

1
2 **OBJECTION HEARING REGARDING PROPOSED TREE REMOVAL**

3 **SAN FRANCISCO PUBLIC UTILITIES COMMISSION**
4 **CITY AND COUNTY OF SAN FRANCISCO**

5 **IN THE MATTER OF**)

6 **THE PROPOSED REMOVAL OF STREET**)
7 **TREE AT 300 WAWOMA STREET**)

8) **HEARING OFFICER’S DECISION**
9)

10 **INTRODUCTION AND BACKGROUND**

11 The San Francisco Public Utilities Commission (“SFPUC”) held a public hearing on
12 December 5,2022, via remote video platform to consider Joshua Klipp’s objection to the SFPUC’s
13 proposed removal of one street tree at 300 Wawona Street under Section 806 of the Public Works
14 Code. The SFPUC Chief Financial Officer appointed the undersigned to serve as hearing officer per
15 Acting SFPUC General Manager Michael Carlin’s memorandum concerning Public Works Code
16 Article 16 tree removal hearings, dated April 13, 2021. Prior to the hearing, the parties submitted
17 pre-hearing statements and exhibits. At the hearing, SFPUC staff and Mr. Klipp presented testimony
18 and arguments concerning the tree removal.

19 **OVERVIEW OF EVIDENCE AND ARGUMENTS**

20 1. Saed Toloui, Kevin How, and Kelley Omran presented on behalf of the SFPUC project
21 team. The proposed tree removal arises from SFPUC’s Wawona Area Stormwater Improvement and
22 Vicente St. Water Main Replacement Project. This project seeks to increase conveyance of wet
23 weather flows and reduce the risk of flooding in the Wawona Street/15th Avenue area.

24 2. SFPUC consulted the Bureau of Urban Forestry to verify risks to trees.

25 3. SFPUC determined through engineering analysis that this was the most suitable location
26 for the drain. This analysis considered alternatives to mitigate the need to remove trees and ultimately
27 was able to limit the impact to one tree, rather than two trees.
28

1 4. SFPUC posted notice on the tree proposed for removal from 9/26/22 to 10/26/22. Notice
2 was also posted on the SFPUC website and the SF Department of Public Works website. Mr. Klipp
3 submitted an objection to the proposed tree removal, which triggered this hearing. SFPUC posted
4 notice of the December 5, 2022 hearing seven days in advance of the hearing per Public Works Code
5 Section 806. Additionally, SFPUC published notice of the hearing in a newspaper of record, notified
6 the parties and interested organizations, and posted notice on its website and the Public Works
7 website. A hearing agenda was posted at least 72 hours before the hearing.

8 5. Mr. Klipp made the following arguments to support his objection to the proposed tree
9 removal: (a) SFPUC has removed significantly more trees than it has planted and/or replaced, (b)
10 SFPUC has failed to properly protect trees in previous construction projects, (c) trees provide
11 significant benefits in the fight against climate change, (d) the in-lieu fee does not sufficiently mitigate
12 the impacts of a tree removal. Mr. Klipp also provided an example of another city agency (San
13 Francisco Municipal Transportation Agency, or SFMTA) having done more to replace trees that had to
14 be removed in response to public comments.

15 6. Mr. Klipp does not contest that the work is important but believes the SFPUC could do
16 more to mitigate the impacts of their work, in particular as it relates to tree preservation.

18 **FINDINGS AND DECISION**

19 The undersigned makes the following findings and decision:

20 1. SFPUC properly provided notice of the proposed tree removal and this hearing, as
21 required by the Public Works Code.

22 2. The Wawona Area Stormwater Improvement and Vicente St. Water Main Replacement
23 Project is a critical infrastructure upgrade necessary to increase conveyance of wet weather flows
24 and reduce the risk of flooding in the area. The SFPUC considered alternatives to mitigate tree loss
25 and determined the proposed inlets represent the best outcome based on the analysis that was
26 performed, and that one tree would be lost because of this work. No evidence was presented to
27 suggest that there are other methods for completing the project's goals that would have avoided the
28 tree loss.

1 3. Therefore, SFPUC's proposal to remove the one tree is **APPROVED**. SFPUC shall pay
2 the applicable in-lieu fee for the tree pursuant to Sections 802 and 806 of the City Administrative
3 Code. If any other trees are put at risk because of this project, SFPUC shall develop and implement
4 appropriate measures to protect them.

5 4. Outside of the scope of this hearing, Mr. Klipp provided compelling arguments that the
6 City overall can do more to replace street trees. Specifically, Mr. Klipp's contention that in-lieu fees
7 are insufficient mitigation to tree loss may merit further investigation with the other City
8 departments responsible for setting the fee (Controller and Board of Supervisors) and implementing
9 the process (Public Works) to ensure that payment of in-lieu fees actually produces results
10 equivalent to the full replacement of the tree(s) that are lost.

11 5. As provided by Acting General Manager Carlin's April 13, 2021 memorandum
12 concerning this process, this decision may be appealed to the General Manager or his designee. Such
13 appeal must be filed no later than 15 days from the date of this decision by submitting it to Audit
14 Bureau Manager Christina Andersson at candersson@sfgov.org.

15
16 **DATE:** 12/15/2022

Daniel Young

Daniel Young
Hearing Officer