

IN THE MATTER OF

HEARING OFFICER'S DECISION

The San Francisco Public Utilities Commission (“SFPUC”) held a public hearing on September 19, 2024, via remote video platform to consider the community’s objection to the SFPUC’s proposed removal of one street tree at Crags Court under Section 806 of the Public Works Code. The SFPUC Chief Financial Officer appointed the undersigned to serve as hearing officer per SFPUC guidelines concerning Public Works Code Article 16 tree removal hearings. Prior to the hearing, the parties submitted pre-hearing statements and exhibits. At the hearing, SFPUC staff and the Crags Court community presented testimony and arguments concerning the tree removal. Irella Blackwood, SFPUC Audit Bureau Director, fulfilled the duties of the Hearing Officer.

1. Jon Cantu presented on behalf of the SFPUC project team. The proposed tree removals arise from SFPUC's Water Main Replacement on Gold Mine Drive Project. This project seeks to replace smaller existing water mains to improve reliability in a neighborhood that has had a history of repeated main breaks. This project will maintain critical utility services, avoid disruptive emergency repairs and upsize pipelines to improve water flows for firefighting.

2. The project team consulted with the Bureau of Urban Forestry to verify risks to trees. In addition, the SFPUC determined through engineering analysis that this was the most suitable location for the water main replacements. This analysis considered alternatives to mitigate the need to remove trees and ultimately was unable to limit the impact to the two trees.

3. SFPUC posted notice of the September 19, 2024 hearing seven days in advance of the hearing per Public Works Code Section 806. SFPUC posted notice on the two trees proposed for removal from 9/11/24 to 9/19/24. Notice was also posted on the SFPUC website (8/29/24) and the SF Department of Public Works website (8/29/24). Additionally, SFPUC published notice of the hearing in a newspaper of record (9/1/24) and notified the parties and interested organizations by postal mail (9/5/24), and by e-mail (9/9/24).

4. Todd Elkins made the following arguments to support his objection to the proposed tree removal: (a) SFPUC has removed significantly more trees than it has planted and/or replaced, (b) SFPUC has failed to properly protect trees in previous construction projects, (c) trees provide significant benefits in the fight against climate change, (d) the in-lieu fee does not sufficiently mitigate the impacts of a tree removal. Elkins also provided an example of another city agency having done more to replace trees that had to be removed in response to public comments.

5. Sophie Constantinou does not contest that the work is important but believes the SFPUC could do more to mitigate the impacts of their work, in particular as it relates to tree preservation.

FINDINGS AND DECISION

The undersigned makes the following findings and decision:

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

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

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

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

7 5. As provided by SFPUC guidelines concerning his process, this decision may be
8 appealed to the General Manager or his designee. Such appeal must be filed no later than 15 days from
9 the date of this decision by submitting it to Audit Bureau Director Irella Blackwood at
10 iblackwood@sfgov.org

11 Dated: 9-24-2024

Irella Blackwood
Irella Blackwood
Hearing Officer