

Office of the City Attorney

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August 11, 2026

The Honorable Julie A. Emede
Presiding Judge
Santa Clara County Superior Court
Department 17
191 North First Street
San Jose, CA 95113
CGJ@scscourt.org

Re: Santa Clara Civil Grand Jury Report: *A Canopy in Decline: Is San Jose serious about expanding its tree coverage*"

Dear Judge Emede:

Pursuant to California Penal Code section 933, et seq., please accept the City's response to the 2025-2026 Santa Clara County Civil Grand Jury Report: "*A Canopy in Decline: Is San Jose serious about expanding its tree coverage.*" The City Council approved the City's response to the Grand Jury report on August 11, 2026. The approved City response and the Grand Jury's Report are enclosed.

Please feel free to contact me if you have any questions. Thank you for your consideration.

Very truly yours,

SUSANA ALCALA WOOD, City Attorney

By: Matthew Tolnay
MATTHEW TOLNAY
Senior Deputy City Attorney

CITY OF SAN JOSE RESPONSE TO
THE FINDINGS AND RECOMMENDATIONS OF THE
2025-2026 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT,
“A CANOPY IN DECLINE: IS SAN JOSE SERIOUS ABOUT EXPANDING ITS TREE
CANOPY COVERAGE”

Finding #1

The CFMP requires significant coordination across stakeholders, but the City has not designated a single agency or employee to own the implementation and coordination, which has resulted in confusion, inefficiency, and a lack of accountability.

Disagree. Although several departments have defined roles in the management of the community forest, the City of San José’s DOT has the primary responsibility, and the City Forester is the lead employee. DOT’s authority to exercise the powers and duties necessary to maintain the City’s community forest is codified in Chapter 13.28 of Title 13 of the San José Municipal Code. DOT, through the City Forester, manages implementation of the CFMP, manages the CFAC, takes the lead in coordinating annual City Council Committee reports, and provides staff leadership and coordination with other City departments that have forestry functions, namely PRNS, and Planning, Building and Code Enforcement (PBCE).

Recommendation #1

The City should designate one department or official as accountable for implementing the recommendations in the CFMP. This should include setting priorities, coordinating efforts among stakeholders, and providing regular status reports.

This recommendation should be implemented by September 1, 2026.

Implemented. DOT currently performs a lead coordinating role through the City Forester, including administering community forestry programs, supporting the CFAC, coordinating with other departments, and preparing annual updates to the City Council Transportation and Environment Committee.

Finding #2

The Community Forest Advisory Committee lacks direction and accountability and has not been meeting regularly as required to set direction and priorities.

Disagree partially. The City agrees that the CFAC did not maintain the intended quarterly meeting schedule during portions of 2024 and 2025. The interruption limited the Committee’s ability to provide consistent recommendations regarding CFMP priorities and implementation. The City does not agree that the Committee lacks an established purpose. Its role is defined by the CFMP and related City Council direction.

Recommendation #2

The City should reactivate the Community Forest Advisory Committee and restore quarterly meetings led by the City department or official identified in Recommendation 1.

Implemented. The CFAC met three times in 2026 (January 28, May 6, and July 22) and will continue with quarterly meetings with defined annual priorities, clearer membership and attendance records, and timely publication of agendas, minutes, and recommendations.

Finding #3

The City's plan to reach 20% canopy coverage by 2051 is likely to fail if the City continues to plant only 2,000 trees per year.

Disagree. The City's stated objectives for increasing tree canopy coverage across all census tracts and neighborhoods, as outlined in the CFMP, include annually planting 2,000 trees per year (not including trees planted as replacements for a removed tree) and evaluating and adjusting that figure every five years to ensure the City is progressing towards canopy coverage goals. Based on a plain reading of the CFMP, the City does not intend to plant only 2,000 trees each year until 2051. The City further disagrees with the premise that tree canopy coverage can be projected simply by determining a set number of trees to be planted each year. The estimated number of trees to be planted to meet canopy coverage goals increases or decreases due to tree species and mature size, survival rates, preservation and loss of existing trees, land-use changes, available planting space, irrigation, climate conditions, pests, development patterns, and geographic distribution. The City, through its CFMP, has accounted for this by setting forth a process every five years to evaluate whether increases to planting are needed.

Recommendation #3

The City should develop and publish a comprehensive operational plan that outlines in detail how it plans to achieve its 20% canopy goal by 2051.

This recommendation should be implemented by January 1, 2027.

Implemented. The CFMP includes a process for evaluating and analyzing whether increases to annual tree plantings are needed to reach the City's canopy coverage goals. As part of that evaluation every five years, planned in 2027, the City will evaluate baseline conditions, scenario modeling, planting objectives, equity priorities and assignments, and engage with the CFAC in an effort to advance the City's goals.

Finding #4

The CFMP lacks interim benchmarks, reassessment mechanisms, and contingency planning that would enable the City to address shortfalls or changing conditions decisively rather than reactively.

Disagree. The target of planting 2,000 trees in City right-of-way per year is an interim benchmark. A process of reassessment happens through the annual update to the City Council Transportation and Environment Committee, next scheduled for June 8, 2027. Contrary to the report, the City has planted an average of 2,074 trees per year since Fiscal Year 2023-2024 when the numbers were first tracked. This represents a net gain to the canopy. The report neglects to account for FY 2023-2024, when 2,516 trees were planted. Further, due to efficiencies in maintenance contracts, the original 12-year pruning and maintenance cycle for City-owned trees has been reduced to 11 years, decreasing lost trees through storm damage or failures and preserving canopy that already exists.

Recommendation #4a

The City should establish clear interim targets and performance checkpoints toward its 2051 canopy goal, to include contingency strategies with defined triggers and actions to address potential underperformance.

This recommendation should be implemented by January 1, 2027.

Implemented. As noted above, the CFMP contains multiple interim targets and performance checkpoints. The Strategic Work Plan objectives are being tracked, and progress will be shared at future meetings of the CFAC and Transportation and Environment Committee. Underperformance in one fiscal year is made up in the following fiscal year.

Recommendation #4b

The City should develop a contingency plan with defined trigger points tied to annual tree-planting levels. When planting falls below those thresholds, the plan should activate clear, actionable, and realistic measures to halt declines and restore planting levels.

This recommendation should be implemented by January 1, 2027.

Implemented. Contingency planning is incorporated into the City's annual performance monitoring and Strategic Work Plan. If annual planting goals are not achieved, corrective actions are evaluated through the annual review process, five year review, and subsequent work planning.

Finding #5

The City has explored options to reduce the burden on private-property owners for tree maintenance and sidewalk repair, including financial assistance and assuming greater responsibility for street trees, but has not completed a comprehensive evaluation to determine feasibility or inform a decision on whether to proceed.

