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APPEAL OF PROPOSED TREE REMOVAL

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SAN FRANCISCO PUBLIC UTILITIES COMMISSION CITY AND COUNTY OF SAN FRANCISCO

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IN THE MATTER OF 5

> THE PROPOSED REMOVAL OF STREET TREES AT CLARENDON AVENUE AND

DELLBROOK AVENUE

HEARING OFFICER'S DECISION

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The San Francisco Public Utilities Commission ("SFPUC") proposed removal of 11 street trees at Clarendon Avenue and Dellbrook Avenue under Section 806 of the Public Works Code in connection with the SFPUC's Emergency Firefighting Water System Clarendon Supply Project. Joshua Klipp filed objections to the proposed removal. Ken Salmon, the Assistant General Manager, Business Services and Chief Financial Officer at SFPUC, held a hearing pursuant to Section 806 to consider Mr. Klipp's objections. Following the hearing, Hearing Officer Salmon issued a decision on June 10, 2021, approving the proposed removal of the trees. Mr. Klipp filed a timely appeal of that decision. SFPUC Acting General Manager Michael Carlin designated the undersigned to handle the appeal.

On July 23, 2021, I notified the parties of a briefing schedule and set an appeal hearing to be held on August 10, 2021. Mr. Klipp requested to waive the hearing and submit the appeal on the parties' briefs and exhibits, and the SFPUC agreed to this proposal. The parties timely submitted appeal briefs and exhibits, which I have thoroughly reviewed.

Mr. Klipp appeals on only one issue: he contends that SFPUC unlawfully removed one street tree at the site prior to the hearing on his objections. SFPUC contends that the tree at issue was removed by the Recreation and Parks Department ("RPD"), and that it was on RPD property and

therefore out of the public right-of-way. SFPUC argues that because the tree at issue is not a street tree as defined by Article 16 of the Public Works Code, the removal procedures of Article 16 do not apply to the tree. Since the prior hearing, SFPUC conducted another survey of the site and determined the tree at issue was on RPD property, as indicated in diagrams and photos contained in the brief. SFPUC also submits an email from Kevin Jackson with RPD Urban Forestry indicating that the trees cut down near the project site were on RPD property.

Based on the updated survey and confirmation from RPD, I am persuaded that the tree at issue was on property under the jurisdiction of RPD and that it was not in the public right-of-way. I am further persuaded that the tree at issue was not one of the 11 trees that were the subject of the prior hearing and at issue in Hearing Officer Salmon's order.

Based on the foregoing, Mr. Klipp's appeal is **DENIED** on the basis that Hearing Officer Salmon's order was properly issued.

This is a final administrative decision that may be challenged by filing a petition for writ mandate in the San Francisco Superior Court pursuant to Section 1094.5 et seq. of the California Code of Civil Procedure.

DATE: August 13, 2021

Gregory Norby
Greg Norby
Hearing Officer