 website, provided in a newspaper of general circulation, and sent to the objecting party, the owner
17 of the property abutting the affected Tree, and all Interested San Francisco organizations, not
18 less than seven days prior thereto.

19 (B) The Director shall issue a written decision and order on the
20 objections after the public hearing specified above.

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

23 (4) **Removal of Hazard Street Trees.**

24 (A) No Hazard Street Tree shall be cut down or removed by the
25 Department unless:

1 (i) The Department gives 15 days' prior written Notice to the
2 owner of the property abutting the affected Tree; and

3 (ii) Fifteen days prior to the Removal date, the Department
4 notifies all Interested San Francisco organizations and, to the extent practical, owners and
5 occupants of properties that are on or across the block face where the affected Tree is
6 located. In addition, 15 days prior to the Removal date, the Department shall post a notice on
7 the affected Tree.

8 (B) The Department's decision on Removal of a Hazard Street Tree shall be
9 final and nonappealable to the Director pursuant to subsection (a)(3). The Director's decision
10 on Removal of a Hazard Street Tree shall be final and nonappealable.

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

13 (5) **Emergency Removal.** In the case of manifest danger and immediate
14 necessity, as determined by the Director, the Department may remove any Street Tree
15 immediately. After such emergency Removal, the Department shall provide Notice of the
16 necessity for such action to the owner of the property abutting the affected Tree, all Interested
17 San Francisco organizations and, to the extent practical, all owners and occupants of
18 properties that are on or across from the block face where the affected Tree was removed.

19 * * * *

20 (c) **Planting and Removal by City Agencies, Commissions, or Other**
21 **Departments.** If a City agency, commission, or department other than the Department of
22 Public Works desires to plant or remove a Street Tree, such agency, commission, or
23 department shall be subject to the provisions of §subsection (b) of this Section 806; provided,
24 however, that for purposes of Street Tree Removal, the notice and procedures for Director's
25 hearings set forth in §subsections (a)(2) and (a)(3) shall apply.

1 (d) **Required Street Trees for Development Projects.** The Director shall require
2 Street Trees for the development projects as set forth in this §subsection (d).

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

- 6 (A) the construction of a new building;
- 7 (B) the addition of a dwelling unit;
- 8 (C) the addition of a new curb-cut;
- 9 (D) the addition of a garage; and/or
- 10 (E) a net addition to an existing building of 500 gross square feet or
11 more.

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

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

- 20 (A) be planted within the public right-of-way adjacent to the property
21 containing the development project;
- 22 (B) be of a species suitable for the site conditions;
- 23 (C) be a minimum of 24-inch box size;
- 24 (D) have a minimum 1 1/4-inch caliper, measured at 6-inches above
25 ground;

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

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

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

11 (A) **In-Lieu Fee.** ~~The Director, in his or her sole discretion, may waive or~~
12 ~~modify the requirements of this subsection when inadequate Sidewalk width or interference with~~
13 ~~driveways, sub-sidewalk basements, or other pre-existing surface, sub-surface, or above-grade features~~
14 ~~render installation of the required Street Tree(s) in the required fashion impossible, impractical, and/or~~
15 ~~unsafe. Except as provided in subsection (d)(4)(A)(i), fFor each required Street Tree that the~~
16 ~~Director waives, the applicant, at his or her choosing, shall either (i) may elect to pay an In-lieu fee.~~
17 ~~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~~
18 ~~shall be \$2,590 for Fiscal Year 2025-2026. This fee shall be reviewed and adjusted each year as~~
19 ~~provided in Public Works Code Section 2.1.2. pursuant to Section 802 or (ii) to fulfill all or a portion of~~
20 ~~the requirement, provide alternative landscaping, including but not limited to Sidewalk landscaping, in~~
21 ~~amount comparable to or greater than the number of Street Trees waived; or~~

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

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

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

13 (i) the water use requirements of Chapter 63 of the Administrative Code;
14 (ii) applicable provisions of Public Works Code Section 810B;
15 (iii) a minimum area of 75 square feet of sidewalk landscaping for each
16 required Street Tree that cannot be planted; and
17 (iv) applicable requirements in the Director's Order on Tree Planting
18 (Director's Order No. 187,246) and any successor order.

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

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

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

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

7
8 **SEC. 807. DEPARTMENT OF PUBLIC WORKS URBAN FORESTRY PROGRAM;**
9 **POWERS AND DUTIES.**

10 * * * *

11 **(d) Authority over Site Development Plans.**

12 (1) The Department shall have the authority to review and comment on site
13 development plan applications received by the City's Central Permit Bureau that pertain to the
14 planting, alteration, or removal of street trees. The Department shall also have the authority to
15 review and comment on site development plan applications that pertain to the alteration or
16 removal of landmark trees designated pursuant to Section 810(a) of this Article 16 and
17 significant trees pursuant to Section 810A of this Article. Protection of such trees during
18 construction shall be required in accordance with Section 808(c) of this Article. Removal of
19 such trees shall be subject to the applicable rules and procedures for removal set forth in
20 Sections 806, 810, or 810A of this Article.

21 (2) The Department shall transmit annually the amount of the In-lieu fee in Section
22 806(d)(4) to the Planning Department for inclusion on the Development Impact Fee Register. If the
23 Director modifies or waives the requirements of Section 806(d) in accordance with subsection
24 806(d)(4), the Department shall impose an in-lieu fee on the property owner so excused.

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

1 806(d)(4)(B), the Department shall determine whether the proposed alternative landscaping complies
2 with the required standards.

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

6 (f) ~~**In-Lieu Tree Planting Program.**~~ The Department shall develop and implement an
7 ~~**In-Lieu Tree**~~ Planting Program to offset the loss of street trees, significant trees, and landmark
8 trees due to removal, destruction, or death. The Tree Planting Program shall be funded through:
9 (1) fees or penalties assessed pursuant to Section 811 as mitigation for violation of the requirements in
10 this Article 16; (2) In-lieu fees paid pursuant to Section 806; and (3) funds from the Tree Adoption
11 Program described in subsection (g). The ~~**In-Lieu Tree**~~ Planting Program also shall compensate for
12 ~~the loss of Street Trees~~ required to be planted by Section 806(d) for which the applicant has
13 elected to pay an In-lieu fee. The Department shall use funds from In-lieu fees to plant and water trees
14 for three years. , unless the Director has modified or waived such requirements under subsection
15 806(d)(4). The Department shall impose an in-lieu fee in accordance with a fee schedule adopted by the
16 Director where a street tree is destroyed, removed, or is excused from planting where otherwise
17 required by Section 806(d). The Department also shall assess an in-lieu fee or such other penalty as set
18 forth in Section 811 as mitigation for violation of the requirements of this Article 16. The Department
19 shall follow the requirements set forth herein for payment of an in-lieu fee unless it makes written
20 findings detailing the basis for waiving said requirements. As set forth in Section 811, in-lieu fees shall
21 be deposited in the Public Works Adopt-A-Tree Fund.

22 (g) **Tree Adoption Program.** The Department shall develop and implement a tree
23 adoption program to allow persons to donate money for the purpose of tree planting and
24 maintenance. Money donated to the City and County for the purpose of tree planting and
25 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

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

3 (1) **Street trees.** Project Sponsors shall plant and establish street trees as set
4 forth in Article 16, Sections 805(a) and 806(d) of the Public Works Code; provided, however,
5 that ~~where a property owner is either (A) adding an Accessory Dwelling Unit pursuant to Section~~
6 ~~207.1 or 207.2 of this Code or (B) legalizing a Dwelling Unit pursuant to Section 207.3 of this Code,~~
7 ~~the owner~~ may elect to:

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

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

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

14 (A) **Application.**

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

18 a. The project is on a lot that is greater than one-half acre
19 in total area; or includes more than 50,000 gross square feet of new construction; or contains
20 150 feet of total lot frontage on one or more publicly-accessible right-of-ways; or its frontage
21 encompasses the entire block face between the nearest two intersections with any other
22 publicly-accessible right-of-way; and

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

1 10,000 gross square feet or greater of a PDR use to a non-PDR use.

