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APPEAL OF PROPOSED TREE REMOVAL
SAN FRANCISCO PUBLIC UTILITIES COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

IN THE MATTER OF)
)
THE PROPOSED REMOVAL OF STREET)
TREES AT CRAGS COURT) **HEARING OFFICER’S DECISION**
) **ON APPEAL**
)
)
)

The San Francisco Public Utilities Commission (“SFPUC”) proposed removal of 2 street trees at Crags Court under Section 806 of the Public Works Code. Irella Blackwood, the Director of Audits at SFPUC, held a hearing pursuant to Section 806 to consider objections to the SFPUC’s proposed tree removals. Following the hearing, Hearing Officer Blackwood issued a decision on September 24, 2024, approving the proposed removal of the trees. Joshua Klipp filed a timely appeal of that decision. The SFPUC designated the undersigned to serve as the hearing officer for the appeal.

On October 30, 2024 Jonathan Streeter notified the parties of a briefing schedule and set an appeal hearing to be held on November 6, 2024. On November 6, 2024, the hearing officer held a hearing on the appeal and considered presentations and argument from Mr. Klipp and the SFPUC, and took the matter under submission.

FINDINGS AND DECISION

The undersigned makes the following findings and decision:

1. SFPUC properly provided notice of the proposed tree removals and this hearing, as required by the Public Works Code.
2. The Water Main Replacement on Gold Mine Drive Project is a critical infrastructure

1 upgrade. While the SFPUC considered all alternatives to mitigate tree loss, applicable rules
2 regarding the addition of curb cuts attendant to this type of work unfortunately require the
3 removal of the two trees in question. No evidence was presented to suggest that there are
4 other methods for completing the project's goals that could avoid the tree loss.

- 5 3. Therefore, the original hearing officer's decision that the tree removals were necessary is
6 UPHELD. Paragraph 3 of the hearing officer's decision referenced the removal of a single
7 tree, but that reference was a typographical error. The record was clear that the hearing
8 involved two trees. Based on that record and the totality of the decision, the undersigned
9 understands that the plain intent of the original hearing officer was to approve the removal of
10 both trees.
- 11 4. The SFPUC shall pay the applicable in-lieu fee for the trees pursuant to Sections 802 and 806
12 of the City Administrative Code. If any other trees are put at risk because of this project, the
13 SFPUC shall develop and implement appropriate measures to protect them.
- 14 5. Mr. Klipp provided compelling arguments that the City overall can do more to replace street
15 trees, specifically his contention that in-lieu fees are insufficient mitigation to tree loss. The
16 Department of Public Works is the only City agency with the authority to carry out these
17 replacements, and further investigation with that department to ensure that payment of in-lieu
18 fees actually results in the full and timely replacement of the tree(s) that are lost may be
19 warranted.
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23 **DATE: December 4, 2024**

Christopher Crane
24 **Christopher Crane**
25 **Hearing Officer**
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PROOF OF SERVICE

I, Jonathan Streeter, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the above-entitled action. I am employed at the San Francisco Public Utilities Commission, 525 Golden Gate Ave. San Francisco, CA 94102.

On December 4, 2024, I served the following document:

HEARING OFFICER'S DECISION ON APPEAL

on the following persons at the locations specified:

Joshua Klipp
884 Kansas Street
San Francisco, CA 94107

Howard Fung
San Francisco Public Utilities Commission
525 Golden Gate Ave.
San Francisco, CA 94102

in the manner indicated below:

BY UNITED STATES MAIL: Following ordinary business practices, I sealed true and correct copies of the above documents in addressed envelope(s) and placed them at my workplace for collection and mailing with the United States Postal Service. I am readily familiar with the practices of the San Francisco Fire Department for collecting and processing mail. In the ordinary course of business, the sealed envelope(s) that I placed for collection would be deposited, postage prepaid, with the United States Postal Service that same day.

BY PERSONAL SERVICE: I sealed true and correct copies of the above documents in addressed envelope(s) and caused such envelope(s) to be delivered by hand at the above locations by a professional messenger service. A declaration from the messenger who made the delivery
 is attached or will be obtained separately.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct. Executed on December 4, 2024, at San Francisco, California.

Jonathan Streeter

Jonathan Streeter