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08/02/2022
(R-2023-29)

RESOLUTION NUMBER R- 314299

DATE OF FINAL PASSAGE AUG 10 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING THE URBAN TREE CANOPY FEE.

WHEREAS, San Diego Ordinance No. O- 21528, related to the Climate Action Plan Consistency Regulations, establishes alternative compliance for premises that are unable to provide shade trees over adjacent sidewalks or on the premises, or both, through payment of the Urban Tree Canopy Fee to be used by the City to plant and maintain street trees in other locations throughout the City, was considered by the Council of the City of San Diego together with this Resolution; and

WHEREAS, the planting of shade trees on private property fronting onto the public right-of-way or within the buffer between the pedestrian sidewalk and street traffic, identified by the 2017 Street Design Manual of the Land Development Code as the Furnishings Zone of the public right-of-way, supports the goals of the City's Climate Action Plan by reducing the heat island effect, enhancing the pedestrian experience, and promoting walkable communities by providing shade over sidewalks; and

WHEREAS, an alternative method of compliance with the City's Climate Action Plan related to shading of the public right-of-way is provided for properties that do not include a street yard and do not front onto a public right-of-way that includes a Furnishings Zone; and

WHEREAS, alternative compliance is provided by San Diego Municipal Code section 143.1410 through payment of the Urban Tree Canopy Fee; and

WHEREAS, the planting of shade trees on private property supports the goals of the City's Climate Action Plan by reducing the heat island effect; and

WHEREAS, an alternative method of compliance with the City's Climate Action Plan related to planting of shade trees on private property is provided for properties located in base zones that do not require open space of sufficient size to accommodate on-site planting of the required trees; and

WHEREAS, alternative compliance is provided by San Diego Municipal Code section 143.1415 through payment of the Urban Tree Canopy Fee; and

WHEREAS, the Urban Tree Canopy Fee will be used by the City to fund the installation and maintenance of trees in public spaces throughout the City; and

WHEREAS, at the time of establishment of the Urban Tree Canopy Fund, the Transportation Department has established that the cost to the City to site, plant and maintain a street tree for three years is \$725 per tree; and

WHEREAS, the City's Street Tree Regulations in San Diego Municipal Code section 142.0409 require the planting of one tree per 30 feet of street frontage; and

WHEREAS, San Diego Municipal Code section 143.1415 requires the planting of two trees per 5,000 square feet of lot area; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That an Urban Tree Canopy Fee of \$725 is established.
2. That the Urban Tree Canopy Fee paid in accordance with Section 143.1410 shall be paid per 30 feet of street frontage.
3. That the Urban Tree Canopy Fee paid in accordance with Section 143.1415 shall be paid per required tree not planted on-site.
4. That the Chief Financial Officer is authorized to establish an interest-bearing Climate Resiliency Fund for funds collected with the Urban Tree Canopy Fee as well as future fees established in support of climate resiliency measures.

5. That the Climate Resiliency Fund shall be used to fund City-wide climate resiliency efforts in support of the Climate Action Plan.
6. That the funds collected from the Urban Tree Canopy Fee be deposited into the Climate Resiliency Fund to fund the installation and maintenance of trees in public spaces, with expenditure to be prioritized in communities most vulnerable to extreme heat, as determined by the Mayor, or his designee.
7. That the Chief Financial Officer is authorized to distribute funds from the Urban Tree Canopy Fee of the Climate Resiliency Fund in accordance with this Resolution.
8. That this Resolution shall be effective on the effective date of San Diego Ordinance No. **O-21528**, adopting the Climate Action Plan Consistency Regulations, and shall be in effect at the time building permits are issued, in accordance with Chapter 14, Article 3, Division 14 of the Municipal Code, plus automatic annual increases based on increased costs to the City to plant and maintain a street tree for a period of three years.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Lindsey H. Sebastian
Lindsey H. Sebastian
Deputy City Attorney

LHS:nja
04/11/22
Or. Dept: Planning Department
Doc. No.: 2952027_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 02 2022

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 8/10/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on AUG 02 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 10 2022.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
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