Disagree. DOT receives policy direction from the City Council and has provided findings and estimates on this matter via a Manager's Budget Addendum, the Deferred Maintenance Infrastructure Backlog report, and the CFMP itself.

Recommendation #5

The City should evaluate the costs, benefits, and funding options for programs that shift greater responsibility for street trees to the City, to include assisting homeowners with tree maintenance and root-related sidewalk repairs.

This recommendation should be implemented by June 1, 2027.

Implemented. The City is in the process of implementing a U.S. Forest Service grant that will distribute free trees and provide three years of tree establishment service in 78 federally recognized disadvantaged census tracts. Through administration of this grant-funded program, DOT intends to establish a sample that can be extrapolated to provide an updated cost estimate associated with increased City responsibility for street tree planting and maintenance. The US Forest Service grant will provide an opportunity for the City to better understand the workload requirements and liability implications of shifting responsibility away from property owners. The CFMP notes that, "Limited data are available to estimate the costs a private property owner will incur to maintain a street tree" and estimates that, "San José residents would need to spend approximately \$42.41 million dollars a year to maintain the 233,000 street trees and

perform associated repairs from tree root damages.” (Dudek 2022, p.67) A 2024 Deferred Infrastructure Backlog report to the City Council Transportation and Environment Committee analyzed the quantity and condition of city sidewalks, noting that there are approximately 3,400 miles of sidewalk. At that time, 1,485 miles were in good condition, 1,588 miles were in fair condition, and 2.65 miles were in poor condition. The estimate for repair at that time was \$360 million.

Finding #6

While the City acknowledges its responsibility to provide education and outreach to private property owners, there is limited evidence that San José is doing so in a proactive manner.

Disagree. The City currently provides tree-related information through City webpages, permit materials, community partners, service-request interactions, planting programs, and project-specific outreach.

Recommendation #6

The City should comply with the CFMP directive to implement education and outreach programs that help residents understand the value of trees, their roles and responsibilities related to trees, and what support San José can provide for them.

This recommendation should be implemented by January 1, 2027.

Implemented. The City continually improves its outreach and engagement efforts and materials. In association with new programs such as the federal grant and the free tree planting program, will update City webpages, further clarify private and street tree responsibilities, and highlight information concerning establishment care and pruning guidance in multi-lingual and accessible formats.



2025-2026 Santa Clara County Civil Grand Jury

A Canopy in Decline:

Is San José serious about expanding its tree coverage?

May 19, 2026

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SUMMARY

The City of San José's (City) community forest is a vital public resource. Its 1.6 million trees clean our air, cool our neighborhoods, and provide many benefits for public health (Dudek, 2022). However, an environmental crisis is unfolding – the City's tree canopy has been shrinking for years, and officials have responded with unexceptional efforts that fail to match the scale of the crisis the City is facing.

San José's canopy coverage is one of the thinnest among Bay Area cities. According to data reviewed by the 2025-2026 Santa Clara County Civil Grand Jury (Civil Grand Jury), the City's canopy coverage shrank from 15.4% in 2012, to 13.5% in 2018, to 13.2% in 2020. The tree loss between 2012 and 2018 was the equivalent of losing 2.7 square miles of trees (Dudek, 2022, p. 10).

In 2022, the City sought to reverse this trend by adopting a strategic framework called the [Community Forest Management Plan](#) (CFMP), prepared by a consulting firm called Dudek (Dudek, 2022). However, the Civil Grand Jury determined that many important parts of the plan seem to rely more on wishful thinking than on responsible planning.

For example:

- The CFMP sets a goal to increase the canopy cover to 20% by 2051, but it does not provide a realistic strategy to achieve it, nor does it establish accountability measures for tracking progress (Dudek, 2022, p. 139).
- It sets one quantifiable objective – to plant 2,000 public and private trees every year – but this figure seems arbitrary and disconnected from reality. An analysis by the Civil Grand Jury suggests the City would need to plant in the range of 4,500 to 30,000 trees per year to reach its canopy-coverage goal.

While the CFMP is flawed, so is the City's execution.

- The City does not seem to have realized that if it plants only 2,000 trees per year, it will fall far short of its 2051 canopy goal.
- City officials have not translated the CFMP's broad strokes into actionable steps, nor have they identified milestones or developed measurable objectives.
- No single City department or employee has been assigned primary responsibility for implementing the CFMP. This has resulted in fragmented efforts and a lack of accountability.

- The Community Forest Advisory Committee, which is supposed to meet quarterly and make recommendations regarding the CFMP's priorities, has apparently not met since 2024.

This isn't the first time the City has been scrutinized for failing to prioritize its community forest. In 2007, City officials committed to planting 100,000 new trees by 2022 – but they fell far short of their promise, planting between 15,000 and 20,000 trees (Dudek, 2022, p. 1). As the City outlines its plans to address the latest concerns, its history raises questions about whether its current promises will fare any better.

The City's residents deserve better. By the end of this calendar year, the City should translate the CFMP into a realistic plan that has realistic goals and prioritizes improvements in three areas: planting more trees, preserving existing trees, and establishing clear accountability measures.

BACKGROUND

The Civil Grand Jury received a complaint from a resident who alleged that the City was failing in its responsibility to protect trees. After reviewing the complaint and additional documents, the Civil Grand Jury determined that the issue with the resident's tree was symptomatic of deeper problems and launched an investigation into City practices.

About the City's Community Forest Management Program

The City has four departments that regulate the planting, removal, and/or maintenance of trees:

- Department of Transportation;
- Department of Parks, Recreation, and Neighborhood Services;
- Department of Planning, Building & Code Enforcement;
- Department of Public Works.

These agencies, as well as private-property owners, are governed by San José Municipal Code Chapters 13.28 and 13.32, which outline responsibilities depending on whether the tree is on public land or private property.

For trees on public property, the agency in charge is the Department of Transportation, which includes the City's Forestry department. The Department of Transportation staff includes one arborist and four assistant arborists who conduct tree inspections and respond to requests for tree maintenance. The arborist also reviews applications for tree removal.

The Department of Parks, Recreation, and Neighborhood Services manages trees in public spaces such as parks and around libraries.

For trees on private property, the team in charge is the Department of Planning, Building & Code Enforcement. Its roles include reviewing development projects that involve tree removals and reviewing requests from residents who want to remove a tree from their yard.

The Department of Public Works is involved with both public and private trees. Its roles include issuing permits and landscape planning.

There is also a [Community Forest Advisory Committee](#), which includes City staff members and external stakeholders, that is responsible for guiding the implementation of the CFMP (City of San José, 2026).

