

BOARD OF APPEALS, CITY & COUNTY OF SAN FRANCISCO

Appeal of
JOSHUA KLIPP,)
Appellant(s))
vs.)
SAN FRANCISCO PUBLIC WORKS)
BUREAU OF URBAN FORESTRY,)
Respondent)

Appeal No. **23-058**

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT on November 17, 2023, the above named appellant(s) filed an appeal with the Board of Appeals of the City and County of San Francisco from the decision or order of the above named department(s), commission, or officer.

The substance or effect of the decision or order appealed from is the ISSUANCE on November 3, 2023 to San Francisco Recreation & Parks Department (Rec & Park) of a Public Works Order (APPROVAL to remove two trees (flowering cherry trees) at 1701 Post Street with replacement in-kind on the 1500 block of Laguna Street; Rec & Park applied to remove the two trees by recommendation of Vision Zero in coordination with the capital improvement project for Japantown Plaza; the goal is to prevent plantings from blocking critical driver safety lines or creating other safety issues).

ORDER NO. 208816

FOR HEARING ON January 17, 2024

Address of Appellant(s):

Address of Other Parties:

Joshua Klipp, Appellant(s) 884 Kansas Street San Francisco, CA 94107	SF Recreation & Parks Department, Permit Holder(s) c/o Marien Coss, Agent for Permit Holder(s) 49 South Van Ness Avenue San Francisco, CA 94103
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Date Filed: November 17, 2023

**CITY & COUNTY OF SAN FRANCISCO
BOARD OF APPEALS**

PRELIMINARY STATEMENT FOR APPEAL NO. 23-058

I / We, **Joshua Klipp**, hereby appeal the following departmental action: **ISSUANCE of Public Works Order No. 208816** (approval to remove two street trees with replacement) by the **San Francisco Public Works Department**, which was issued or became effective on: **November 3, 2023**, to: **SF Recreation & Parks Department**, for the property located at: **1701 Post Street** (adjacent to Japantown Peace Plaza). Replacement will be on the 1500 Block of Laguna Street.

BRIEFING SCHEDULE:

Appellant's Brief is due on or before: 4:30 p.m. on **December 28, 2023**, (no later than three Thursdays prior to the hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be double-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org, marien.coss@sfgov.org and chris.buck@sfdpw.org

Respondent's and Other Parties' Briefs are due on or before: 4:30 p.m. on **January 11, 2024**, (no later than one Thursday prior to hearing date). The brief may be up to 12 pages in length with unlimited exhibits. It shall be doubled-spaced with a minimum 12-point font. An electronic copy shall be emailed to: boardofappeals@sfgov.org, julie.rosenberg@sfgov.org and joshuaklipp@gmail.com

Hard copies of the briefs do NOT need to be submitted to the Board Office or to the other parties.

Hearing Date: **Wednesday, January 17, 2024, 5:00 p.m., Room 416 San Francisco City Hall, 1 Dr. Carlton B. Goodlett Place.**

All parties to this appeal must adhere to the briefing schedule above, however if the hearing date is changed, the briefing schedule MAY also be changed. Written notice will be provided of any changes to the briefing schedule.

In order to have their documents sent to the Board members prior to hearing, **members of the public** should email all documents of support/opposition no later than one Thursday prior to hearing date by 4:30 p.m. to boardofappeals@sfgov.org. Please note that names and contact information included in submittals from members of the public will become part of the public record. Submittals from members of the public may be made anonymously.

Please note that in addition to the parties' briefs, any materials that the Board receives relevant to this appeal, including letters of support/opposition from members of the public, are distributed to Board members prior to hearing. All such materials are available for inspection on the Board's website at www.sfgov.org/boa. You may also request a hard copy of the hearing materials that are provided to Board members at a cost of 10 cents per page, per S.F. Admin. Code Ch. 67.28.

The reasons for this appeal are as follows:

Not Submitted.

Appellant:
Signature: Via Email
Print Name: Joshua Klipp, appellant



San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 208816

The Director of Public Works held a Public Hearing on Wed Oct 04, 2023 commencing at 10:00 AM via teleconference to consider items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order 208661 (tree removal permit application no. 794600) regarding the removal of two (2) street trees with replacement on the 1500 block of Laguna Street. The trees are on the “1701” Post St. frontage with replacement on the 1500 block of Laguna St. Staff approved the removal and the public protested. The subject trees are small flowering cherry trees with cultural symbolism to the Japantown neighborhood.

Staff: Hearing Officer Ian Scharlotta, BUF Inspector Sara Stacy

Findings:

Permit Application Removal or StreetTreeSF Removal:

Permit

Information Background:

Rec&Park applied to remove two trees by recommendation for Vision Zero in coordination with capital improvement project for the Japantown Plaza.

Description: The subject street trees are two (2) flowering ornamental cherry trees; *Prunus serrulata*. The trees are in fair condition and relatively small in size. Trunk diameter is 7" and 9" respective to the tree site order. The trees may be replaced easily in kind on the Laguna Street frontage.

Assessment:

BUF approved the trees for removal to support Vision Zero in reference to Public Works Order 187,246, Section I,(E): “One of the purposes of this Director’s Order is to prevent plantings from blocking critical driver safety sight lines or create other safety issues such as blockages of traffic signals and safety signs, as well as reduced crosswalk illumination.”

Appraisal Report Submitted:

No

Appraisal Amount: N/A. The trees appraise for less than the standard in-lieu fee, and so the equivalent replacement value is a 24" box tree or standard in-lieu fee for each site.

Mitigation: Two 24" box trees to be replaced on the 1500 block of Laguna Street. Contractor to water for three years.

Applicant Comments: Trees to be removed to support Vision Zero. The applicant clarified that tree removal requests were reviewed in consultation with Japantown community leaders and that the project had their support.

Number of Public Comments Received: 3

Public Comment Summary:

- The public complained about the lack of statistics or data supporting a safety need to remove the trees for greater visibility of the crosswalk intersection. Public commented that approval of these trees for Vision Zero and safety would set a dangerous precedent, such that if the department were to approve removal on grounds of safety, then the city will have to cut down all trees in the city.
- Public noted that this is a cultural district, and no representative of the district is present at the hearing.
- A suggestion was made to paint the trees a bright color so that they stand out against other structures and pedestrians.

Recommendation:

Recommend removal with replacement. Two trees to be approved for removal with replacement in kind.

APPEAL:

This Order and permit may be appealed to the Board of Appeals within 15 days of November 3rd, 2023.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14th Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

NOTE: Office visits by appointment only.