2 * * * *

3
4 Section 6. Article 1 of the Business and Tax Regulations Code is hereby amended by
5 revising Section 8, to read as follows:

6
7 **SEC. 8. METHOD OF APPEAL TO THE BOARD OF APPEALS.**

8 * * * *

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

11 * * * *

12 (9) Additional Requirements.

13 * * * *

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

18 * * * *

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

24 * * * *

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

7
8 Section 8. Effective Date. This ordinance shall become effective on the 31st day after
9 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
10 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
11 of Supervisors overrides the Mayor’s veto of the ordinance.

12
13
14 APPROVED AS TO FORM:
15 DAVID CHIU, City Attorney

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

19 4906-8702-0737, v. 1
20
21
22
23
24
25

Minutes adopted by the Board of Appeals for the hearing on
January 14, 2026

Note: The Board reviewed the proposed legislation (File No. 251211) at its hearing on January 14, 2026 (see Item 8 of the Board minutes).

BOARD OF APPEALS

CITY & COUNTY OF SAN FRANCISCO

MEETING MINUTES – WEDNESDAY, JANUARY 14, 2026

REGULAR MEETING (IN-PERSON AND REMOTE ACCESS VIA ZOOM)

5:00 P.M., CITY HALL, ROOM 416, ONE DR. CARLTON B. GOODLETT PLACE

PRESENT: President John Trasviña, Commissioner Rebecca Saroyan and Commissioner Robin Abad Ocubillo.

Jesse Mainardi, Deputy City Attorney, Office of the City Attorney (CAT); Corey Teague, Zoning Administrator, Planning Department (PD); Joseph Ospital, Senior Building Inspector, Department of Building Inspection (DBI); Julie Lamarre, Executive Director; Alec Longaway, Legal Assistant.

ABSENT: Vice President Jose Lopez.

(1) PUBLIC COMMENT

At this time, members of the public may address the Board on items of interest to the public that are within the subject matter jurisdiction of the Board except agenda items. With respect to agenda items, your opportunity to address the Board will be afforded when the item is reached in the meeting with one exception. When the agenda item has already been reviewed in a public hearing at which members of the public were allowed to testify and the Board has closed the public hearing, your opportunity to address the Board must be exercised during the Public Comment portion of the calendar. Each member of the public may address the Board for up to three minutes. At the discretion of the Board President, public comment and remote public participation may be limited to two minutes per person. If it is demonstrated that public comment and remote public participation will cumulatively exceed 15 minutes, the President may continue Public Comment and/or remote public participation to another time during the meeting.

SPEAKERS: NONE.

(2) COMMISSIONER COMMENTS & QUESTIONS

SPEAKERS: President Trasviña welcomed Commissioner Abad to the Board and recognized his tremendous experience in the field as a planner and his extensive background in public service. President Trasviña stated that he was thrilled Commissioner Abad had joined the Board.

Commissioner Abad thanked President Trasviña, Commissioner Saroyan, and members of the public. He stated that it was an honor to be on the Board to serve the City that he loved with all his heart. He acknowledged his background in planning, but noted that he also had a background in community organizing. He stated that he hoped to bring his experience to bear on the Board to serve the public.

Commissioner Saroyan welcomed Commissioner Abad to the Board and stated that she was delighted to have a neighbor.

PUBLIC COMMENT: Kasey Rios stated that she was grateful Commissioner Abad joined the Board of Appeals, and she looked forward to working with him.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 14, 2026 - PAGE 2

(3) ADOPTION OF MINUTES

Discussion and possible adoption of December 17, 2025 minutes.

ACTION: Upon motion by President Trasviña, the Board voted 3-0-1 (Vice President Lopez absent) to adopt the December 17, 2025 minutes.

PUBLIC COMMENT: None.

(4) APPEAL NO. 25-048

JOHN GILLIGAN and AUDREY NEUMAN, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	3929 17th Street. Appealing the ISSUANCE on November 10, 2025, to John Gilligan, of a Variance (The proposal is to construct a rear exterior stair connecting the existing second floor roof deck to the rear yard. Planning Code Section 134 requires the subject lot to maintain a rear yard equal to 30% of the total lot depth. The rear portion of the existing building extends 6 feet 4 inches into the required rear yard and the proposed rear exterior stair would be located entirely within the required rear yard. Therefore, a variance is required. The Zoning Administrator denied the rear yard variance.). CASE NO. 2025-000304VAR. FOR FURTHER CONSIDERATION Note: On December 17, 2025, upon motion by President Trasviña, the Board voted 4-0 to continue this Item to January 14, 2026 so that the appellant, Planning Department and Executive Director can draft findings which support the issuance of a rear yard variance. The Board further indicated that it would like these findings to be drafted in a manner that would curb the potential for creating a negative precedent, and to this end, they directed that the findings be limited in scope and framed on the basis that the safety benefits are the primary motivator.
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ACTION: Upon a motion by Commissioner Saroyan, the Board voted 3-0-1 (Vice President Lopez absent) to grant the appeal and overturn the Zoning Administrator's denial of the variance and grant the variance on the condition that the draft findings that were submitted at the hearing by the parties are adopted. This motion was made on the basis that these findings support the granting of the variance under Planning Code Section 305(c).

SPEAKERS: President Trasviña asked the parties if they agreed to the draft findings. The Planning Department, DBI and the appellant nodded in agreement.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 14, 2026 - PAGE 3

PUBLIC COMMENT: None.

(5) APPEAL NO. 25-051

LEE HEIDHUES, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent PLANNING DEPT. APPROVAL	562 40th Avenue. Appealing the ISSUANCE on November 18, 2025, to Ciara Piron, of an Alteration Permit (40 foot fence: add four feet to existing fence, not to exceed 10 feet in height). PERMIT NO. 2025/11/18/9904. FOR HEARING TODAY.
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ACTION: Upon motion by President Trasviña, the Board voted 3-0-1 (Vice President Lopez absent) to deny the appeal and uphold the permit on the basis that it is Code compliant.

SPEAKERS: Lee Heidhues, appellant; Ciara Piron, permit holder; Corey Teague, PD; Joseph Ospital, DBI.

PUBLIC COMMENT: None.

(6) APPEAL NO. 25-046

LING LA, Appellant(s) vs. ZONING ADMINISTRATOR, Respondent	807 44th Avenue. Appealing the ISSUANCE on October 28, 2025, to Ling La, of a Letter of Determination (The request seeks confirmation whether the Unauthorized Dwelling Unit (UDU) at the subject property qualifies for a Conditional Use Authorization (CUA) exemption pursuant to Planning Code Section 317(c)(10). Specifically, the question raised is whether the UDU was “rented for consideration” if it was previously occupied by a caregiver. The Zoning Administrator determined that the UDU was rented for consideration within the last ten years and does not qualify for a CUA exemption pursuant to Planning Code Section 317(c)(10)). RECORD NO. 2025-006107ZAD. FOR HEARING TODAY. Note: On November 20, 2025 this matter was rescheduled from December 10, 2025, to January 14, 2026, at the initiation of the Board Office and with the agreement of the parties, given the Board's busy calendar on December 10, 2025.
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ACTION: Upon motion by Commission Saroyan, the Board voted 3-0-1 (Vice President Lopez absent) to deny the appeal and uphold the Letter of Determination on the basis that the Zoning Administrator did not err or abuse his discretion and the Letter of Determination was properly issued.

SPEAKERS: Ling La, appellant; Corey Teague, PD.

REGULAR MEETING, BOARD OF APPEALS, JANUARY 14, 2026 - PAGE 4

PUBLIC COMMENT: None.