By distributing tree responsibilities across four departments, the City enables specialization and distributes workloads more efficiently. However, the fragmented structure also creates accountability gaps and can make it harder to coordinate departments and align priorities.

San José's Canopy is Disappearing

When cities assess their community forests – defined as all trees managed by the city or privately owned by residents and business owners – they typically evaluate what's known as the tree canopy (Dudek, 2022, p. ix).

The tree canopy is the upper layer of the forest formed by the crowns of mature trees. It is measured as the percentage of ground area shaded by tree foliage and is calculated using aerial imagery. Canopy measurements in San José are usually conducted every two to six years by federal or state agencies (Dudek, 2022, p. 9).

In 2018, canopy measurements across major California cities ranged from 13% in the City of San Diego to 25% in the City of Los Angeles (Dudek, 2022, p. 30).

San José has been on the low end of that range for years. According to data reviewed by the Civil Grand Jury, the City's canopy coverage was 13.2% in 2020, down from 13.5% in 2018 and 15.4% in 2012. This eight-year decline equates to losing more than 200 acres of trees per year.

Canopy loss can have serious consequences for communities. It leads to reduced shade and degraded air quality that leaves neighborhoods hotter and more polluted. It also weakens the ecological health of urban areas by diminishing stormwater absorption, increasing flooding risk, and eliminating habitat for birds and insects (Dudek, 2022, p. 3; Janowiak, Brandt, Wolf, Brady, et al., 2021; Ulmer, Wolf, Backman, Tretheway, et al., 2016).

The CFMP attributes the City's declining canopy to environmental factors such as droughts, damaging storms, and invasive pests, and also to external issues such as urban development and budget limitations.

City officials noted several other factors that could be improved through better management:

- Maintaining trees through better care and stewardship;
- Doing more to minimize tree removal and degradation;
- Restoring and increasing forest cover (Dudek, 2022, p. 34).

In 2021, these factors helped shape the development of the CFMP, a strategic framework designed to reverse the canopy decline and to preserve and grow the City's community forest. Approved by

the San José City Council (City Council) in 2022, the 240-page plan analyzes best practices, policies, and funding sources related to growing a community forest.

Notably, it also establishes the goal of growing the City's canopy cover to **20% by 2051**.

About the CFMP

The Community Forest Management Plan provides strategic objectives and recommendations in six areas:

- Streamlining the City's governance structure for efficiency;
- Increasing canopy coverage across all neighborhoods;
- Prioritizing canopy growth in disadvantaged communities;
- Standardizing processes to align with the preservation of mature trees;
- Funding activities at a level sufficient to implement policies, manage the tree inventory, and engage the community;
- Making sure that private-property owners understand their roles in growing and maintaining the community forest (Dudek, 2022, pp. 138-143).

Across these broad dimensions, the Civil Grand Jury narrowed its investigation to three areas: the City's efforts to plant more trees, its strategies to preserve existing trees, and accountability for CFMP goals.

1. Planting more trees

The Civil Grand Jury examined the City's progress toward its goals of growing the tree canopy to 20% coverage by 2051 and planting 2,000 trees per year.

The Civil Grand Jury looked at whether the goals were sufficient and realistic, whether progress was being tracked in an actionable way, and whether there were contingency plans that would allow the City to quickly recognize setbacks and respond decisively.

2. Preserving existing trees

Protecting existing trees is one of the biggest factors in canopy coverage. When a tree is removed, the canopy loss happens immediately, but if a new tree is planted to replace it, it could take 30 to 40 years for its canopy to reach the same size as its predecessor (Dudek, 2022, p. 10).

Because private-property owners are responsible for maintaining more than 90% of the 1.57 million trees in San José, the Civil Grand Jury explored whether the City is doing enough to support their efforts (Ristow and Burton, 2023; Dudek, 2022, p. 67). The Civil Grand Jury also

reviewed how selective the City is about approving tree removals and whether it penalizes private-property owners too harshly for violations related to tree maintenance and sidewalk damage (Dudek, 2022, p. 67).

3. Establishing clear accountability measures

The Civil Grand Jury analyzed the degree to which the City is implementing the CFMP in ways that are accountable to the public. This included investigating whether the City has identified which of the many organizations involved in tree management is responsible for aligning priorities and is ultimately accountable for success.

The Civil Grand Jury also evaluated the performance of the Community Forest Advisory Committee, a group of department and community stakeholders responsible for guiding the implementation of the CFMP.

METHODOLOGY

The Civil Grand Jury interviewed City employees knowledgeable about how San José manages its community forest. These included officials in the City Department of Transportation and the City Department of Planning, Building & Code Enforcement, as well as officials from other cities and nonprofit organizations.

The Civil Grand Jury also reviewed the CFMP, City documents, audit reports, grant applications, budgets, and contracts, as well as annual progress reports that the Department of Transportation presented to the San José City Council.

The Civil Grand Jury used this information to develop six findings and seven recommendations.

INVESTIGATION

I. Planting More Trees

One of the most aggressive goals of the CFMP is to achieve 20% citywide canopy cover by 2051.

Canopy coverage is the percentage of ground area that is shaded from above by the leaves, branches, and foliage of trees. In contrast to a tree inventory, which counts the number and type of trees, canopy coverage provides information related to the functional advantages of trees, such as shade, cooling, and water-management benefits. Cities often consider canopy coverage the more meaningful metric because the vital benefits from trees – such as how well they mitigate urban heat – are more closely tied to canopy coverage than to the number of trees.

If San José does reach its canopy goal, it will have brought its tree coverage closer to that of leafier cities such as Los Angeles and Oakland.