More information about how to file an appeal can be obtained by calling 628-652-1150 or by emailing the Board of Appeals at Boardofappeals@sfgov.org. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://sfgov.org/bdappeal/>

X

DocuSigned by:



Short, Catha-073CF73A4EA6486...

Interim Director

BRIEF(S) SUBMITTED BY APPELLANT(S)

Appellant Joshua Klipp’s Brief
Appeal No. 23-058; Klipp vs. SFPW-BUF
Hearing Date: January 17, 2024, 5pm

TABLE OF CONTENTS

I. INTRODUCTION	1
II. ARGUMENT SUMMARY	1
III. FACTUAL BACKGROUND	1
A. San Francisco’s Urban Canopy & 2021 Climate Action Plan	1
B. SFRPD’s Peace Plaza Renovation	2
C. Tree Removal & Planting for this Renovation	3
D. Trees At Issue Here	4
E. The City’s Justification for Removal	4
F. San Francisco & Vision Zero	6
G. San Francisco & Vision Zero + Tree Canopy	6
IV. ARGUMENT	10
A. The City Fails To Show Why Removal Is Necessary, Is Antithetical to Vision Zero, and Sets A Dangerous Precedent For Tree Removals City-Wide.	10
B. Upholding SFPW’s Decision Contradicts San Francisco’s 2021 CAP.	12
V. CONCLUSION	12
EXHIBIT 1	13
EXHIBIT 2	14
Google Map Photos	14
Appellant’s On-Site Photos	18
Appellant’s On-Site Videos	23

I. INTRODUCTION

Appellant, Joshua Klipp, respectfully appeals the Department of Public Works' (SFPW) November 3, 2023, Order No. 208816 approving San Francisco Rec and Park's (SFRPD) application to remove two small cherry trees at 1701 Post Street.

II. ARGUMENT SUMMARY

- The underlying decision (and administrative process and records) fail(s) to show why removal is necessary under Vision Zero and/or Director's Order 187246.
- Removal of these trees does not address the actual dangers at this crosswalk.
- Removal of these trees is antithetical to Vision Zero goals and principles.
- SFPW's decision sets bad precedent for future tree removals, and contradicts the actions called for in San Francisco's 2021 Climate Action Plan.

III. FACTUAL BACKGROUND

A. San Francisco's Urban Canopy & 2021 Climate Action Plan

A November 2023 SFPW Newsletter noted that San Francisco's urban canopy - the smallest of any major city in the United States - is approximately 13.7%, in contrast to a national average of 27%.¹ According to the 2022 San Francisco Urban Forest Report, "Between FY18 and FY22 [there was a] a [net] 1263 tree decrease since the 2017 street tree census."² This same report noted that "At the average rate of street tree planting since FY18 the city will not be able to plant back *to the starting population of*

¹ <https://www.sfpw.org/november2023>

² [2022_annual_urban_forestry_report.pdf](#)

125,000 trees.”³ [Emphasis added]. Additionally, the City passed a 2019 Resolution stating that the City is in a Climate Emergency, and called for an updated Climate Action Plan (CAP).⁴ In 2021, the City issued an updated CAP that called for, *inter alia*:


- “HE.5-1. By 2040, plant 30,000 street trees in the sidewalk tree wells, approximately a 25% increase, to complete the street tree network.
- HE.5-4. By 2023, create a policy to require preservation of mature trees during development or infrastructure modifications and for planting of basal area equivalent of mature trees whose removal is unavoidable.”⁵


B. SFRPD’s Peace Plaza Renovation



In a document provided to Appellant in response to a records request, SFRPD provides rationale for the Japantown Peace Plaza renovation, in relevant part: “The currently proposed renovation would address the water intrusion issue [into the parking garage beneath the plaza] by demolishing all existing surfaces and fully waterproofing the entire plaza.”⁶ Per other documents provided in response to Appellant’s record requests, the trees at issue here do not appear to be located above the parking garage or within the footprint of the proposed waterproofing-related renovation.⁷

³ *Id.*

⁴ https://www.sfenvironment.org/files/policy/resolution_no_001-19-coe_climate_emergency.pdf

⁵  cap_fulldocument_wappendix_web_220124.pdf at p. 120

⁶  image006.png

⁷  JPP Bid Drawings 11.pdf ,  JPP Bid Drawings 43.pdf

C. Tree Removal & Planting for this Renovation

According to a June 2022 SFRPD plan and rendering, this renovation calls for: Remove 58 trees (including the 2 at issue here), “salvage” 3, preserve 1 in place, and plant 16, for a net loss of 38 trees in this public space.⁸ Per a June 2023 submission from SFRPD to SFPW, demolition for this renovation includes removing all trees but salvaging 6 boulders and 2 stone features.⁹ SF Planning was not aware of the degree of tree removal anticipated as reflected in a March 2023 email from Regulatory Affairs:

“I checked with Planning as to what they wanted in terms of SCM compliance for nesting birds, and it turned out that they were not aware that 42 trees were coming out ... it does not seem like the current description is consistent with the previous project description.”¹⁰

The trees at issue weren’t included for removal in original project permits, but apparently the City’s ADA Coordinator recommended removing these for “sight lines”.¹¹ SFPW proposed to plant additional trees along Post Street, but that proposal was denied based on community preferences regarding tree locations.¹²

Additionally, SFPW was told the trees could not simply be moved away from the curb per City guidelines that call for a 6’ wide path of travel (California Building Code requires 4’ of width¹³). Despite applying this 6’ width guideline to the trees, SFRPD

⁸ <https://drive.google.com/file/d/1zrvY7C4C1dPXodewd4THXS51ycKtoPPa/view?usp=sharing>,

■ JPP- EEA tree count (existing & proposed) 2023-0602.pdf

⁹ ■ demolition drawing 794600-287225.pdf

¹⁰ https://drive.google.com/file/d/1W_1tp2MrqRZmdSIUgYmNDHjodP16Vme_/view?usp=sharing.

¹¹ ■ PW email to PM re tree removal 2023-0602.pdf Notably, these same sight lines don’t seem applicable to nearly identical trees across the street.