ITEMS (7A) AND (7B) SHALL BE HEARD TOGETHER

(7A) APPEAL NO. 25-049

SOUMYA SASTRY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1077 Fell Street. Appealing the ISSUANCE on November 14, 2025, to Steven Huang, of an Alteration Permit (recommencement and completion of work approved under: (1) PA# 202304266513 (work on lower unit-kitchen & bath remodel in kind; replace ceiling cans in kind (maintain one-hour rated ceiling); upgrade one subpanel-plumbing as needed; no changes to floor layout; no changes to wall layout; no structural work), and (2) PA #202306099711 (revision to 202304266513 layout change to existing bathroom & kitchen; replace two windows (like for like and not visible from street); lighting upgrade in Kitchen and dining room) PERMIT NO. 2025/11/14/9676. FOR HEARING TODAY.
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(7B) APPEAL NO. 25-050

SOUMYA SASTRY, Appellant(s) vs. DEPT. OF BUILDING INSPECTION, Respondent	1077 Fell Street. Appealing the ISSUANCE on November 14, 2025, to Steven Huang, of an Alteration Permit (recommencement and completion of work approved under: (1) PA# 202309267475 (revision to 202306099711; upgrade structural under dining room & bathroom; replace floor joists, new footing), and (2) PA #202405172393 (revision to 202304266513; existing bathroom layout changed; existing kitchen layout changed; addition-lighting upgrade whole unit; replace two windows like to like, not visible from street; refer to PA# 202306099711 & 202309267475 PERMIT NO. 2025/11/14/9677. FOR HEARING TODAY.
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ACTION: Upon motion by Commissioner Saroyan the Board voted 3-0-1 (Vice President Lopez absent) to continue these appeals to February 11, 2026, so that the Department of Building Inspection can provide a factual chart of the permits and the underlying facts and circumstances as specified by Commissioner Abad:

A list for each permit which includes the following information:

- the date the permit application was submitted
- the date the permit was issued
- anticipated date of permit expiration
- the date that the permit was extended and/or recommenced

REGULAR MEETING, BOARD OF APPEALS, JANUARY 14, 2026 - PAGE 5

- an explanation of the timeline impacts for any recommencements or extensions

SPEAKERS: Joseph Ospital, DBI; Soumya Sastry, appellant; Steven Huang, permit holder; Kathleen Gevertz, agent for permit holder.

PUBLIC COMMENT: None.

(8) SPECIAL ITEM

Discussion and Possible Action: The Board will review proposed legislation (File No. 251211) which would eliminate appeals to the Board of Appeals for tree removals undertaken by City departments and commissions. The Board may take a position on the legislation and/or authorize a letter to be sent on its behalf to the Board of Supervisors, the Mayor or applicable departments, setting forth the Board's recommendations and positions on the proposed legislation.

SPEAKERS: President Trasviña stated that the Board did not learn of the proposed legislation from the agencies involved, the Mayor's Office, or the Board of Supervisors, rather, the Board became aware of the legislation by a member of the public who provided public comment at an earlier hearing. He noted that an appeal had previously come before the Board which involved the removal of trees at United Nations Plaza by the Recreation & Parks Department (REC) prior to the expiration of the appeal period. He stated that REC removed the trees with an intentional disregard for the appeal period because the donor of a skate park at the location wanted to have a ceremony on a particular day. President Trasviña noted that in response to that appeal, the Board voted to write the Board of Supervisors, Mayor and involved agencies to suggest that there was a glaring gap in oversight and accountability for REC's disregard of the appeals process and that if the supervisors felt the same way, there was a need to address the situation either by policy or ordinance. In that letter the Board offered to work with the Board of Supervisors, City Attorney or any relevant agencies to address this problem. President Trasviña further talked about the long history and role of the Board of Appeals.

Commissioner Saroyan stated that she believed everyone had a right to due process and, given the low volume of appeals for tree removal by City agencies, she was inclined to oppose the legislation since it takes away appeal rights. Commissioner Saroyan read the poem "Trees" by Joyce Kilmer.

Commissioner Abad noted that the proposed legislation was largely aimed at increasing the tree canopy in the urban forest by making it easier to get a permit to plant street trees so that residents could see greener streets. He indicated that he was a proponent of that aspect of the legislation. He noted that there had been only three appeals of permits issued to city agencies in the last three years and stated that arborists would only make a recommendation to remove a street tree if there was a hazard. He stated that he was very eager to hear from the public on this matter.

[At the conclusion of Public Comment: President Trasviña thanked the public for their comments and stated that it was his recommendation to take this matter under advisement and to continue to have discussions with the agencies and supervisors to learn why they think it is a problem for people to have access to a process prior to a tree being removed. Commissioner Saroyan thanked the public for their comments and recommended that the matter be taken under advisement. Commissioner Abad agreed that the matter should be taken under advisement so that the Board

REGULAR MEETING, BOARD OF APPEALS, JANUARY 14, 2026 - PAGE 6

could formulate an opinion and a recommendation that could be communicated on behalf of the Board. He stated that he was very compelled by the public comment and looked forward to more discussion and deliberation about the Board's position.]

PUBLIC COMMENT: Nikhil Gowda stated that he was strongly opposed to the provision in the legislation that eliminated the right to appeal city-initiated tree removals as the appeals process is a safeguard that allows residents to participate in decisions. He also expressed concern about the reliance of an in-lieu fee as a substitute for planting trees.

Daniel stated that he is a long-time resident who recently got trees approved in his neighborhood, SoMa West. He expressed concern that removing the appeal right would be counterproductive to goal of preventing trees from being removed.

Jasmine Gardiner stated that trees are a vital public asset and the right to appeal was crucial for residents, especially in underserved areas. She noted that the environmental equity that San Francisco is striving for depends on oversight, and that appeals allowed for oversight.

Lance Carnes stated that the purpose of legislation was to silence the public and create less work. He stated that a lot of good had come from the public right of appeal and noted that because of the appeal process, the trees in front of Washington Square Park were saved. He also noted that trees were saved from being removed at 69 Green Street.

Joshua Klipp, member of the Urban Forestry Council, noted that the right to appeal city-initiated permits had been around for twenty years. He stated that last year there was only one appeal of a city-initiated permit and noted the Board correctly criticized the Rec. & Parks Dept. for intentionally breaking the law. He stated that the tree canopy is shrinking and the City needed a cohesive strategy for planting and protecting trees. Mr. Klipp was opposed to the proposed legislation taking away the right to appeal.

Roz Arbel stated that San Francisco has the worst urban canopy of any major U.S. city. She stated that she has spent many years in tree appeal removal hearings and it had been heartbreaking that not every appeal had been followed through. She further stated that the public's right of appeal should be preserved.

Kasey Rios stated that more trees needed to be planted and preserved. She noted that the community had won a tree appeal to preserve the trees around the library, but they were cut down anyway. She stated that the hearing process is very valuable and not every city has it. She urged the commissioners to preserve the process so that the tree canopy could be increased.

Michael Nulty noted the high volume of written comments in opposition to the legislation that was submitted to the Board. He stated that he believed the Board of Appeals should take the position that the appeal rights should be maintained and that the Board should send a letter to the Board of Supervisors, the Mayor and other city departments. He stated that the developers were going to turn the City into a cement jungle.

David Osgood urged the Board to oppose the ordinance. He stated that an appeals process is necessary as the trees in the City are being decimated.

Bunny stated that she read the proposed ordinance and did not think it was the right solution. She stated that she thought it seemed to be addressing a pain point for developers rather than the city by removing the right so the public.

Shaun Aukland spoke on behalf of fairtrees.org, a group of San Francisco residents concerned about the tree canopy. He noted that over 800 San Francisco residents signed a petition organized by Josh Klipp opposing the removal of the appeal rights. He referenced the U.N. Plaza case and stated that city departments are very willing to bypass the law entirely to meet artificial deadlines for special interests.

John Nulty spoke in opposition to the proposed legislation. He stated that he was concerned that the Board of Appeals' surcharge, which funds the department, would be eliminated. He also expressed concern about the in-lieu fee going into the same pot that is used to water the trees. He stated that DPW does not even have enough money to water trees.

ADJOURNMENT.

There being no further business, President Trasviña adjourned the meeting at 8:51pm.