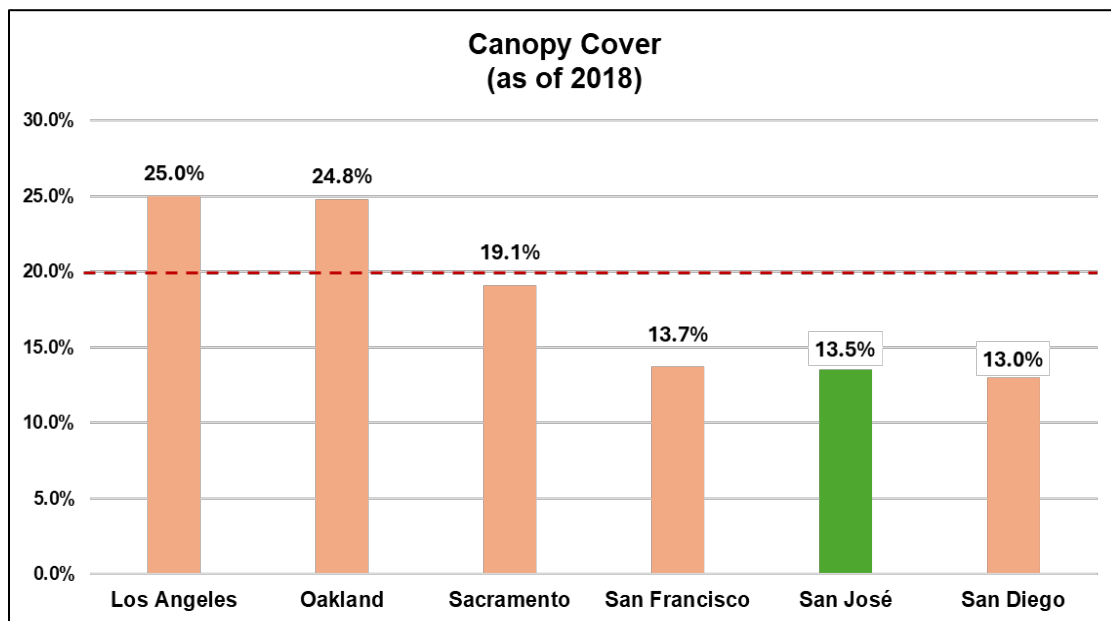


Figure 1. Canopy coverage in San José and other major California cities as of 2018, with San José’s 2051 target of 20% highlighted. Source: Dudek, 2022, p. 30.

The 20% canopy goal is a significant driver for the City. That figure appears multiple times throughout the CFMP, and several interviewees cited it as a number that is top of mind for their departments. However, after reviewing the City’s on-the-ground execution, the Civil Grand Jury found multiple causes for concern.

First, data reviewed by the Civil Grand Jury makes clear that San José will fall far short of its 20% goal unless the City and partners plant significantly more trees. Yet interviewees did not express any concern about the inadequacy of the City’s current efforts.

Second, the City seems to have done little to plan for potential challenges. There is no contingency plan that outlines how the City should adjust course if it falls behind, nor has it outlined clear benchmarks to hold itself accountable for progress toward its 2051 goal.

Finally, the City does not even publicize its own goals correctly. As of May 1, 2026, the City’s own Forestry website includes this line: “The CFMP covers the complexities of urban forest management. It also presents specific actions to achieve **25%** canopy cover by **2050**” (emphasis added).

However, the percentage and year – two of the plan’s most important metrics – are both wrong, a careless display that suggests that City officials are not giving the plan the internal review and accountability it demands.

San José is Likely to Miss its 2051 Canopy Goal

In accordance with a recommendation in the CFMP, the City has committed to planting 2,000 trees per year on both public and private property (Dudek, 2022, p. 139). It is not clear how the CFMP derived that number – it is listed in a table of strategic objectives, but with no explanation of how it was established or how it relates to the canopy goal.

The problem of a seemingly random number runs deeper than a missing explanation. By committing to an objective that is disconnected from the larger canopy goal, City officials have locked themselves into a commitment that will not solve the main problem, as the following two analyses by the Civil Grand Jury make clear.

A Plan Destined to Fail, Part 1

The CFMP asserts that to achieve its 20% canopy goal, the City must plant between about 60,000 and 660,000 trees (Dudek, 2022, p. 35). Table 1 breaks down exactly how many trees would be needed, based on their expected sizes at maturity (Dudek, 2022, p. 35).

Table 1. The number of trees, by size, that San José would need to plant to achieve its goal of 20% canopy coverage by 2051.

If the City planted ONLY trees with this diameter of canopy spread:	It would need to plant this many trees TOTAL ...	... Equating to this many trees <u>per year for 30 years</u>
22.75 feet	659,548	21,985
35 feet	278,354	9,278
50 feet	136,412	4,547
75 feet	60,610	2,020

Source: Data extracted from Dudek, 2022, p. 35.

As the table shows, if the City plants only 2,000 trees per year, all of them would have to be of the largest variety (with an eventual canopy spread of 75 feet) to achieve the canopy-coverage goal (Dudek, 2022, p. 35). However, it is not feasible to plant **only** trees with that large a canopy spread, for reasons including cost, space constraints, maintenance demands, and the environmental imperative to plant a broad diversity of trees.

If the City were to plant smaller trees as well, the table shows it would need to plant in the range of **4,500 to 22,000 trees per year** – approximately **2 to 11 times** more than the City currently aims to plant.

The numbers in Table 1 don't even tell the full story. They don't consider tree loss, i.e., that some trees now in place will die or be removed in the coming years. To account for those replacement trees, San José would need to plant **even more** trees than listed in the table (Dudek, 2022, p. 35).

A Plan Destined to Fail, Part 2

In addition to this review, the Civil Grand Jury conducted a second analysis using data from another section of the CFMP. This data showed an even more dire gap between the City's current rate of planting trees and the rate required to achieve its canopy goal.

As noted in Figure 2, the City will need to increase its canopy cover from 13.2% to 20%, which represents a 50% increase. Since the City's current inventory is between 1.5 million and 1.6 million trees, increasing the number of trees by 50% would roughly translate to at least 750,000 new trees, or about **30,000 trees every year** from 2026 to 2051.

To be clear, the number of trees is not interchangeable with canopy coverage, because a tree's canopy expands over time. In addition, the second analysis is based on the 2020 measure for canopy coverage, which may have increased since then. So these numbers can only be used as a rough proxy. Nevertheless, both calculations reinforce the same point: The City needs to plant **far more** than 2,000 trees per year to meet its canopy goal.