¹² <https://drive.google.com/file/d/1AVvOC6pmhMA5H8CnU2AFtFA60xjbpDrY/view?usp=sharing>

¹³ <https://up.codes/s/walks-and-sidewalks-on-accessible-routes>

exempted other (movable) impediments in the path of travel due to community opinion:

“When we get to the center of the access point at the plaza, there is the obelisk and stone that impedes this path of travel. Moving the obelisk is not an option, but I had suggested moving the stone. This was not accepted by the community either.”¹⁴ Note: no one from the community spoke in favor of tree removal at the Oct.4th removal hearing.¹⁵


D. Trees At Issue Here


The trees at issue here are two small cherry trees planted adjacent to Post Street. According to a Google maps review, these trees were planted sometime between 2009-2011.¹⁶ According to the underlying decision, these trees have diameters of 7” and 9”, and (but for dings by trucks parked in the crosswalk illegally) are in fair condition.

E. The City’s Justification for Removal

Per the underlying decision, the justification for removal here is “Vision Zero”, and specifically Vision Zero “in reference to Public Works Order 187,246 Section I[E]: “One of the purposes of this Director’s Order is to prevent plantings from blocking critical driver safety sight lines or create other safety issues such as blockages of traffic signals and safety signs, as well as reduced crosswalk elimination.”

Public Works Order 187,246 was effective on March 19, 2018, ~6 years after these trees were planted, and at least 3 years after the trees’ establishment. This Order

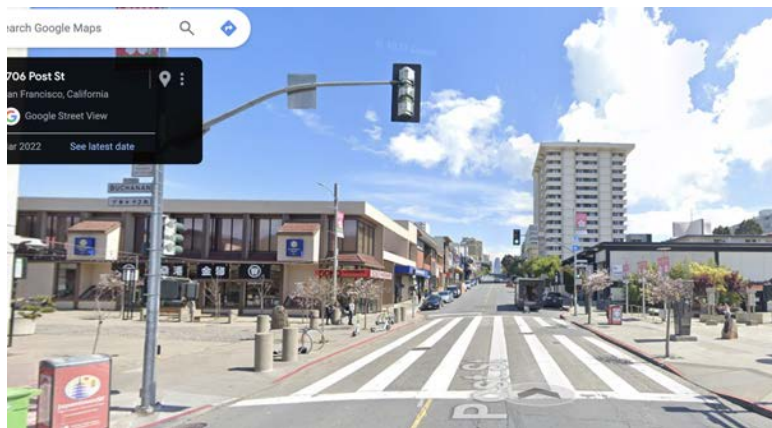
¹⁴  PW email to PM re tree removal 2023-060.pdf

¹⁵  10-4-2023 Public Works Hearing

¹⁶ See Exhibit 1.

details where new trees may be planted, and also states “Existing trees shall not be subject to removal in order to comply with these guidelines.”¹⁷

Of note, this crosswalk features two above-street hanging traffic signals that are not obscured by these two small cherry trees, visible in the screenshot below:



Other than generally referencing Vision Zero, sight lines, and preferred path of travel guidelines, neither the underlying decision nor SFRPD offered supporting evidence as to how these two small trees contribute to Vision Zero concerns associated with this crosswalk. Prior to the hearing SFPW BUF Inspector Sara Stacy stated in an email, “In preparation for the hearing, *I asked the project if they had any statistics of traffic & pedestrian incidents or reported concerns here, and none were provided.*”¹⁸ [Emphasis added]. Ms. Stacy’s email concluded, “The trees are relatively small, and I think that is ultimately why our department approved them. Because they can be replaced around the corner.”

¹⁷

<https://www.sfpw.org/sites/default/files/Director%27s%20Order%20on%20Tree%20Planting%20%28187246%29.pdf>, See Order at Section IV.C.vii.

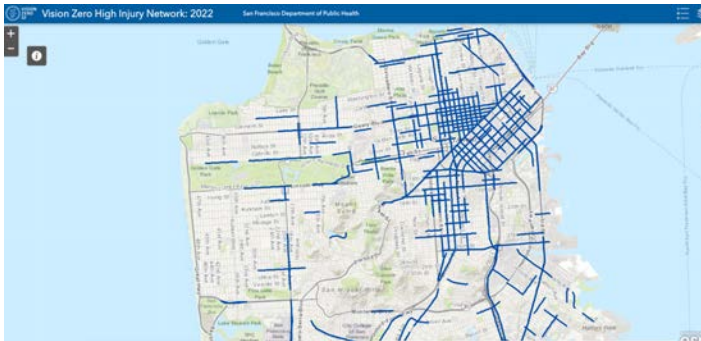
¹⁸ https://drive.google.com/file/d/1iulgpovvVi0LD0hd_BII2UKQs1WXmgCM/view?usp=sharing

F. San Francisco & Vision Zero

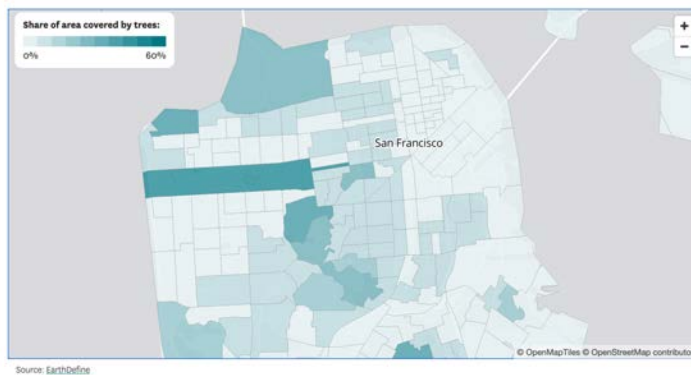
Adopted in 2014, Vision Zero sought to eliminate all traffic fatalities by 2024. Instead of trending toward zero traffic fatalities by the start of 2024, San Francisco hit a near-record of 39 in 2022 and has already seen 25 traffic deaths [in 2023].¹⁹

G. San Francisco & Vision Zero + Tree Canopy

Here is a city-wide map of SF's High Injury Network:



And here is a city-wide map of SF's tree canopy:



These maps are a near inverse of one another, i.e.: streets that are most dangerous are located in areas that have the least amount of tree canopy.²⁰

Studies have speculated on why more people are dying in traffic collisions, proposing everything from increased recklessness, mental and physical stress, crime,

¹⁹ <https://www.sfchronicle.com/bayarea/article/car-traffic-pedestrian-deaths-18434382.php>

²⁰ Or are timed, high speed streets.

poor street design, alcohol and drug use, medications, fatigue, homelessness, driving licensing problems, vehicle sizes, in-vehicle distractions, to decreases in seat belt use, motorcycle helmets, transit ridership, and police traffic enforcement.²¹ Notably missing from scientific speculation is the presence of street trees.

San Francisco's 2021 Vision Zero Action Strategy cites three cities as examples where Vision Zero is working: Edmonton, Canada; Fortaleza, Brazil; and Oslo, Norway.

