

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 **TREES AT CLARENDON AVENUE AND** )  
8 **DELLBROOK AVENUE** )

**HEARING OFFICER’S DECISION**

9  
10 **INTRODUCTION AND BACKGROUND**

11 The San Francisco Public Utilities Commission (“SFPUC”) held a public hearing on June 9,  
12 2021, via remote video platform pursuant to the ongoing COVID-19 public health restrictions to  
13 consider Joshua Klipp’s objection to the SFPUC’s proposed removal of 11 street trees at Clarendon  
14 Avenue and Dellbrook Avenue under Section 806 of the Public Works Code. The SFPUC Assistant  
15 General Manager, Business Services and Chief Financial Officer, appointed the undersigned to serve  
16 as hearing officer per Acting SFPUC General Manager Michael Carlin’s memorandum concerning  
17 Public Works Code Article 16 tree removal hearings dated April 13, 2021. Prior to the hearing, the  
18 parties submitted pre-hearing statements and exhibits. At the hearing, SFPUC staff and Mr. Klipp  
19 presented testimony and arguments concerning the tree removal, and members of the public had the  
20 opportunity to provide comment.  
21  
22

23 **OVERVIEW OF EVIDENCE AND ARGUMENTS**

24 1. Alan Johanson presented on behalf of the SFPUC project team. The proposed tree removal  
25 arises from the SFPUC’s Emergency Firefighting Water System (EFWS) Clarendon Supply Project.  
26 EFWS (formerly known as the Auxiliary Water Supply System) is a system originally constructed  
27 following the 1906 earthquake to provide water to various areas of the City in the event of multiple  
28

1 alarm fires caused by earthquakes or other disasters. SFPUC has determined that the waterflow and  
2 pressure of the existing EFWS is insufficient to protect western areas of the City in the event of a  
3 major earthquake and resulting fires. The EFWS Clarendon project will install a new pipeline and  
4 valve assembly in the public right of way at Clarendon and Dellbrook Avenues below the Summit  
5 Reservoir that will take advantage of downhill waterflows to provide the increased pressure and flow  
6 without the installation of a pumping system.

7  
8 2. SFPUC considered other locations for the project and selected the Clarendon/Dellbrook site  
9 because it would not require booster pumps, it is optimally located to connect to the existing EFWS  
10 main pipeline, it provides safe access for maintenance operations, and it fits within the public right  
11 of way. Additionally, other options would have likely required the removal of more trees.

12 3. SFPUC contends the 11 trees proposed for removal conflict with the construction and  
13 operation of the EFWS Clarendon project and that it is infeasible to complete the project without  
14 removing the trees.

15  
16 4. The project also requires removal of trees on property abutting the public right of way under  
17 the jurisdiction of the Recreation and Park Department. Some of those trees had already been  
18 removed at the time of the hearing. Mr. Johanson stated that none of the 11 trees at issue in this  
19 proceeding have been cut down. SFPUC completed a tree protection plan dated June 1, 2021, for  
20 other trees in the area of the project that will not be removed.

21 5. SFPUC contends that if trees are replanted at the site after the project is complete, the roots  
22 of such trees would likely damage the underground pipeline. SFPUC therefore proposes paying the  
23 in-lieu fee to the Public Works fund for tree planting, as authorized by Section 806 of the Public  
24 Works Code.

25  
26 6. The SFPUC posted the 11 trees proposed for removal from February 26, 2021 to March 27,  
27 2021. Mr. Klipp submitted an objection to the proposed tree removal, which triggered this hearing.  
28

1 SFPUC posted notice of the June 9, 2021 hearing on the trees seven days in advance of the hearing  
2 per Public Works Code Section 806, as well as publishing notice of the hearing in a newspaper of  
3 record, notifying the parties and interested organizations, and posting notice on its website and the  
4 Public Works website.

5 7. Mr. Klipp made the following arguments to support his objection to the proposed tree  
6 removal: (a) SFPUC has already removed some of the trees at issue in this proceeding, (2) SFPUC's  
7 tree policies fail to promote carbon sequestration because SFPUC does not replace trees that it  
8 removes. Mr. Klipp also raised issues with a prior tree removal proceeding in connection with the  
9 Headworks improvement project at the Southeast Treatment Plant, and he provided information  
10 about the benefits of trees to combat climate change. Mr. Klipp contends that SFPUC should be  
11 required to pay more than the statutory in-lieu fee.  
12

### 13 **FINDINGS AND DECISION**

14 The undersigned makes the following findings and decision:

15 a. SFPUC properly provided notice of the proposed tree removal and this hearing, as required  
16 by the Public Works Code. (*See* ¶ 6.)  
17

18 b. The EFWS Clarendon project is an important infrastructure upgrade necessary to ensure the  
19 safety of City residents in the event of an emergency. Removing the 11 street trees is necessary for  
20 completing the EFWS Clarendon project. No evidence has been presented that the project can be  
21 completed while retaining the trees. (*See* ¶¶ 1-3.) The undersigned is not persuaded that any of the  
22 11 trees proposed for removal has already been cut down. (*See* ¶ 4.)  
23

24 c. Replacing the 11 street trees at the site could lead to damage to the EFWS Clarendon  
25 infrastructure after installation due to possible intrusion from tree roots. (*See* ¶ 5.)

26 d. Therefore, SFPUC's proposal to remove the 11 street trees is **APPROVED**. SFPUC shall  
27 pay the applicable in-lieu fee for each of the 11 street trees pursuant to Sections 802 and 806 of the  
28

1 Public Works. Code.

2 e. As provided by Acting General Manager Carlin's April 13, 2021 memorandum concerning  
3 this process, this decision may be appealed to the General Manager or his designee. Such appeal  
4 must be filed no later than 15 days from the date of this decision by submitting it to  
5 Mcarlin@swater.org.

6  
7 **DATE: June 10, 2021**

8 \_\_\_\_\_  
9 **Ken Salmon**  
10 **Hearing Officer**