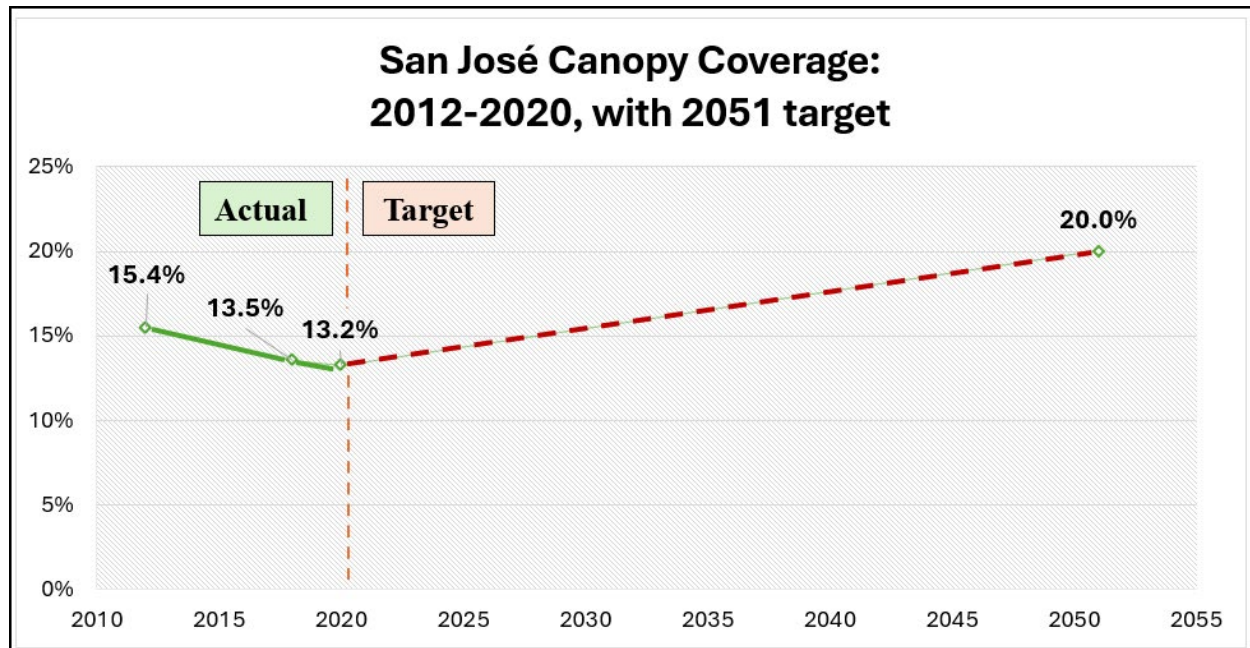


Figure 2. San José’s canopy coverage has been trending downward for years, meaning it would take a remarkable level of sustained growth to meet its 20% goal for 2051. Sources: Dudek, 2022, p. 10; Data extracted from City records covering 2012-20.

The City is Already Falling Short of Its Planting Targets

Even taking the City’s 2,000-tree goal at face value, San José has struggled to reach that level for the last two years. The City planted 1,692 trees in fiscal year 2024-25, and an estimated 1,500 trees in fiscal year 2025-26 (Ristow, 2025).

The City attributes the shortfall in part to having had to divert some of its tree-planting funds toward controlling the spread of invasive pests and fungi. However, the CFMP identified these hazards as foreseeable risks, indicating that appropriate planning and mitigation should already have been in place.

A Lack of Urgency

City officials have failed for years to adequately address the erosion of San José's community forest. The City's canopy has shrunk on their watch, and residents, particularly in lower-income communities, are paying the price through hotter neighborhood temperatures, higher cooling costs, and poorer air quality (Dudek, 2022, p. 10).

Taking these considerations into account, the Civil Grand Jury expected to find a greater sense of urgency among officials in the departments responsible for tree growth. However, that did not appear to be the case. The Civil Grand Jury did not find evidence that officials were actively reassessing the situation and making course corrections as needed.

For example, in interviews with the Civil Grand Jury, sources repeatedly expressed confidence in their current plans and said there was no need to deviate from planting 2,000 trees per year because it complies with the CFMP recommendation.

In addition, when the Department of Transportation issued its most recent annual report to the City Council in June 2025, it mentioned planting trees and combating invasive pests, but it did not express any concern about progress toward its canopy goal (Ristow, 2025).

One group that might have raised an alarm is the Community Forest Advisory Committee. This committee is responsible for reviewing San José policies and evaluating workplan priorities related to tree management. However, even though the committee is supposed to meet at least once per quarter, the last meeting for which the Civil Grand Jury could find minutes occurred in June 2024. Also, while the committee's website does list an agenda for January 28, 2026, no minutes, meeting notes, or presentation slides were posted as of May 5, 2026 (City of San José, n.d.).

These examples of inaction and complacency are especially troubling because a similar pattern played out about 20 years ago. In 2007, the City adopted the Green Vision, which committed the City to plant 100,000 new trees by 2022. Due to limited resources and other factors, the City only planted 15,000 to 20,000 trees (Dudek, 2022, p. 1).

II. Preserving Existing Trees

The real test of whether City officials take this crisis seriously is not only how many trees they plant, but also how diligently they protect and maintain existing trees. Both actions are essential: Planting expands the canopy over time, while preserving mature trees delivers the greatest immediate environmental benefits.

Protecting and maintaining trees requires sustained commitment and resources. It involves making informed decisions about how and where trees are planted, how effectively newly planted trees are nurtured, how trees are pruned and trimmed, and how and when they are removed.

More important, it requires providing support for private-property owners, because they are responsible for more than 90% of trees in the City (see Table 2). Support would include helping them understand what tree maintenance they are obligated to perform at their own expense, and helping them reduce costs, perhaps through financial assistance or by the City taking on certain responsibilities, as many other cities do. However, the City currently provides limited support for most homeowners, and residents who are eligible for financial support may not even be aware of it.

The CFMP notes that private-property owners bear most of the responsibility for the trees in San José. Table 2 shows that they are responsible for **more than 90% of San José's 1.57 million trees** (Dudek, 2022, p. 67; Ristow and Burton, 2023).

Table 2. The Distribution of Responsibilities for Trees in San José

Responsible party	Street Trees	Non-Street Trees			Total	
	In the public right-of-way	On private property	In Parks	Other		
Private-property owners	233,000	1,200,000	0	0	1,433,000	91%
Dept. of Transportation, Forestry	37,000	0	0	0	37,000	2%
Dept. of Parks, Recreation, and Neighborhood Services; Dept. of Public Works	0	0	30,500	0	30,500	2%
No documented source of responsibility	0	0	0	70,000	70,000	4%
Total	270,000	1,200,000	30,500	70,000	1,570,500	100%

Sources: Dudek, 2022, p. 67; Ristow and Burton, 2023.

NOTE: Columns may not add to 100% due to rounding.

Street trees are those located in the public right-of-way, such as along a street or sidewalk. In San José, private-property owners are responsible not only for the private trees on their property, but also for street trees adjacent to the public right of way (Dudek, 2022, p. 80; City of San José Municipal Code Sections 13.28.400 and 13.28.090).

One important way the City can preserve trees is by making it easier for private-property owners to maintain their private trees and street trees. This includes providing education and outreach, as well as financial assistance for lower-income residents.

Maintaining a Tree Is Expensive

Being responsible for a tree can be an expensive commitment. It means being responsible for planting it, providing establishment care (watering and caring for it for three years after planting), pruning, obtaining permits for tree pruning and removal, managing pest control, and removing the tree if needed.