According to recent articles: **Edmonton**: "In busy pedestrian neighborhoods . . . Ryan Kirstiuk, the city's neighborhood planning director, says *narrowing* roads improves sightlines for people and that drivers will instinctively slow down when they turn into a neighborhood where the road is tighter.²²; **Fortaleza** is currently testing innovative materials for lane separation, such as continuous tree pits which increase space for tree roots, soil and hydration, while also providing shade for cyclists²³; and **Oslo** - one of the cities with the most trees in the world with a remarkable *72% tree canopy*²⁴ - managed to eliminate all pedestrian and bicycle facilities by 2021.²⁵ [All emphasis added].

According to the Sacramento Vision Zero Action Plan, the primary factor in collisions are drivers traveling at unsafe speeds.²⁶ This Plan describes "Street Narrowing" as an effective countermeasure. Specifically, it says, "In addition to physically narrowing intersection or lane widths, visual narrowing techniques can help to slow

²¹ For example: AAA, "Traffic Safety Impact of the COVID-19 Pandemic," December 2022. Bloomberg, "Covid increased traffic deaths but reduced car crashes. Here's Why," April 2, 2022. The New York Times, "The Exceptionally American Problem of Rising Roadway Deaths," November 27, 2022. See also Appendix D.

²²<https://www.nbcdfw.com/investigations/can-a-canadian-city-be-a-model-for-dallas-when-it-comes-to-road-safety/3379593/>

²³ <https://www.ft.com/content/868fc635-c83a-4e97-a5bf-dfeec5e8815c>

²⁴ <https://a-z-animals.com/blog/the-top-cities-with-the-most-trees-in-the-world/>

²⁵<https://www.advocacyadvance.org/2021/01/oslo-norway-completed-eliminated-bicycle-and-pedestrian-fatalities-here-s-how/>

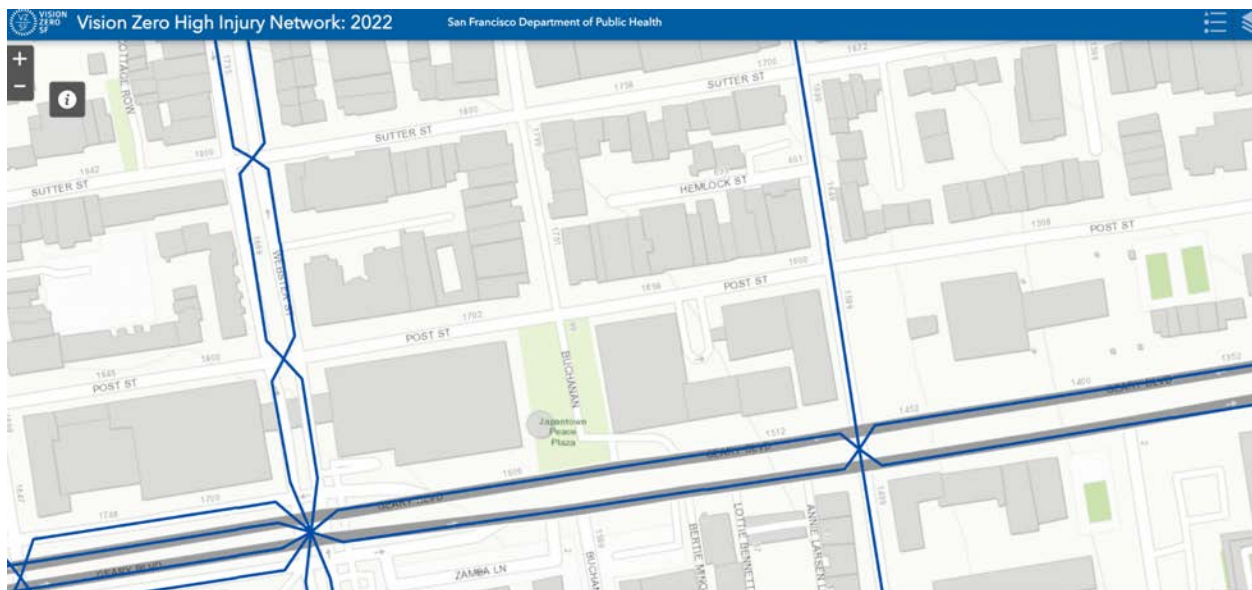
²⁶

<https://www.cityofsacramento.org/-/media/Corporate/Files/Public-Works/Transportation/VisionZero/Vision-Zero-Action-Plan-Adopted-August-2018.pdf?la=en>

speeds and increase driver attentiveness. Visual narrowing techniques *include adding street trees....*²⁷ [Emphasis added].

H. Vision Zero and This Crosswalk

It is worth noting that the crosswalk at issue here is not on the SF Department of Public Health's High Injury Network (HIN) map:



Appellant took a virtual (Google-maps) tour of this intersection; and also visited this crosswalk in December, twice, for ~30-45 min each. Screenshots from Google-maps and photos taken by the Appellant show that: delivery trucks frequently pull across and block this crosswalk to unload, wholly blocking street level traffic signals; taxis, shuttles and private vehicles treat this crosswalk as a passenger loading zone; and countless vehicles ran the red light, including, at one point, an autonomous vehicle. Additionally, SFRPD appears to regularly park its vehicles on the sidewalk blocking crosswalk access.

²⁷ *Id.*


See Exhibit 2 hereto. Absent from Appellant’s observations were any citations issued for these persistent infractions.


SFRPD and Public Works are apparently aware that delivery trucks are a major problem for this crosswalk, but hope that years of bad behavior will be rectified by the fact of temporary construction for this renovation. In a September 2023 email from SFPW to SFRPD, Landscape Architect Edward Chin stated:

“Delivery Parking...this has been an ongoing issue for the last 5 years if not more. I don’t know who can address. Marien, have you discussed this issue with MTA? The hope is with the construction work, delivery patterns will change and will carry over when project is completed.”²⁸

In another email, SFPW BUF Inspector Sara Stacy noted: “As for vision zero, one perspective from the public is that the delivery truck may park there and block the crosswalk area and this reduces the driver’s sight line of people entering the road way to cross the street more so than the tree. There is not supposed to be any parking here, how will the City enforce this for Vision Zero??. . . . Can SFMTA respond or Kevin Jensen?” Ms. Stacy attached a photo of a truck parked in the middle of the crosswalk.²⁹

As part of Vision Zero, the San Francisco Police Department vowed to crack down on [the traffic violations](#) that most contribute to collisions, e.g. speeding, violating crosswalk rules, and running through red lights. Yet police data shows traffic citations issued by the department fell 96% over the past eight years. Officers in 2014 often

²⁸  PW email to PM re tree removal 2023-0929.pdf

²⁹  PW email to PM re tree removal 2023-1003.pdf

issued more than 10,000 traffic citations per month; since the pandemic, officers have issued fewer than 350 monthly on average.³⁰

IV. ARGUMENT

A. The City Fails To Show Why Removal Is Necessary. Also, It Is Antithetical to Vision Zero, and Sets A Dangerous Precedent For Tree Removals City-Wide.