The supporting documents for this meeting can be found at the following link:

<https://www.sf.gov/meeting-20260114-board-of-appeals-hearing-january-14-2026>

Note: A speaker's comments on these minutes do not necessarily represent all the comments made by the speaker. A video of this meeting can be found at the following link:

https://sanfrancisco.granicus.com/player/clip/51569?view_id=6&redirect=true

ARTICLE 16:

URBAN FORESTRY ORDINANCE

Sec. 800.	Title.
Sec. 801.	Purpose.
Sec. 802.	Definitions.
Sec. 802.1.	Additional definitions.
Sec. 804.	Jurisdiction.
Sec. 805.	Responsibility for Maintenance of Street Trees; Liability for Failure to Maintain Street Trees.
Sec. 805.1.	Major Maintenance of Street Trees Adjacent to General Advertising Signs.
Sec. 806.	Planting and Removal of Street Trees.
Sec. 807.	Department of Public Works Urban Forestry Program; Powers and Duties.
Sec. 808.	Protection of Trees and Landscape Material.
Sec. 809.	Hazard Trees; Abatement.
Sec. 810.	Landmark Trees.
Sec. 810A.	Significant Trees.
Sec. 810B.	Sidewalk Landscape Permits.
Sec. 811.	Penalties for Violation of Ordinance.
Sec. 812.	Enforcement of Ordinance; Designated Employees.
Sec. 813.	Urban Forest Management Plan.
Sec. 814.	Severability.

SEC. 800. TITLE.

This ordinance shall be known as the San Francisco Urban Forestry Ordinance.

■ (Added by Ord. 165-95, App. 5/19/95)

SEC. 801. PURPOSE.

The San Francisco Urban Forestry Ordinance is enacted to further the following public purposes:

- (a) To realize the optimum public benefits of trees on the City's streets and public places, including favorable modification of microclimates, abatement of air and noise pollution, reduction of soil erosion and runoff, enhancement of the visual environment, and promotion of community pride;
- (b) To integrate street planting and maintenance with other urban elements and amenities, including but not limited to utilities, vehicular and pedestrian traffic, and enhancement of views and solar access;
- (c) To promote efficient, cost effective management of the City's urban forest by coordinating public and private efforts within a comprehensive and professional management system;
- (d) To reduce the public hazard, nuisance, and expense occasioned by improper tree selection, planting, and maintenance;
- (e) To provide for the creation of an equitable, sustained, and reliable means of funding urban-forest management throughout the City;
- (f) To create and maintain a unified urban-forest resource, enhancing the City's overall character and sense of place.
- (g) To recognize that trees are an essential part of the City's aesthetic environment and that the removal of important trees should be addressed through appropriate public participation and dialogue, including the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).
- (h) To recognize that green spaces are vital to San Francisco's quality of life as they provide a range of environmental benefits and bring beauty to our neighborhoods and commercial districts.

(i) To ensure that landscaping in sidewalk areas is properly constructed and maintained in order to maximize environmental benefits, protect public safety, and limit conflicts with infrastructure.

■ (Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. 121-06, File No. 060142, App. 6/14/2006)

SEC. 802. DEFINITIONS.

Unless the context specifically indicates otherwise,

"Administrative cost" shall mean 20 percent of the Department's actual replacement cost, or a minimum of \$100, whichever is greater.

"City" shall mean the City and County of San Francisco.

"Community Boards" of San Francisco shall mean the neighborhood mediation/dispute settlement service established under the auspices of The Community Board Program, Inc.

"Department" shall mean the Department of Public Works of the City.

"Director" shall mean the Director of Public Works or the Director's designee, which shall include the Urban Forester or other departmental staff.

"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 as defined in this Section 802. The Director's determination shall be in writing.

"Injure" or "injury" shall mean any act which harms or damages a tree, including but not limited to excessive pruning, 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 16; 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.

"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 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.

"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).

"Landmark Tree" shall mean a tree so designated pursuant to Section 810 of this Article 16.

"Landscape Material" shall mean any tree, shrub, groundcover or other plant.

"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. "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, or any equivalent standard or standards selected by the Director.

"Median Strip" shall mean the dividing area in the public way between opposing lanes of vehicular traffic.

"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.

"Person" shall mean any individual, firm, partnership, association, corporation, company, or organization of any kind.

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

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

"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.

"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.

"Significant Tree" shall mean a tree so defined in Section 810A of this Article.

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

"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. "Street Tree" does not include any other forms of landscaping.

"Tree" shall mean any perennial, woody or fibrous plant species of cultivar, which reaches a height exceeding 10 feet at maturity, and which supports a branched or un-branched leaf canopy.

"Urban Forest" shall mean all trees on public streets and right-of-ways 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 16.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 294-98, File No. 98-0991, Eff. 11/2/98; Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. 193-06, File No. 060778, App. 7/21/2006; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018; Ord. [99-26](#), File No. 260217, App. 5/29/2026, Eff. 6/29/2026)

SEC. 802.1. ADDITIONAL DEFINITIONS.

Unless the context specifically indicates otherwise.

(a) "Climate appropriate" means plants, shrubs, ground covers, or tree species 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, the Recreation and Park Department, or the General Manager of the Public Utilities Commission has determined that the species, when watered for sufficient plant health and appearance, is low water use based on the agency's experience with the species, and the agency has added the species to the Low Water Use and Climate Appropriate Plant List maintained by the General Manager of the Public Utilities Commission;

(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 the Recreation and Park Department; or

(7) The species has been permitted at the site by the Department of Public Works or the General Manager of the Public Utilities Commission 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.

(Added by Ord. 84-10, File No. 091453, App. 4/22/2010)

SEC. 803. [RESERVED.]

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018; repealed by Ord. [99-26](#), File No. 260217, App. 5/29/2026, Eff. 6/29/2026)

SEC. 804. JURISDICTION.

(a) Department's Jurisdiction. The Department shall have jurisdiction over the planning, planting, maintenance, and removal of trees in any street or other public right-of-way as defined in Section 244 of this Code; over any landscape material in any street median, center strip, or other landscaped portion of a public right-of-way; over trees and other landscape material in other public spaces under the jurisdiction of the Department; over hazard trees on private property as specified in Section 809 and 810A of this Article; over landmark

trees as specified in Section 810; and over significant trees as specified in Section 810A.

■ (Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006)

SEC. 805. RESPONSIBILITY FOR MAINTENANCE OF STREET TREES; LIABILITY FOR FAILURE TO MAINTAIN STREET TREES.

(a) **Maintenance.** Except as specified in subsection (a)(1), the City shall as of July 1, 2017, have the duty to Maintain Street Trees, including Street Trees planted before July 1, 2017. Property owners shall be responsible for the care and Maintenance of the Sidewalk and Sidewalk areas adjacent to any Street Tree, other than the responsibility for Sidewalk repairs related to the Tree's growth or root system, which shall be the responsibility of the City. The Department shall develop and make available to interested persons, upon request or through its website, public pruning standards to ensure that Street Trees receive proper care.

(1) Exceptions.

(A) If a private property owner plants a Street Tree, the City shall not be responsible for the Street Tree's Maintenance until the Street Tree's establishment. The establishment period for newly planted Street Trees shall be three years from the date of Planting. If the Street Tree is not established three years from the date of Planting, the Director may treat this as an Injury to the Tree, as defined in Section 802, and may seek penalties for violation, as set forth in Section 811.

(B) The City may enter into voluntary agreements with third parties for them to assume responsibility for Street Tree Maintenance and may continue to abide by any such agreements in existence as of the effective date of the ordinance in Board File No. 170985 amending this Section 805. The requirements for such voluntary agreements are set forth in subsection (c) below.

(b) **Liability.** The respective liability of property owners and the City due to injuries or property damage caused by the failure to Maintain Street Trees is as follows:

(1) **Injuries or Property Damage that Occurred before July 1, 2017.** Any person who suffers injury or property damage before July 1, 2017, as a legal result of the failure of a property owner to Maintain a Street Tree shall have a cause of action for such injury or property damage against such property owner. For such injuries and property damage occurring before July 1, 2017, the City shall have a cause of action for indemnity against such property owner for any damages the City may be required to pay as satisfaction of any judgment or settlement of any claim that results from injury to persons or property as a legal result of the failure of the property owner to Maintain a Street Tree.

(2) **Injuries or Property Damage that Occurred after July 1, 2017.** Any person who suffers injury or property damage as the result of the failure to Maintain a Street Tree after July 1, 2017 may have a cause of action for such injury or property damage against the City.

(3) **Exceptions.** The City shall not be liable for any injuries or property damage resulting from the failure to Maintain a Street Tree after July 1, 2017, in the following circumstances:

(A) If a private property owner plants a Street Tree, the City shall not be liable for such injuries and property damage until the Street Tree's establishment. The establishment period for newly planted Street Trees shall be three years from the date of Planting. Until the establishment of a Street Tree, the adjacent property owner shall be liable.