To estimate some of these costs, the Civil Grand Jury reviewed several commercial websites in Spring 2026. It found that estimates for trimming and pruning services ranged from \$200 to \$800 for medium-sized trees (25-50 feet tall) and \$400 to \$1,600 for large trees (50-75 feet tall) (Tree Doctor USA, 2026; Tree Trimming, 2026).

In San José, private-property owners must also pay for pavement repair if the roots of a street tree damage the sidewalk. That can also be expensive – a news article in the San José Spotlight reported an average cost of \$3,000 for sidewalk repair (Vera, 2025).

The City does offer a financial-hardship program to assist low-income property owners with these costs. However, in fiscal year 2024-25, the City approved fewer than half the applications it received for financial assistance (Vera, 2025). The City acknowledges that not all residents who qualify for funding assistance will receive it, noting that approval of financial hardship is limited to available funding and may not be awarded to all qualified applicants (City of San José, Department of Transportation, [Sidewalks and Curb Ramps](#), n.d.).

This can become a crucial equity issue, especially in lower-income neighborhoods. Residents who can't afford maintenance costs might decide to remove the tree or let it die, which would exacerbate canopy disparities and the negative effects of summer heat.

Sharing More Responsibility to Help Private-Property Owners

To help residents lower their maintenance costs, the City has explored the option of assuming more responsibility for street trees. These efforts could reduce tension with homeowners, improve maintenance of street trees, and minimize canopy loss.

The CFMP noted that creating a model in which the City shares the costs of planting and establishing new trees with residents would demonstrate its willingness to assist residents and invest in the growth of the community forest (Dudek, 2022, p. 84).

As part of its exploration, the City Council asked the Community Forest Advisory Committee to study how much the City and property owners could save if the City were to assume responsibility for maintaining and planting street trees citywide (Liccardo, Carrasco, Davis, Esparza, and Cohen, 2022). The City Council also proposed funding the plan by assessing an annual fee for preventative pruning, tree maintenance, tree removal, and sidewalk repair.

The CFMP also recommended that the City evaluate the costs and benefits of an incentive program that would relieve property owners of some or all the burden related to tree maintenance, and to make a recommendation during the 2022-23 budget process. The Civil Grand Jury did not find evidence that a recommendation was made or that a specific department was assigned that task. However, a statement in the CFMP did suggest it would cost \$550 per tree to provide property owners with three years of watering and establishment care for newly planted trees.

The City has continued to study the option of taking greater responsibility for its street trees. It received a \$5.6 million grant in fiscal year 2023-24 to fund a project intended to estimate how much it would cost if the City took over responsibility for pruning, removing, and planting street trees within disadvantaged communities. The grant is being funded by the U.S. Department of Agriculture's Forest Service Urban and Community Forestry Program. The analysis, which is ongoing, is intended to inform the City Council whether the findings could be extrapolated to street trees throughout all of San José (Loesch, 2024; City of San José, 2023).

The City received the grant funding in Fall 2025 and is still in the process of hiring staff and issuing contracts for the project. Thus far, the City has used some of the money for a program that provides free street trees and planting services to property owners within the grant area. The City is also offering free street trees to property owners outside the grant area through a related program funded by fees paid to the City to replace canopy lost through development projects. (City of San José, Forestry, [Free Street Tree Planting Program](#), n.d.).

[Appendix A](#) contains information on how other Bay Area cities manage their street trees. [Appendix B](#) describes the City and County of San Francisco's (San Francisco) transition to managing street trees following the passage of a voter-approved measure in 2016.

Education and Outreach to Private-Property Owners

A survey of stakeholders cited in the CFMP revealed that:

- Private-property owners in San José were unhappy about having to pay extra costs related to public street trees and root-related sidewalk repairs.
- Private-property owners were confused about their maintenance obligations.
- Tree-related responsibilities represented a financial burden for low-income residents (Dudek, 2022, pp. 80-82).

The more that residents are educated about how to care for and maintain their trees, the greater the preservation of the canopy (Dudek, 2022, p. 64). However, except for providing general information about tree best practices and a link to the CFMP, the City's Forestry [website](#) provides virtually no outreach or educational opportunities (City of San José, n.d.).

Through multiple interviews, the Civil Grand Jury confirmed that private-property owners are often unaware of their responsibility for the trees adjacent to the sidewalks in front of their homes (even though prior owners are required to disclose that information in sales documents).

In addition, private-property owners don't always know that trees must be maintained at regular intervals to sustain healthy growth. As a result, some residents prune their trees improperly, which can damage the trees and lead to greater canopy loss in the long run.

Further, residents may fail to obtain permits for tree pruning or removal when required. This can make it harder for the City to track tree maintenance and removal.

III. Establishing Clear Accountability Measures

The Need to Operationalize the CFMP

The CFMP is a strategic framework that provides guidance at a macro level. To be actionable, it must also be operationalized at a tactical level so the relevant departments can prioritize their activities and manage their budgets accordingly.

The Civil Grand Jury found the City's efforts lacking in this regard. This lapse is especially concerning because the City's current approach will not enable it to meet its stated goal for canopy coverage – underscoring the urgency of translating the CFMP into strategic, shorter-term goals.

If the City is serious about achieving its canopy goals by 2051, it must have a plan that includes:

- Checkpoints: Clear and meaningful milestones against which it can measure its progress for the next 25 years;
- Intermediate goals: Shorter-term goals that divide its 2051 goal into manageable phases;

- Contingency plans: Backup strategies that ensure the City can respond to declining trends quickly and deliberately instead of reactively.

In addition, the City must assign clear accountability for these goals and ensure that those accountable have the resources to be successful.

The City's current plans do not incorporate these imperatives. Nor did the Civil Grand Jury find evidence that any agency was in the process of developing them.

Without deliberate strategic planning, the City seems to be headed for inevitable failure – just as in 2007 when it reached only 15-20% of its goal to plant 100,000 trees.

The CFMP Falls Short in Critical Areas

The CFMP contains considerable analysis and detail. However, the Civil Grand Jury identified major shortcomings that severely limit its effectiveness.

First, the plan lists 15 strategies and 67 objectives, but the City has not prioritized them into a focused, actionable roadmap to guide its progress in stages from the present to 2051. An effective plan prioritizes the actions that will have the greatest impact on organizational goals, sets clear and manageable timeframes, allocates resources accordingly, defines measurable outcomes, adapts to changing conditions, and coordinates efforts among responsible parties.

The City and the CFMP fail to provide this crucial level of detail and organization. More concerning, the plan fails to assign clear leadership and accountability to a single agency or official. Ownership is divided among numerous departments. This can lead to conflicting priorities and a lack of coordination and make it difficult to hold anyone accountable for results.