As shown above, there is zero evidence that these trees contribute to Vision Zero concerns at this crosswalk but plenty of evidence that what San Francisco is doing to effectuate Vision Zero isn't working. The Director's Order Guideline attempts to "prevent plantings from blocking critical driver safety sight lines or create other safety issues such as blockages of traffic signals and safety signs, as well as reduced crosswalk elimination." What's clear, however, is that the objects blocking sight lines to pedestrians, traffic signals or safety signs are not trees but the onslaught of trucks, taxis, shuttles, private vehicles, and even SFRPD vehicles that treat this wide open crosswalk as a loading zone. In most photos, the trees are barely even visible. Additionally, Director's Order 187246 specifically holds that existing trees are not to be removed per this Order.

Conversely, there is ample evidence that these trees - in and of themselves - *are part of a Vision Zero crosswalk solution by visually narrowing the street*. Further, while sidewalk clearance guidelines are cited as the reason that these trees couldn't simply be moved back from the curb, those same - apparently optional - guidelines are ignored

³⁰ <https://www.sfchronicle.com/bayarea/article/car-traffic-pedestrian-deaths-18434382.php>

when the community disagrees regarding the moving of inanimate objects such as a stone and obelisk.

What's more, the justification for approving this removal is only obfuscated by the underlying documentation, either:

- the trees are small enough to warrant cutting them down. (But too big for sight lines? What is the magic size for a street tree to deserve to stay in place?);
- the 'community', none of whom showed up for the hearing, want them gone;
- and/or these trees don't fit into SFRPD's renovation - a renovation meant to waterproof the plaza, not the crosswalk, that would permanently remove 38 trees from public space.

While these small trees are proposed to be cut down in the name of sight lines, the fantastical hope for the real sight line problem is that the construction itself will magically end over a decade of repetitive illegal truck and passenger crosswalk unloading; and that the City will somehow step up traffic enforcement at this specific location, despite a 96% drop in such city-wide citations since 2014.

However you slice it, these trees are not the problem, nor is removing them the solution. There are dozens of solutions that could improve this crosswalk, none of which are explored in any of the records provided to Appellant (but all of which can easily be found by googling "Vision Zero" and "crosswalk safety", or diagnosing this specific crosswalk). These solutions include, ironically, planting *more* trees, *not* removing them.

Furthermore, this decision sets the dangerous precedent that simply saying the magic words "Vision Zero" - without proof - is enough to justify the removal of viable

trees. If this is enough justification to cut down these small, unobstructive, healthy trees, then thousands of trees across San Francisco may likewise be justified for removal.

B. Upholding SFPW's Decision Contradicts San Francisco's 2021 CAP.

The City's 2021 CAP calls for "By 2040, plant 30,000 street trees in the sidewalk tree wells, approximately a 25% increase, to complete the street tree network." Not only is this entire renovation a substantial *net tree loss*, but simply replacing these street trees is not a recoup. It is a *decrease* according to another CAP call to action: "By 2023, create a policy to require preservation of mature trees during development or infrastructure modifications and for planting of basal area equivalent of mature trees whose removal is unavoidable." Not only is there no evidence of such policy here (a year after such policy should have been created), but simply planting two 2" diameter saplings nearby is a net basal area *loss* for the removal of two trees with 7" and 9" diameters.

V. CONCLUSION

For the above stated reasons, Appellant respectfully requests that SFPW's decision be overturned, and this permit denied.

Respectfully submitted,

Signature: Joshua Klipp /s/

Date: December 28, 2023

EXHIBIT 1



(screenshot from June 2009 showing no trees)



(screenshot from May 2011 showing trees at issue)

EXHIBIT 2

Google Map Photos

February 2014 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



September 2014 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



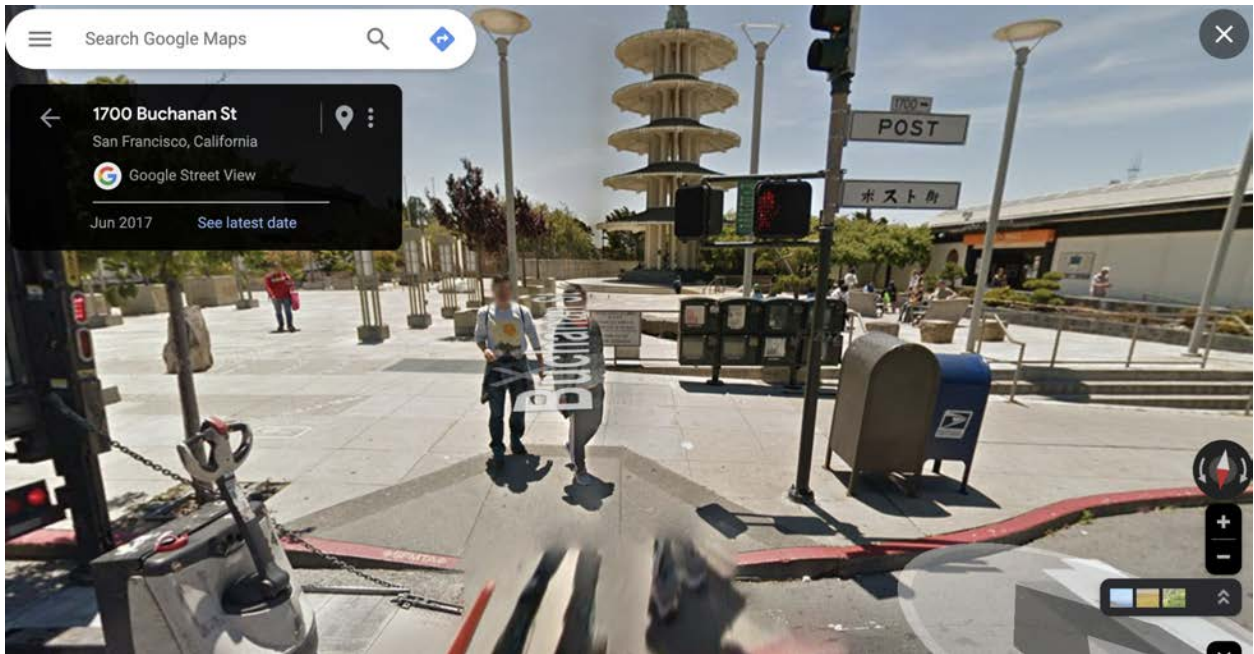
October 2014 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