(B) The City shall not be liable for such injuries and property damage if the City has entered into voluntary agreements with third parties for them to assume responsibility for Street Tree Maintenance. Third parties who have assumed responsibility for Street Tree Maintenance shall be liable for any injuries or property damage resulting from their failure to Maintain Street Trees.

(C) The City shall not be liable for such injuries and property damage, if the injuries or property were proximately caused by the adjacent property owner's failure to Maintain Street Trees prior to July 1, 2017, before the City assumed its responsibility to Maintain.

(D) The City shall not be liable for such injuries and property damage if the adjacent property owner fails to provide the City with adequate access to the property owner's lot for the purpose of Maintenance; in such instances, the adjacent property owner may be liable for any injury or property damage resulting from the failure to Maintain a Street Tree.

(c) Voluntary Agreements for Street Tree Maintenance.

(1) **General obligations.** If any private party enters into a voluntary agreement with the Department for Street Tree Maintenance, the agreement shall address, at a minimum, the following: 24-hour contact information for the Department and the private party, procedures for enforcing the agreement and/or remedying its breach, and security to reimburse the Department for any enforcement costs it incurs or any maintenance costs it incurs due to the private party's failure to Maintain Street Trees.

(2) Development of Standard Voluntary agreements.

(A) **Voluntary agreements by individual property owners.** If an individual property owner wishes to assume responsibility for Street Tree Maintenance, the property owner must contact the Department and enter into an agreement that the Department develops regarding the property owner's Maintenance responsibilities for the Street Tree adjacent to the property owner's lot. The Department shall develop a standard voluntary agreement for individual property owners and make it available on its website.

(B) **Voluntary agreements by homeowner's associations, community benefit districts, and other legal entities representing**

multiple property owners. If a homeowner's association, community benefit district, or other legal entity representing multiple property owners wishes to assume responsibility for Street Tree Maintenance, the entity must contact the Department and enter into an agreement that the Department develops for such Maintenance. The Department shall develop a standard voluntary agreement for homeowner's associations, community benefit districts, and other legal entities representing multiple property owners and make it available on its website.

(d) **Department Inventory.** The Department shall use its best efforts to maintain an inventory of the location of all Street Trees that it must Maintain. Such information shall be made available to the public upon request.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018)

SEC. 805.1. MAJOR MAINTENANCE OF STREET TREES ADJACENT TO GENERAL ADVERTISING SIGNS.

(a) If a property owner has entered into a voluntary agreement with the Department to assume responsibility for the Maintenance of Street Trees, and a Street Tree subject to that agreement is within 150 feet of any portion of a general advertising sign (as defined in Planning Code Section 602.7), the Department shall require a permit for the property owner to perform Major Maintenance on such Street Tree.

(b) Any permit for Major Maintenance of Street Trees specified in subsection (a) shall include a condition that the Maintenance work be conducted under the direct supervision of a certified arborist in accordance with this Article 16 and other standards that the Department adopts.

(c) The fee for a permit for Major Maintenance of a Street Tree(s) specified in subsection (a) shall be \$300. This fee is subject to the fee adjustment provisions of Section 2.1.2 and additional fee provisions of Section 2.1.3.

(Added by Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018)

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.

(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 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) **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.

(6) **Replacement of Street Trees.** If the Department removes a Street Tree under this subsection (a), the Department shall replace the Street Tree at the same location within 120 days of its removal, with the following exceptions and qualifications.

(A) If the Department removes a Street Tree and cannot replace it in the same location due to accessibility requirements or interference with underground utilities, the Department shall plant a new Street Tree in a new location as close as reasonably possible to the location of the Street Tree that the Department removed.

(B) The Department shall not be required to replace a Street Tree, if a private party has agreed to plant, within the 120 days of removal, and Maintain a new Street Tree at the same location, under Section 805(c).

(C) If the Department is unable to replace a Street Tree within 120 days of removal, the Department shall record, in a Delayed Replacement Tree Report, the Tree's location, the reason for delay, and the date the Department projects replacement will take place. The Department shall promptly plant Trees listed in the Delayed Replacement Tree Report as resources are available or constraints are resolved and shall compile and track the average length of time that Trees remain on the Delayed Replacement Tree Report.

(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, the Department shall issue a permit to plant the specified climate appropriate species of Tree(s) 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 a Street Tree or Trees of equivalent replacement value to the one removed 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 or modifying this requirement.

(i) Where an abutting property owner removed a Street Tree or Trees without obtaining a permit, the Department shall require that the property owner plant a replacement Street Tree or Trees with total diameter six-inches above ground that is equal to or greater than the total diameter of the Street Tree or Trees that were removed without a permit.

(ii) The fee for a permit to remove one to three Street Trees shall be \$607 when the permit is requested to allow for development or construction; the fee for a permit to remove one to three Street Trees shall be \$300 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 four to nine Street Trees shall be \$808; and the fee to remove 10 or more Street Trees shall be \$1,214.

(iii) **Additional Fees.** The Director, in the Director's discretion, may require an applicant or permittee to pay additional fees as set forth in Section 2.1.3.

(iv) **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 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 a 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.

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

(1) **Applicability.** This Subsection shall apply to development projects that involve any of the following:

- (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 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) **Waivers and Modifications.** The Director may waive or modify the number of and/or standards for Street Trees required pursuant to this Subsection only as described below:

(A) 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. For each required Street Tree that the Director waives, the applicant, at his or her choosing, shall either (i) pay an In-lieu fee 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

(B) 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. For each required Street Tree that the Director waives, the Director, in his or her sole discretion, shall require that the applicant either (i) pay an In-lieu fee pursuant to Section 802 or (ii) fulfill all or a portion of the requirement by providing alternative landscaping, including but not limited to Sidewalk landscaping, in amount comparable to or greater than the number of Street Trees waived.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 294-98, File No. 98-0991, Eff. 11/2/98; Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. 193-06, File No. 060778, App. 7/21/2006; Ord. 166-09, File No. 090722, App. 7/21/2009; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018; Ord. [1-22](#), File No. 210836, App. 1/13/2022, Eff. 2/13/2022)

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

(a) **Departmental Planting Program.** The Department shall continue its program of appropriate 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 planting programs. Support may include, but need not be limited to, provision of trees and materials, sidewalk cutting and removal, planting labor, technical advice, and organizational assistance. 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 16.

(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) 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.

(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 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 also shall compensate for the loss of trees required to be planted by Section 806(d), 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.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018)

SEC. 808. PROTECTION OF TREES AND LANDSCAPE MATERIAL.

(a) **Injury to or Destruction of Trees Prohibited.** It shall be unlawful for any person to intentionally, maliciously, or through gross negligence Injure or destroy a Street Tree, any Tree on City property, a Significant Tree, or a Landmark Tree. Removal of a Tree under City order or Removal in accordance with a permit issued pursuant to Section 806, 810, or 810A of this Article 16 is exempt from this prohibition.

(b) **Injury to or Destruction of Landscape Materials Prohibited.** It shall be unlawful for any person to intentionally, maliciously or through gross negligence Injure or destroy any Landscape Material in any Street median, center strip, or other landscaped portion of a public right-of-way under the City's jurisdiction, except as authorized by the Department.

(c) **Construction Work: Protection of Trees Required.**

(1) It shall be unlawful for any person to engage in any construction work on private or public property without first taking steps to protect Street Trees, Significant Trees, and Landmark Trees from damage, including damage caused by soil compaction or contamination, excavation, or placement of concrete or other pavement or foundation material. If excavation, construction, or Street work is planned within the dripline of a Significant Tree, a Landmark Tree, or a Tree on any Street or other publicly owned property said Tree(s) shall be adequately protected. If any construction work results in the Injury or damage to such Trees, the responsible party(ies) may be subject to the penalties set forth in Section 811 of this Article.

(2) Prior to Department of Building Inspection issuance of a building permit or site permit, the applicant for a project that may damage one or more Street Trees, Significant Trees, and/or Landmark Trees shall submit a Tree protection plan to the Director for review and approval.

(3) Prior to issuance of a Public Works permit for excavation, construction, or Street work that will occur within the dripline of a Significant Tree, a Landmark Tree, or a Tree on any Street or other publicly owned property, the applicant shall submit a Tree protection plan to the Director for review and approval.