San José's Governance Structure is Complex

As noted, the City distributes tree responsibilities among four departments and at least one nonprofit partner. While there are benefits to such a system, it can also lead to a lack of coordination, resulting in inefficiencies and confusion.

For example, a property owner who wants to remove a tree that is subject to City regulation must apply to the Department of Planning, Building & Code Enforcement if the tree is on private property in their front or back yard, but to the Department of Transportation if the tree is a street tree in front of their house (i.e., in the area between the sidewalk and curb).

The expertise in these different departments can vary significantly. For example, the Department of Transportation employs certified arborists who are qualified to assess the health and safety condition of trees. On the other hand, the Department of Planning, Building & Code Enforcement does not have an arborist on staff, which means it must either consult with an arborist or make its decisions without the benefit of an arborist's science-based insight. That could result in situations where, for example, a permit is granted to remove an unhealthy tree that might otherwise have been saved.

A fragmented system like this may discourage residents from seeking proper permits for tree maintenance or removal. That can result in improper management of trees, which can lead to inadvertent canopy loss. It can also create a blind spot for officials, making it harder for them to track how many trees are being lost or are in the City's inventory.

To reduce bureaucracy, the CFMP recommended that the Department of Transportation streamline its processes by either consolidating tree responsibilities within one division or creating a new division:

If all tree-related management activities, permitting, enforcement, and planning decisions were coalesced into one department, it would be clear where to go for answers to tree-related questions, and it would ensure qualified staff are always reviewing tree issues for the City (Dudek, 2022, p. 24).

The CFMP recommends that this consolidation be completed “not later than the 2023-24 budget process” (Dudek, 2022, p. 138). In interviews, the Civil Grand Jury found no evidence that any level of consolidation had been instituted as of March 2026.

The Department of Transportation delivered annual reports to the City Council's Transportation and Environment committee in 2023, 2024, and 2025, but none of its reports mentioned anything about reorganizing to consolidate responsibilities (Ristow and Burton, 2023; Ristow and Burton, 2024; Ristow, 2025).

Reactivate the Community Forest Advisory Committee

After the CFMP was approved in 2022, the San José City Council established the Community Forest Advisory Committee to guide the implementation of the plan (Liccardo, Carrasco, Davis, Esparza, and Cohen, 2022).

Specifically, the Community Forest Advisory Committee is chartered to:

- Make recommendations regarding annual workplan priorities;
- Review City policies to help protect, enhance, and grow the community forest;
- Identify and secure resources needed for a successful urban-forestry program;
- Promote public education and outreach.

The City Council specified that the 10-person advisory committee include employees from the San José Departments of Transportation; Parks, Recreation and Neighborhood Services; and Planning, Building & Code Enforcement; as well as nonprofit partners, members of neighborhood associations, and advocates from canopy-deficient districts (Liccardo, Carrasco, Davis, Esparza, and Cohen, 2022).

Such a committee could be a valuable resource in advancing the City's canopy goals; however, the Community Forest Advisory Committee appears to have largely abdicated its responsibilities. Meeting minutes were last published online in July 2023, although the Civil Grand Jury obtained an unpublished agenda from a June 2024 meeting.

The Civil Grand Jury also found that Community Forest Advisory Committee members were uncertain about how frequently the committee meets, who the current members were, and when its last official meeting was. The committee's website does include an agenda for a January 2026 meeting but there are no minutes or meeting notes.

If the City is serious about restoring its canopy, it must be far more proactive about translating the CFMP into an actionable document. It should also simplify its governance structure as outlined in the CFMP, and it must make sure that the Community Forest Advisory Committee is meeting regularly and achieving the goals of its charter.

CONCLUSION

Trees are remarkable resources that enrich every neighborhood they inhabit. Because they grow slowly, it is critical that City officials manage them with foresight, disciplined planning, and strategic thinking.

However, that has not been what is happening in San José. Residents have watched as the City's canopy has shrunk year after year, resulting in hotter neighborhoods and undermining the city's sustainability. Despite making commitments to improve the situation for the last 20 years, the City has continued to fail.

City officials have an obligation to address this crisis decisively – but their failure to act with urgency for the last 20 years threatens to burden residents with decades of preventable suffering.

The City's challenge is certainly complex. Budget constraints, invasive pests, and climate pressures complicate the work of urban forestry. However, this complexity is precisely why the work demands such a high standard of strategic, long-term planning.

The Community Forest Management Plan was a reasonable start, but its flaws should have been addressed years ago. This must change now. By the end of 2026, City officials must prioritize translating the CFMP into a realistic plan with measurable targets and timelines, quantifiable goals, and clearly defined resource allocation.

That means identifying an agency or official who is accountable for the plan's success. It means taking a critical look at the City's tree-planting strategies and developing shorter-term goals that divide its 2051 plan into manageable phases. It means reassessing its plans to plant 2,000 trees per year with a realistic and critical eye. It also means doing more to provide informational and financial support to the private-property owners whose partnership is critical to maintaining 90% of the City's canopy.

The Civil Grand Jury understands that restoring a thriving urban forest takes time, resources, and sustained commitment. What the community needs now is evidence that the City takes its obligation seriously. City officials can provide that evidence by committing to smart planning, transparent accountability, and clear timelines. With that foundation in place, they will find a community eager to support their effort.

FINDINGS AND RECOMMENDATIONS

Finding 1

The CFMP requires significant coordination across stakeholders, but the City has not designated a single agency or employee to own the implementation and coordination, which has resulted in confusion, inefficiency, and a lack of accountability.

Recommendation 1

The City should designate one department or official as accountable for implementing the recommendations in the CFMP. This should include setting priorities, coordinating efforts among stakeholders, and providing regular status reports.

This recommendation should be implemented by September 1, 2026.

Finding 2

The Community Forest Advisory Committee lacks direction and accountability, and has not been meeting regularly as required to set direction and priorities.

Recommendation 2

The City should reactivate the Community Forest Advisory Committee and restore quarterly meetings led by the City department or official identified in Recommendation 1.

This recommendation should be implemented by October 1, 2026.

Finding 3

The City's plan to reach 20% canopy coverage by 2051 is likely to fail if the City continues to plant only 2,000 trees per year.

Recommendation 3

The City should develop and publish a comprehensive operational plan that outlines in detail how it plans to achieve its 20% canopy goal by 2051.

This recommendation should be implemented by January 1, 2027.

Finding 4

The CFMP lacks interim benchmarks, reassessment mechanisms, and contingency planning that would enable the City to address shortfalls or changing conditions decisively rather than reactively.

Recommendation 4a

The City should establish clear interim targets and performance checkpoints toward its 2051 canopy goal, to include contingency strategies with defined triggers and actions to address potential underperformance.

This recommendation should be implemented by January 1, 2027.