August 2015 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



June 2017 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



April 2019 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



January 2021 Screenshot (SFRPD vehicle parks on sidewalk and reduces crosswalk access):



May 2022 Screenshot (delivery truck blocks crosswalk access and obscures street signal):



Appellant's On-Site Photos

December 2023 - a parked FedEx truck blocks crosswalk access, obscures street signal, and hides a northbound pedestrian using the crosswalk:



December 2023 - view of parked FedEx truck + obelisk & stone within preferred 6' path of travel:



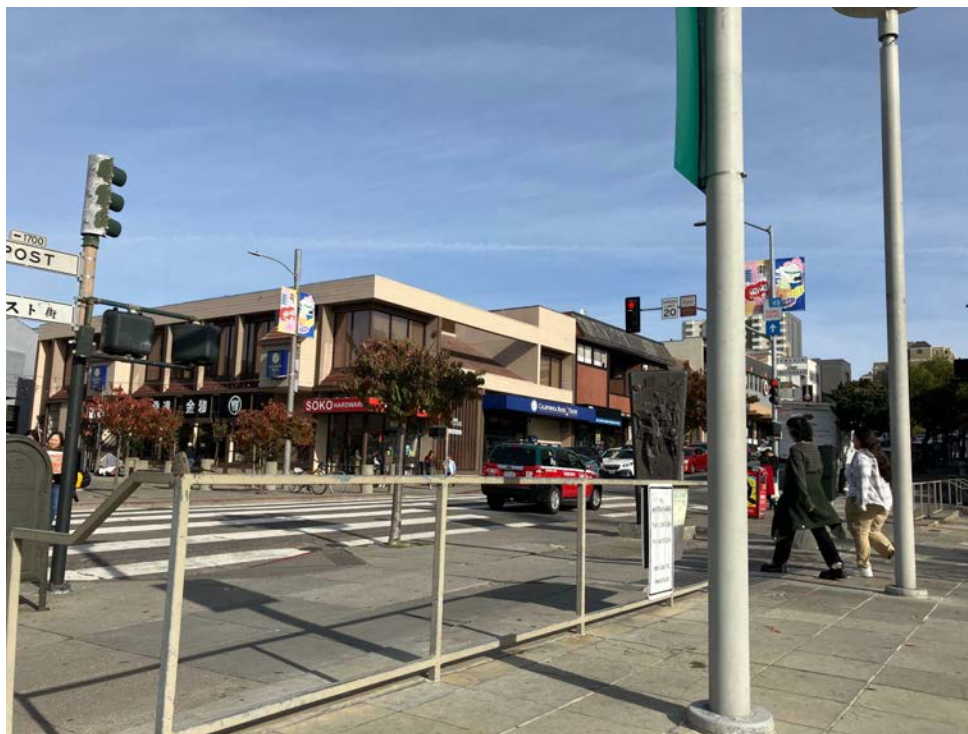
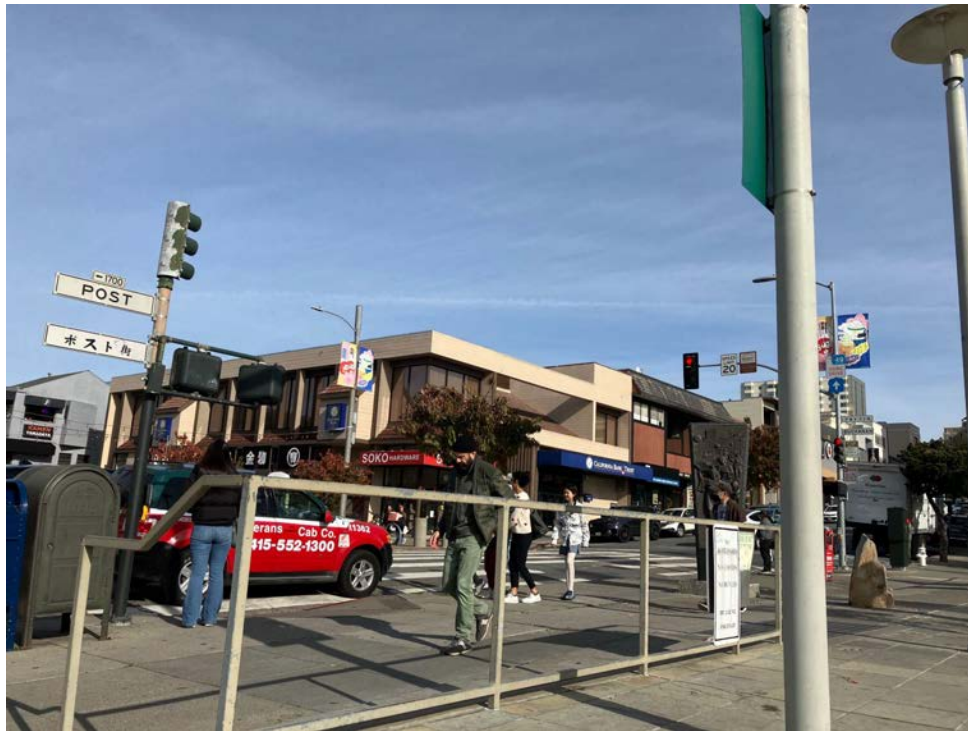
December 2023 - the still parked FedEx truck in front of signage that reads “No deliveries allowed in Plaza. Please use ramps on either side of entrance.” Signage does not read that delivery trucks should not use the crosswalk as an unloading zone.



December 2023 - a delivery vehicle blocks access to the north side of the crosswalk while an SFRPD vehicle blocks access to the south side of the crosswalk:



December 2023 - a taxi unloads in the crosswalk then pulls out through a red light:



December 2023 - a taxi pulls a u-turn in the crosswalk as the light turns red:



December 2023 - a shuttle (that arrived 3x in ~45min) drops off passengers and obscures street level traffic signal while a vehicle enters crosswalk behind it and subsequently runs the red light:



Appellant's On-Site Videos

December 2023 - During a red light, a Fed Ex truck unloads in the crosswalk while a car creeps into the crosswalk to unload a passenger.

https://www.youtube.com/watch?v=d2_cdkmOQfU

December 2023 - Two cars run the crosswalk's red light in opposite directions while a Fed Ex truck unloads and blocks access to most of the southern side of the crosswalk.