(4) If the Public Utilities Commission or Municipal Transportation Agency plans to perform any excavation, construction, or Street work within the drip line of a Significant Tree, a Landmark Tree, or a Tree on any Street or other publicly owned property, said department shall submit a Tree protection plan to the Director for informational purposes only.

(5) The Tree protection plan referenced above in subsections (c)(2)-(4) shall be prepared by a certified arborist and shall contain the certified arborist's estimate of the total replacement cost of all Trees subject to the Tree protection plan. The Tree protection plan shall include a section for the applicant to acknowledge receipt of the total estimated replacement cost and the applicant's understanding that failure to adhere to the plan shall result in liability for the replacement costs as well as any other fines, penalties, or fees for violating the provisions of this Article 16.

(6) The Director shall charge a fee of \$151.00 for review and approval of a Tree protection plan. This fee is subject to the fee

adjustment provisions of Section 2.1.2 and additional fee provisions of Section 2.1.3.

(7) An applicant's or permittee's failure to obtain a Director approved Tree protection plan pursuant to Subsections (2) or (3) above, shall be deemed in violation of the subject permit. The Director may enforce such a violation under the terms of the relevant Public Works permit, including a requirement that all work stop until the applicant or permittee complies with this Section. In the case of a Department of Building Inspection building or site permit, the Director shall request the Director of Building Inspection to initiate an enforcement action under the Building Code, including a requirement that all work stop until the applicant or permittee complies with this Section.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [1-22](#), File No. 210836, App. 1/13/2022, Eff. 2/13/2022)

SEC. 809. HAZARD TREES; ABATEMENT.

(a) **Notice.** Upon a finding by the Director that a Street Tree for which a private party is responsible is a “hazard tree” as defined herein, the Director shall provide notice to the private party which describes the condition creating the hazard, the actions required to be taken to abate the hazard, and the date by which compliance must be completed. Required action may include replacement or removal of the Street Tree in accordance with applicable requirements and procedures provided in this Article 16 for its removal. In cases of extreme danger, as determined by the Director, the Director may require immediate compliance.

(b) **Director of Public Works to Abate Hazard if Owner Fails to Do So.** If the responsible party does not undertake in a timely manner the abatement action, as required by said notice, the Director may perform necessary work to abate the hazard. The cost of such abatement, including labor, equipment, materials, inspection services, and administrative costs, shall be an obligation owing by the responsible party to the City.

(c) **Method of Enforcement and Collection of Lien.** The Department shall send notice of assessment of costs to the responsible party. Such notice shall include a statement that payment is due within 60 days of the mailing date of the notice. If a responsible party fails timely to remit payment, the Department shall send a second notice of payment due. Such second notice shall include a statement that failure timely to remit payment in full to the City within 30 days of the mailing of the second notice shall cause the Director to pursue any and all remedies, including instituting lien proceedings pursuant to Sections 706.4-706.7 of this Code. Enforcement and collection of liens for costs associated with hazard tree abatement shall be in accordance with Sections 706.4-706.7 of this Code, except that all monies received in payment of such liens, with the exception of enforcement costs incurred by any City department, shall be credited to the Public Works Adopt-A-Tree Fund.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018; Ord. [1-22](#), File No. 210836, App. 1/13/2022, Eff. 2/13/2022)

SEC. 810. LANDMARK TREES.

(a) **Designation Criteria.** The Board of Supervisors in Resolution No. 440-06, Clerk of the Board of Supervisors File No. 060487, adopted uniform criteria for the designation of landmark trees, which included consideration of the age, size, shape, species, location, historical association, visual quality, and other contribution to the City's character, as set forth Section 810(f)(4)(A)-(E) below. This designation criteria, which may be amended from time to time, shall apply to all trees within the territorial limits of the City and County of San Francisco.

(b) **Designation Process.**

(1) **Nominations.** A tree may be nominated for designation as a landmark tree by any of the following parties: (i) the property owner whose property contains the subject tree by a written request to the Department; (ii) the Board of Supervisors, Planning Commission, or Historic Preservation Commission by adoption of a resolution of intent to nominate a tree for landmark status; or (iii) the director of any City agency or department by filing a nomination letter with the Department. Each tree nominated for landmark tree status shall be the subject of a separate individual nomination.

(2) **Content of Nominations.** Nominations shall be made in writing and shall include the basis for the nomination, which may address one or more of the adopted designation criteria, including the factors listed below in Section 810(f)(4)(A)-(E) below; the lot, assessor's block, and street address of the subject property; one or more pictures of the tree; and any other information that the nominating property owner or entity believes would be pertinent to the nomination.

(3) **Hearing and Determination.** The Department shall hold a public hearing on a completed nomination request, and shall determine whether the tree qualifies as a landmark tree pursuant to the adopted designation criteria. After the conclusion of the public hearing, the Department shall adopt written findings that specify the basis for its decision to approve or reject the nomination and shall forward these findings to the applicant for the nomination and the affected property owner. If the Department rejects the nomination, the¹ it shall not accept a new request for the subject tree for three years from the date of its decision. If the Department determines that a tree qualifies as a landmark tree, its written findings on the nomination, along with any recommendations of relevant City agencies,

commissions or departments, shall be forwarded to the Board of Supervisors for its consideration pursuant to Section 810(b)(4) of this Article. If the Department fails to forward said findings to the Board of Supervisors within 120 days of the Department's receipt of the nomination request, the Board of Supervisors may, in its discretion, schedule a public hearing on the nomination, in which event, the failure of the Department to forward said findings within the 120 day period shall constitute its approval of the nomination.

(A) If the nominated tree is on private or public property, the Department shall provide mailed notice of the hearing to the subject property owner and all property owners adjoining the subject property where the tree is located at least seven days prior to its hearing. The Department, in its discretion, also may provide delivered notice of the hearing to residents adjoining the subject property, posted notice, or both.

(B) If the subject property exceeds one acre in size, the Department shall provide posted notice in lieu of the mailed notice. Such notice shall be posted on at least two locations on each block face(s) tangent to the subject property at least seven days prior to its hearing.

(C) If the Department either delivers or posts notice in accordance with these provisions, staff assigned to this task shall sign an affidavit, accompanied with any supporting material, stating when and where the notice was delivered or posted.

(4) **Designation.** Upon the recommendation of the Department, the Board of Supervisors, by ordinance, may designate as a "landmark tree" any tree within the territorial limits of the City that meets the adopted designation criteria, or may rescind such designations. If the Department does not issue findings in a timely manner pursuant to Subsection (b)(3), the Board of Supervisors shall adopt its own findings as part of the designation of a landmark tree.

(c) **Landmark Tree Designation Recorded Notice and Official Book.** Upon Board of Supervisors designation of a landmark tree, the Department or affected agency shall record a notice on the subject property concerning the landmark tree. The Department also shall record the landmark tree designation in an official book entitled Landmark Trees. If the landmark tree is a street tree under the maintenance responsibility of the Department, the Department shall record the landmark tree designation in a separate section of the Landmark Tree book that is reserved for those landmark trees under the maintenance responsibility of the Department. The Department shall maintain this book for public review and update it on a regular basis with the assistance of affected agencies.

(d) **Temporary Designation of Landmark Tree Status.**

(1) At the time a member of the Board of Supervisors introduces a resolution of intent to initiate a nomination and submits to the Clerk of the Board of Supervisors the information required for a landmark tree nomination request as set forth in Section 810(b)(2), the subject tree shall be temporarily designated as a landmark tree ("temporary designation") and be subject to the provisions governing landmark trees set forth herein while proceedings are pending on the landmark tree designation. At the time the Planning Commission or Historic Preservation Commission adopts a resolution of intent to initiate a nomination, temporary designation of the subject tree shall occur. If the Director or the director of any other City agency, commission or department initiates landmark tree designation, temporary designation shall occur when the Department issues an order determining that the subject tree qualifies for landmark tree status. In addition, the Director shall have the authority to issue an emergency order that temporarily designates a tree on private property or on any property under the jurisdiction of the Department to prevent the immediate removal of a tree. Upon initiation of a nomination pursuant to this Section, the entity initiating nomination shall immediately inform the Director who shall immediately cause a notice to be provided to the relevant department or private property owner informing them of the special permit and approval requirements pursuant to Section 810(f).