Recommendation 4b

The City should develop a contingency plan with defined trigger points tied to annual tree-planting levels. When planting falls below those thresholds, the plan should activate clear, actionable, and realistic measures to halt declines and restore planting levels.

This recommendation should be implemented by January 1, 2027.

Finding 5

The City has explored options to reduce the burden on private-property owners for tree maintenance and sidewalk repair, including financial assistance and assuming greater responsibility for street trees, but has not completed a comprehensive evaluation to determine feasibility or inform a decision on whether to proceed.

Recommendation 5

The City should evaluate the costs, benefits, and funding options for programs that shift greater responsibility for street trees to the City, to include assisting homeowners with tree maintenance and root-related sidewalk repairs.

This recommendation should be implemented by June 1, 2027.

Finding 6

While the City acknowledges its responsibility to provide education and outreach to private-property owners, there is limited evidence that San José is doing so in a proactive manner.

Recommendation 6

The City should comply with the CFMP directive to implement education and outreach programs that help residents understand the value of trees, their roles and responsibilities related to trees, and what support San José can provide for them.

This recommendation should be implemented by January 1, 2027.

REQUIRED RESPONSES

Pursuant to California Penal Code section 933(a) et seq. and California Penal Code section 933.05, the 2025-2026 Santa Clara County Civil Grand Jury requests responses from the following governing body:

Responding Agency	Findings	Recommendations
The City of San José	1, 2, 3, 4, 5, 6	1, 2, 3, 4a, 4b, 5, 6

GLOSSARY AND ABBREVIATIONS

Term	Definition
CFMP	San José's Community Forest Management Plan, approved in 2022
Canopy	The upper layer of vegetation formed by tree crowns
Canopy coverage	The percentage of ground area shaded from above by the leaves, branches, and foliage of trees
Community forest	All trees, whether publicly managed by a city or privately owned by residents and business owners, in an urban environment
Non-street tree	A tree in a park, on private property, or on a trail
Street tree	A tree planted in the public right-of-way along a street, typically in the area between a sidewalk and curb

APPENDIX A: How Various Other Cities Manage Their Street Trees

The Civil Grand Jury reviewed how other cities in the County of Santa Clara and neighboring jurisdictions manage their street trees. It found that approaches generally fall into three categories:

1. Property owners are fully responsible;
2. City and property owners share responsibility;
3. The city assumes most or all responsibility.

1. Property Owners are Fully Responsible

In San José, private-property owners pay the entire cost of street-tree planting, establishment care, pruning, and removal, plus the cost of tree-related pavement maintenance and repair ([San José Municipal Code Section 13.28.400](#)).

2. City and Property Owners Share Responsibility

Other cities share responsibility with private-property owners. For example, property owners in Mountain View are responsible for planting, establishment care, and removal of street trees, while the city pays for pruning and tree-related pavement costs ([City of Mountain View](#), n.d.).

The City of Sunnyvale plants new street trees, while property owners are responsible for the establishment care. The City of Sunnyvale also pays for the maintenance and pruning of street trees, although private-property owners are responsible for removal ([City of Sunnyvale](#), n.d.).

The City of Santa Clara also has a shared approach in which the city plants trees and property owners water them. Maintenance and removal may be done by the city ([City of Santa Clara Municipal Code Section 12.35.050](#)).

In the City of Milpitas, the city plants street trees and prunes, maintains, and removes them if needed. Property owners are responsible for watering new trees. However, owners who have non-approved street trees are responsible for maintenance, pruning, and removal with proper permits ([City of Milpitas](#), n.d.).

3. The City Assumes Most or All Responsibility

San Francisco previously had a model like San José's in which property owners bore full responsibility for street trees and tree-related pavement repair. However, in 2016, San Francisco voters approved a measure to have the San Francisco Public Works department take responsibility for most of the costs of street-tree planting, establishment care, and pruning, as well as sidewalk

damage caused by tree roots (Dudek, 2022, p. 71; [City and County of San Francisco](#), n.d.). When property owners in San Francisco plant trees on their own, they are responsible for the costs of establishment care.

The City of Gilroy states that it owns all the street trees in the city and takes full responsibility for maintenance. Private-property owners are responsible for keeping the ground area clean under street trees that are adjacent to their property ([City of Gilroy](#)).

APPENDIX B: San Francisco's Transition to Managing Street Trees

Prior to 2016, San Francisco property owners were fully responsible for street trees and tree-related pavement repair. In 2016, San Francisco voters approved Measure E to finance San Francisco taking on the responsibility for all street trees (City and County of San Francisco, n.d.).

In 2012, San Francisco conducted a study of the costs and benefits of a street-tree program in which the San Francisco Department of Public Works would be responsible for planting and maintaining all trees in the public right of way. San Francisco officials estimated that property owners would save \$10 to \$65 per tree annually compared to 2012 costs, which were estimated at \$160 to \$175 per year for maintenance, sidewalk repair, and claims associated with injuries related to sidewalk damage. The officials also estimated that maintenance costs could be halved through proactive “block” pruning versus pruning based on emergency and regular service requests (AECOM, 2013).

In considering how to finance operations and maintenance, San Francisco explored options including general obligation bonds, state grants, capital improvement program funds, or a parcel tax based on street frontage (AECOM, 2013, pp. 33-46). It concluded that the three most feasible options were a Land and Landscaping Lighting District assessment, a parcel tax, or a general obligation bond. San Francisco opted for the general obligation bond, which became Measure E.

After Measure E passed, San Francisco's efforts were slowed due to the pandemic and startup delays around contracting and hiring. However, San Francisco made gains in street-tree pruning during the first four years of the program (City and County of San Francisco, Department of Public Works, 2021, p. 5). The city began by managing only 39% of all street trees, but city officials considered these to be trees in the worst shape.

San Francisco also reported progress in assuming responsibility for sidewalk repairs. By the four-year point, the city had repaired all tree-related sidewalk damage in commercial corridors and near schools, hospitals, and senior centers (City and County of San Francisco, Department of Public Works, n.d., p. 9).

CONFLICTS

Members of the Civil Grand Jury are conflicted from a Civil Grand Jury investigation if, as a result of prior or current employment or associations, investment in public or private enterprise, financial interest, bias, or personal relationship, they are subject to recusal from participating in a matter before the Civil Grand Jury.

Two jurors recused themselves from this matter.

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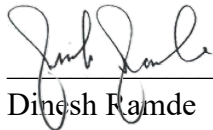
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A CANOPY IN DECLINE

This report was **ADOPTED** by the 2025-2026 Santa Clara County Civil Grand Jury on this 19th day of May, 2026.



Dinesh Ramde
Foreperson