<https://www.youtube.com/watch?v=smrDX9qxRsg>

December 2023 - An autonomous (driverless) vehicle runs the crosswalk's red light

<https://www.youtube.com/watch?v=sJzAtO2VsrM>

BRIEF(S) SUBMITTED BY RESPONDENT DEPARTMENT(S)



London N. Breed, Mayor
Philip A. Ginsburg, RPD General Manager – Carla Short, Interim PW Director

Appeal No.: 23-058

Date: 1.10.2023

Appeal Title: Klipp vs. SFPW-BUF

Subject Property: 1701 Post Street (Adjacent to Japantown Peace Plaza)

Determination Type: Tree Removal by a City Agency

Order No.: 208816 Permit: 794600

The Recreation and Park Department (RPD) and Public Works (PW) requests that the Board uphold the entitlement as is, with no new conditions.

BACKGROUND

The Peace Plaza in Japantown, Supervisorial District 5, is bound by Post Street on the north, Geary Boulevard on the south, and the Japan Center Mall to the east and west. The 32,000 square foot plaza is a major cultural landmark in San Francisco that includes the historic Peace Pagoda monument, and it is built over an two-level underground parking garage which experiences leaking from the plaza. The renovation consists of removing all plaza amenities above the structural slab to install a continuous waterproof seal and then install park trees,

plants, seating, lighting, drainage, reinforce the structure of under the plaza and seismically reinforce the pagoda.

The area is heavily used by the public who enjoy intimate small gatherings to larger festivals events and constant access the mall businesses on either side of the plaza. The continued use and significance to the Japanese community and San Francisco residents, this project has strong community outreach, involvement, and support with approximately 60 public meetings, half of those in person before the pandemic and the rest virtual. It was through these community meetings, focus group meetings/committees with local organizations, and surveys during community festivals that developed the community's 2019 Japantown Peace Plaza vision goals which are:

1. Make Post Street visually open and inviting
2. Provide a large permanent stage
3. Make Peace Plaza an inviting and playful space
4. Create an inviting visual expression along the Geary Boulevard
5. Incorporate significant cultural elements

In August 2019, The Recreation and Park Commission approved the concept plan, created from these goals and they continued to guide the project teams every design decision throughout every phase of development. On December 21, 2023, Recreation and Park Commission approved the award of construction contract for the renovation of this project.



Departmental Jurisdiction:

Public works has jurisdiction of the trees within the right of way (sidewalk), which are the two trees referenced in this appeal and have provided the following chronology of events:

03/03/23 – Assessment of crosswalk and right-of-way design by Kevin Jensen. Kevin determined two trees should be removed to support Vision Zero.

07/31/23 – Trees posted by Bureau of Urban Forestry

10/04/2023 – Public Works Tree Hearing

11/3/23 – Public Works issues approved tree removal

11/17/23– Joshua Klipp appealed decision

Vision Zero and Policy Framework

Vision Zero SF Action Strategy was developed by SF Municipal Transportation Authority and Department of Public Health to create safer streets in 2014. Daylighting is one tool of Vision Zero. Daylighting increases the visual field of both pedestrians crossing the street, and drivers pulling up to an intersection. Trees within the crosswalk present potential view obstructions for pedestrians crossing.

KEY ISSUES

1. Trees within view cone defined by Vision Zero obscure visibility of pedestrians by vehicle operators.
2. Tree canopies block visibility of the pole mounted traffic signals by approaching motorists.
3. Tree trunks and other visual clutter within the sidewalks at each side of this pedestrian crossing further degrades the visibility of pedestrians by vehicle operators and vice versa.

RESPONSE TO APPELLANT'S BRIEF

- The removal of the two (2) small cherry trees, due to public safety concerns, is not going to create a precedent setting practice for other existing sites. This is a major capital improvement project that requires meeting the highest level of design standards.
- Regarding the replanting of replacement trees within the same frontage of the public right of way, all options were considered. Due to the planned use of the site and its anticipated crowds and pedestrian volume, the City wishes to achieve the highest design standards as documented in the Better Street Plan.

- Mitigation: Two (2) 24" box Ginkgo Trees to be planted on the 1500 block of Laguna right around the corner from the Peace Plaza. Contractor to water for three years. This tree species selection has greater capacity for long term carbon sequestration and are large stature trees at maturity.
- Any obstruction of any traffic signal, pedestrian signal, or streetlight is directly contrary to Vision Zero principles, which include reducing the chance of collisions with pedestrians due to an error on the part of any user of the public right of way. One of the leading causes of injury or death for seniors and persons with a disability when using the public right of way is being subject to a collision when using a street crossing. Additionally, operators of vehicles who have reduced vision are also more likely to be involved in such incidents.

CONCLUSION/RECOMMENDATION

Because the trees proposed for removal are within the Vision Zero view cone and inhibit the vehicle operators' view of pedestrians and traffic signals, SF Public Works recommends these two Post Street trees be removed.

Public Works has identified two (2) replacement tree locations around the corner on the 1500 block of Laguna St. Both of the subject trees appraise for below the standard in-lieu fee cost of \$2,431.00 per tree, and therefore the equivalent replacement value can be satisfied with the planting of two (2) 24" box size trees.

We respectfully request the Commissioners to uphold the permit and deny the appeal.

This brief is submitted jointly by Marien Coss (Project Manager) with RPD and Lizzy Hirsch (Landscape Architect) and Chris Buck (Urban Forester) with Public Works.

Exhibit A – Existing Conditions.

Photo of Post Street Sidewalk showing two existing trees recommended for removal to align with Vision Zero (Google street view, 2022).



Exhibit B -Vision Zero diagram. Trees within the cone of vision inhibit the view of pedestrians for vehicle operators. Applying this diagram to Post Street, the two trees circled in Exhibit A are within the cone of vision; thus obscuring view of pedestrians for vehicle operators. Removing trees within this cone aligns with Vision Zero.