(2) If 215 days have elapsed from the date of temporary designation and final action on landmark tree designation has not been completed, the temporary designation status for the subject tree shall expire unless the Board of Supervisors adopts a resolution to extend the temporary designation. Such extension shall not exceed 90 additional days.

(3) Although the subject tree ultimately may be designated as a landmark tree sometime after expiration of temporary designation status, once the temporary designation has expired or is rejected as set forth below in Subsection (5), the affected tree shall not be subject to a new temporary designation for at least two years from the date of temporary designation.

(4) The 215-day term of temporary designation or any additional term, if extended through Board of Supervisors action pursuant to this Section, shall automatically be extended 30 additional days from the date the Mayor either signs the ordinance designating the subject tree as a landmark tree or the 10th day after the Clerk of the Board refers said ordinance to the Mayor and the ordinance is not signed or vetoed.

(5) If the Board of Supervisors rejects a resolution of intent to initiate nomination of a tree or the Department rejects a nomination under subsection (b)(3), the temporary designation shall automatically terminate.

(e) **Zoning Administrator.** The Zoning Administrator shall be required to identify designated landmark tree(s) on proposed development or construction sites and to notify the Department or affected City agency, commission or department. The Zoning Administrator and the Department or such other City Agency, commission or department with jurisdiction, shall be required to impose measures to protect such landmark trees on a construction site against damage to trunk, roots, and branches in accordance with Section 808(c) of this Article. Removal of such trees shall be subject to the rules and procedures for removal of landmark trees provided in this Section.

(f) **Removal Criteria and Procedures.**

(1) **Removal Criteria.** The Department 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(f)(4), below, and shall not authorize the removal of a landmark tree unless it constitutes a hazard tree pursuant to Section 802. Public notice, in accordance with the requirements of Section 806(a)(2), and a hearing shall be required.

(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(c) 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).

(5) **Emergency Removal on Private Property.** In the case of manifest danger and immediate necessity, as determined by the Director, the Director may remove or require the responsible owner(s) to remove a landmark tree immediately. After such emergency removal, the Director shall provide written notice of the necessity for such action to the Board of Supervisors and shall also provide such notice to all interested San Francisco organizations and, to the extent practical, to the owners and occupants of properties that are on or across from the block face where the affected tree was removed. If the Department incurs any costs related to an emergency removal, said costs, including labor, equipment, materials, inspection services, and administrative costs, shall be an obligation owing by the responsible owner(s) to the City. Removal of a landmark tree pursuant to this Subsection is not subject to Section 810(f)(4) above.

(6) **Emergency Removal on City-owned Property.** In the case of manifest danger and immediate necessity, as determined by the director or general manager of the subject agency, commission, or department, the subject agency, commission, or department may remove a landmark tree within its jurisdiction immediately. After such emergency removal, the subject agency, department, or commission shall provide written notice of the necessity of such action to the Board of Supervisors and Department of Public Works and shall also provide such notice to all interested San Francisco organization and, to the extent practical, the owners and occupants of properties that are on or across from the block face where the affected tree was removed. Removal of a landmark tree pursuant to this Subsection is not subject to Section 810(f)(4) above.

(g) If a landmark tree(s) has been designated as part of a local historic district or landmark under Article 10 of the Planning Code, removal of such tree shall be subject to the procedures set forth in the Planning Code Article 10 in addition to the requirements of Subsection 810(f) above. In the case of a conflict between Section 810(f) and the Article 10 designation, the more restrictive provisions shall apply.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 17-06, File No. 051458, App. 1/20/2006; amended by Ord. 52-08, File No. 071672, App. 3/31/2008; Ord. [99-26](#), File No. 260217, App. 5/29/2026, Eff. 6/29/2026)

CODIFICATION NOTE

- 1. So in Ord. [99-26](#).

SEC. 810A. SIGNIFICANT TREES.

(a) **Definition.** For purposes of this Section, a significant tree shall be a tree: (1) on property under the jurisdiction of the Department

of Public Works or (2) on privately owned-property with any portion of its trunk within 10 feet of the public right-of-way, and (3) that satisfies at least one of the following criteria: (a) a diameter at breast height (DBH) in excess of twelve (12) inches, (b) a height in excess of twenty (20) feet, or (c) a canopy in excess of fifteen (15) feet. The Director may deem a significant tree a hazard tree if such tree satisfies the provisions of Section 802(o). A landmark tree shall not be treated as a significant tree even if the landmark tree meets one or more of the abovementioned criteria. A landmark tree shall be governed by the provisions of Section 810.

(b) Removal; Requirements.

(1) Removal of a significant tree(s) on privately-owned property shall be subject to the rules and procedures governing permits for removal of street trees as set forth in Section 806(b).

(2) Removal of a significant tree(s) that are the responsibility of the Department shall be subject to the rules and procedures governing permit for Departmental removal of street trees as set forth in Section 806(a).

(3) If the Director determines that a significant tree is a hazard tree, this Article's provisions applicable to removal of a hazard tree shall apply.

(4) Emergency Removal. In the case of manifest danger and immediate necessity, as determined by the Director in writing, the Director may remove or require the responsible owner(s) to remove a significant tree immediately. After such emergency removal, the Department shall provide written notice to all interested San Francisco organizations and, to the extent practical, owners and occupants of properties that are on or across from the block face where the affected tree was removed of the necessity for such action. If the Department incurs any costs related to an emergency removal, said costs, including labor, equipment, materials, inspection services, and administrative costs, shall be an obligation owing by the responsible owner(s) to the City. Removal of a significant tree pursuant to this Subsection is not subject to Subsection (c) below.

(c) As part of the Director's determination to authorize removal of a significant tree, the Director shall consider the following factors related to the tree;

(1) Size, age, and species;

(2) Visual and aesthetic characteristics, including the tree's form and whether it is a prominent landscape feature or part of a streetscape;

(3) 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;

(4) 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;

(5) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, or provides shade or other public benefits;

(6) Whether the tree constitutes a hazard tree as set forth in Section 802(o); and

(7) Whether the tree has been maintained as set forth in Section 802(l).

(d) **Zoning Administrator.** The Zoning Administrator shall be required to identify significant tree(s) on proposed development or construction sites and to notify the Department. The Zoning Administrator and the Department shall be required to impose measures to protect such significant trees on a construction site against damage to trunk, roots, and branches in accordance with Section 808(c) of this Article. Removal of such trees shall be subject to the rules and procedures for removal of significant trees provided in this Section.

■ (Added by Ord. 17-06, File No. 051458, App. 1/20/2006)

SEC. 810B. SIDEWALK LANDSCAPE PERMITS.

(a) **Permit for Installation or Removal of Sidewalk Landscaping.** Permits to install or remove sidewalk landscaping shall be subject to the rules and procedures applicable to planting and removal of street trees under Section 806(b).

(b) Permit Decision.

(1) The Director of the Department, in his or her discretion, may approve, conditionally approve, or disapprove the requested permit. When issuing permits, the Director may impose any conditions consistent with the public health, safety, welfare, and convenience, including, but not limited to, appropriate time, place, and manner restrictions and considerations to minimize neighborhood impacts.

(2) All sidewalk landscape permits are revocable at the will of the Director. In addition, when, in the judgment of the Director of Public Works, the public interest or convenience will be served by the removal of the dirt, debris, materials and equipment or any portion thereof from the sidewalk space, the Director shall modify, condition, or revoke the permit accordingly.

(c) **Fees.** The fee for a sidewalk landscape permit is \$215.00. If two, three, or four applicants on the same block submit a joint application for a sidewalk landscape permit, the fee is \$185.00 for each applicant. If five or more applicants on the same block submit a joint application for a sidewalk landscape permit, the fee is \$160.00 for each applicant. Fees for removal of sidewalk landscaping shall

be the same as the fee charged for permits to remove street trees.

(1) **Fee Review and Adjustment.** Beginning with fiscal year 2007-2008, the fees that are established herein shall be reviewed and adjusted each year in accordance with the procedures set forth in Section 2.1.2.

(d) **Minimum Accessibility Requirements.**

(1) In no case shall the new sidewalk-landscape result in an unobstructed sidewalk width of less than 48 inches or increase the cross-slope of the portion of the sidewalk designated as an accessible path-of-travel.

(2) For each curbside parking space (approximately 20 feet of curb length), the design shall include a minimum 48-inch wide accessible curbside parking path that is perpendicular and connects the curb to the sidewalk path of travel. This path shall be: (i) located at the approximate centerline of each curbside parking space; (ii) made of concrete, pavers, or brick; and (iii) set on a firm base.

(e) The permit holder shall be responsible for maintaining the sidewalk-landscape area in a condition that is safe to pedestrians and vehicular traffic and free of litter and unsightly weeds. The permit holder also shall be responsible to maintain the health of plants with appropriate pruning, watering, and other care.

(f) **Waiver of Requirements.** The Director, in his or her discretion, may waive any of the substantive requirements for a sidewalk landscape permit. The Director may issue a waiver only after holding a public hearing on the waiver request and issuing a written decision concerning whether the waiver will be granted, conditionally granted, or denied. When issuing such waivers, the Director may impose any conditions consistent with the public health, safety, welfare, and convenience.

(g) **Regulations.** In addition to the requirements set forth in this Section, the Director, after a public hearing, may adopt such orders, policies, regulations, rules, or standard plans and specifications as he or she deems necessary in order to preserve and maintain the public health, safety, welfare, and convenience. Such orders, policies, regulations, or rules may include, but are not limited to, permit application materials, planting guidelines, planting locations, materials, key design dimensions for planting areas, site conditions, replanting, landscape design modifications, and accessibility of sidewalks and streets. When such orders, policies, regulations or rules will affect the operations and enforcement of the Department of Parking and Traffic or the Municipal Railway, the Director shall consult with and provide an opportunity to comment to the General Manager of the Municipal Transportation Agency prior to adoption of such orders, policies, regulations, or rules.

■ (Added by Ord. 121-06, File No. 060142, App. 6/14/2006)

SEC. 811. PENALTIES FOR VIOLATION OF ORDINANCE.

(a) **Criminal Penalties.** Violation of any of the provisions of Sections 805(b), 806, 808, 810(f)(1), 810A(b), and 810B of this Article 16 shall be chargeable as an infraction or a misdemeanor. Every violation determined to be an infraction is punishable by a fine of \$200 for a first violation and \$400 for each additional violation within one year. Every violation determined to be a misdemeanor is punishable by a fine not exceeding \$1,000 and/or imprisonment in the County Jail for a period not to exceed six months, for each offense.

(b) **Civil Penalties and Fees.**

(1) The Director may call upon the City Attorney to maintain an action for injunction to restrain or summary abatement to cause the correction or abatement of the violation of this Article 16, and for assessment and recovery of a civil penalty and reasonable attorney's fees for such violation.

(2) Any person who violates this Article 16 may be liable for a civil penalty, not to exceed \$500 for each day such violation is committed or permitted to continue, which penalty shall be assessed and recovered in a civil action brought in the name of the people of the City by the City Attorney in any court of competent jurisdiction. In assessing the amount of the civil penalty, the court may consider any one or more of the relevant circumstances presented by any of the parties to the case, including, but not limited to, the following: the nature and seriousness of the misconduct, the number of violations, the persistence of the misconduct, the length of time over which the misconduct occurred; and the willfulness of the defendant's misconduct. The City Attorney also may seek recovery of the attorneys' fees and costs incurred in bringing a civil action pursuant to this Section.

(c) **Administrative Penalties.**

(1) In addition to the penalties set forth in subsections (a) and (b) above, the Director may require any person who removes, or destroys a Tree in violation of the provisions of this Article 16 to pay, for each Tree removed or destroyed, a sum of \$10,000 or the Tree's Replacement value, whichever is greater. The Director may require any person who injures a Tree in violation of the provisions of this Article 16 to pay a sum of money equal to the diminishment of the Tree's value as set forth in the current edition of the Guide for Plant Appraisal (Council of Tree and Landscape Appraisers).

(2) In addition to the penalties set forth in subsections (a) and (b) above, the Director may require any person who removes, fails to maintain, injures, or destroys sidewalk landscaping or the associated design improvements in violation of the provisions of Sections 808(b) or 810B to pay a sum of money equal to the Replacement value of the affected Landscape Material and associated design improvements or the diminishment of the value of the Landscape Material as set forth in the current edition of the Guide for Plant Appraisal (Council of Tree and Landscape Appraisers). In no case shall the administrative penalty be less than \$500 per violation.

(3) When one or more additional violations of the provisions of this Article 16 occur within one year of the first violation, the

Director may assess a responsible party \$20,000 for each removed or destroyed Tree and double the diminishment of the injured Tree's value. Depending on the nature and seriousness of the misconduct, including unpermitted removal of or damage to a Landmark or Significant Tree; the unpermitted removal of or damage to Sidewalk landscaping installed pursuant to a permit issued under Section 810B; the number of violations; the persistence of the misconduct; the length of time over which the misconduct occurred; or the willfulness of the defendant's misconduct, the Director may assess additional penalties in excess of the amounts specified in this subsection (c)(3).

(4) In addition to the administrative penalty assessed pursuant to this Section 811, the Director may assess enforcement costs to cover the reasonable costs incurred in enforcing the administrative penalty, including reasonable attorneys' fees.

(5) Any and all amounts paid or collected pursuant to this subsection (c), with the exception of enforcement costs under subsection (c)(4), shall be deposited into the Adopt-A-Tree Fund.

(6) Notwithstanding the monetary limitation specified above in this subsection (c), if a responsible party performs Major Maintenance on a Street Tree subject to the provisions of Section 805.1 without a permit or injures, destroys, or removes such a Tree, the Department may assess a penalty of up to \$10,000 per violation in addition to the other remedies specified above.

(7) The Department shall send Notice of the assessment of administrative penalties to the responsible party. Such Notice shall include a statement that payment is due within 60 days of the mailing date of the Notice. If a responsible property owner fails timely to remit payment, the Department shall send a second Notice of payment due. Such second Notice shall include a statement that failure timely to remit payment in full to the City within 30 days of the mailing of the second Notice shall cause the Director to institute lien proceedings pursuant to Sections 706.4-706.7 of this Code. Enforcement and collection of liens for costs associated with Hazard Tree abatement shall be in accordance with Sections 706.4-706.7, except that all monies received in payment of such liens with the exception of enforcement costs, shall be credited to the Adopt-a-Tree Fund.

(8) **Hearings.** At the written request of any person who has been assessed an administrative penalty under this subsection (c), the Director, or the Director's designee, shall hold a public hearing regarding the proposed penalty. The Director, or the Director's designee, must receive the written request for a hearing within 60 days of the Department's notice of the assessed penalty. After the public hearing, the Director's, or the Director's designee's, decision on the assessed penalty shall be final.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 294-98, File No. 98-0991, Eff. 11/2/98; Ord. 17-06, File No. 051458, App. 1/20/2006; Ord. 121-06, File No. 060142, App. 6/14/2006; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018; Ord. [1-22](#), File No. 210836, App. 1/13/2022, Eff. 2/13/2022)

SEC. 812. ENFORCEMENT OF ORDINANCE; DESIGNATED EMPLOYEES.

The Director shall authorize appropriate employees to issue citations to enforce the provisions of this Article 16.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. 121-06, File No. 060142, App. 6/14/2006; Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. [119-15](#), File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018)

SEC. 813. URBAN FOREST MANAGEMENT PLAN.

The Department shall use its best efforts to ensure that activities of the Department are guided by the Urban Forest Management Plan entitled "Urban Forest Master Plan, Phase I, Street Trees," adopted in 2015, or any superseding management plan. The Department shall update and improve the Urban Forest Management Plan as necessary, subject to approval by the Director.

(Added by Ord. 165-95, App. 5/19/95; amended by Ord. [245-17](#), File No. 170985, App. 12/22/2017, Eff. 1/21/2018)

SEC. 814. SEVERABILITY.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof is for any reason held to be invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid or ineffective.

(Added by Ord. 165-95, App. 5/19/95)