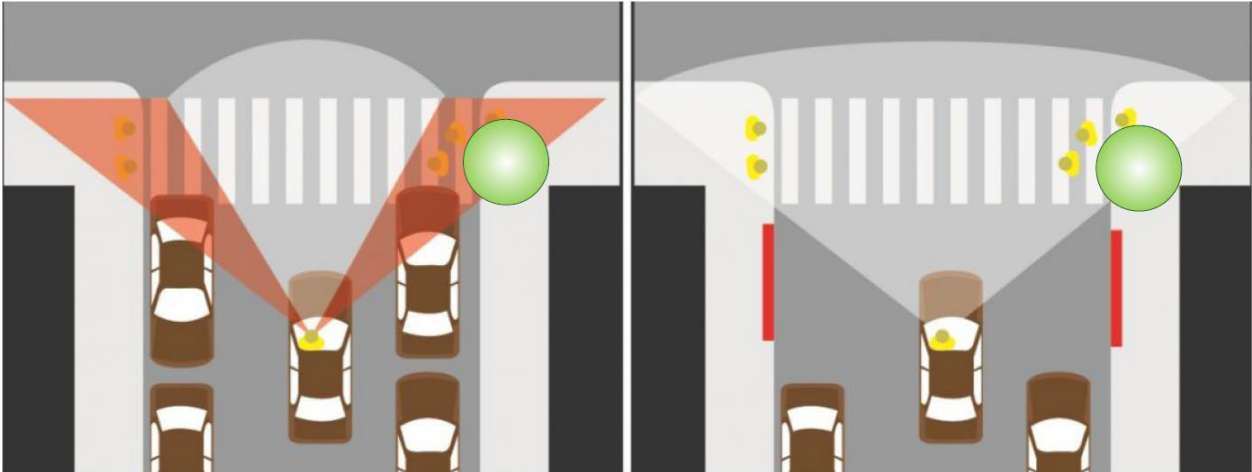


Exhibit C – Existing tree canopy blocks lower traffic signal looking east

Photo of Post Street intersection crossing (Google street view 2022). Tree canopy blocks the view of the traffic signal and obscured further in right lane closest to sidewalk since a vehicle operator’s sitting eye level is lower than Google street viewpoint shown in photo below.



Exhibit D – Existing tree canopy blocks lower traffic signal looking west

Photo of Post Street intersection crossing (Google street view 2019). By removing the circled tree, the traffic signal would be visible to drivers (See exhibit E, photo without trees).



Exhibit E – Intersection without trees prior to 2010. Photo of Post Street Sidewalk looking east with no trees in bulb out (Google street view, 2009). The traffic signals and pedestrians are clearly visible when uninhibited by trees at intersection. Removal of trees are recommend; thus reinstating 2010 condition.



Exhibit F – Conflict with vehicular patterns . Photo of Post Street Sidewalk looking west showing (Google street view, 2017). Tree health is compromised due to vehicular patten of large delivery trucks driving and/or offloading at this intersection. For optimal tree health, it is recommended that trees are planted away from the curb, where this conflict does not occur.



Exhibit G – Public Works Resulting Decision Order No: 208816, Permit: 794600 (attached)

REFERENCE LINKS

<https://www.visionzerosf.org/>

<https://www.sfmta.com/getting-around/walk/vision-zero-sf>

<https://www.visionzerosf.org/about/action-strategy/>

<https://highways.dot.gov/safety/zero-deaths/vision-zero-san-francisco>

<https://www.visionzerosf.org/maps-data/>

<https://www.sfcta.org/policies/vision-zero>



San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 208816

The Director of Public Works held a Public Hearing on Wed Oct 04, 2023 commencing at 10:00 AM via teleconference to consider items related to tree removals. The hearing was held through videoconferencing to allow remote public comment.

The hearing was to consider Order 208661 (tree removal permit application no. 794600) regarding the removal of two (2) street trees with replacement on the 1500 block of Laguna Street. The trees are on the “1701” Post St. frontage with replacement on the 1500 block of Laguna St. Staff approved the removal and the public protested. The subject trees are small flowering cherry trees with cultural symbolism to the Japantown neighborhood.

Staff: Hearing Officer Ian Scharlotta, BUF Inspector Sara Stacy

Findings:

Permit Application Removal or StreetTreeSF Removal:

Permit

Information Background:

Rec&Park applied to remove two trees by recommendation for Vision Zero in coordination with capital improvement project for the Japantown Plaza.

Description: The subject street trees are two (2) flowering ornamental cherry trees; *Prunus serrulata*. The trees are in fair condition and relatively small in size. Trunk diameter is 7" and 9" respective to the tree site order. The trees may be replaced easily in kind on the Laguna Street frontage.

Assessment:

BUF approved the trees for removal to support Vision Zero in reference to Public Works Order 187,246, Section I,(E): “One of the purposes of this Director’s Order is to prevent plantings from blocking critical driver safety sight lines or create other safety issues such as blockages of traffic signals and safety signs, as well as reduced crosswalk illumination.”

Appraisal Report Submitted:

No

Appraisal Amount: N/A. The trees appraise for less than the standard in-lieu fee, and so the equivalent replacement value is a 24" box tree or standard in-lieu fee for each site.

Mitigation: Two 24" box trees to be replaced on the 1500 block of Laguna Street. Contractor to water for three years.

Applicant Comments: Trees to be removed to support Vision Zero. The applicant clarified that tree removal requests were reviewed in consultation with Japantown community leaders and that the project had their support.

Number of Public Comments Received: 3

Public Comment Summary:

- The public complained about the lack of statistics or data supporting a safety need to remove the trees for greater visibility of the crosswalk intersection. Public commented that approval of these trees for Vision Zero and safety would set a dangerous precedent, such that if the department were to approve removal on grounds of safety, then the city will have to cut down all trees in the city.
- Public noted that this is a cultural district, and no representative of the district is present at the hearing.
- A suggestion was made to paint the trees a bright color so that they stand out against other structures and pedestrians.

Recommendation:

Recommend removal with replacement. Two trees to be approved for removal with replacement in kind.

APPEAL:

This Order and permit may be appealed to the Board of Appeals within 15 days of November 3rd, 2023.

Board of Appeals

49 South Van Ness Ave. suite 1475 (14th Floor)

San Francisco, CA 94103

Phone: 628.652.1150 Email: Boardofappeals@sfgov.org

NOTE: Office visits by appointment only.

More information about how to file an appeal can be obtained by calling 628-652-1150 or by emailing the Board of Appeals at Boardofappeals@sfgov.org. For additional information on the San Francisco Board of Appeals and to view the Appeal Process Overview, please visit their website at <http://sfgov.org/bdappeal/>

X

DocuSigned by:



Short, Catha-073CF73A4EA6486...

Interim Director