



# San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

525 Golden Gate Avenue, 12th Floor  
San Francisco, CA 94102  
T 415.554.3155  
F 415.554.3161  
TTY 415.554.3488

April 27, 2022

Re: Appeal of February 24, 2022 Decision to Approve the Application to Remove One Street Tree (With *in lieu* Replacement) on Clement Street at 39<sup>th</sup> Avenue

Dear Parties:

This notice sets out the process that will govern the appeal hearing concerning the PUC's proposed removal and in lieu replacement of a tree on Clement Street at 39<sup>th</sup> Avenue. On February 10<sup>th</sup> 2022, after holding a hearing and considering objections from Lee Heidhues, Elizabeth Heidhues, Josh Klipp, and John Nulty, Hearing Officer Nancy Hom issued a decision allowing PUC to remove the tree. The PUC received two appeals of Hearing Officer Hom's decision: one from Lee and Elizabeth Heidhues and one from Josh Klipp ("the appellants"). In a memorandum dated April 13, 2021, Acting PUC General Manager Michael Carlin identified the general process governing the PUC's removal of street trees under Article 16 of the Public Works Code. The PUC has designated Greg Lyman, Construction Contract Manager of Infrastructure to consider this appeal.

**Hearing Date.** The hearing will be held on May 27, 2022, at 1:00 PM via the Zoom remote video platform. We have sent the parties an invitation containing a link to access the meeting. If you have not yet been invited to the meeting and need to participate or observe, please let me know.

**Pre-Hearing Filings.** On or before 5:00 p.m. on May 19, 2022, the appellants shall submit briefs explaining the basis for their appeals. On or before 12:00 p.m. on May 24, 2022, the PUC project team shall submit a brief responding to the appeal. The briefs shall be no more than 5 pages in length, double spaced in 12-point font. The parties may also submit any exhibit the party intends to offer for the hearing officer's consideration. Any pre-hearing briefs and exhibits shall be submitted to me via email and served on the opposing party.

**Hearing Procedure and Record.** The Heidhues, Mr. Klipp, and PUC staff shall each be allowed seven minutes to present relevant testimony and evidence, with the appellants presenting first followed by the PUC project team. Following the parties' initial presentations, members of the public may provide comment for up to two minutes each. Finally, the Heidhues, Mr. Klipp, and the PUC team may present a rebuttal argument for up to three minutes each, with the appellants presenting first followed by the project team. The hearing officer may ask questions of the parties at any time.

The hearing will be audio and/or video recorded. Either party may be represented by legal counsel. Following the hearing, the hearing officer will issue a written decision concerning the matter. The decision will be the PUC's final administrative action in this matter.

**London N. Breed**  
Mayor

**Anson Moran**  
President

**Newsha Ajami**  
Vice President

**Sophie Maxwell**  
Commissioner

**Tim Paulson**  
Commissioner

**Dennis J. Herrera**  
General Manager

**OUR MISSION:** To provide our customers with high-quality, efficient and reliable water, power and sewer services in a manner that values environmental and community interests and sustains the resources entrusted to our care.



If you have any questions about this process, please contact me. Thank you.

**Jonathan "JP" Streeter**

Communications Specialist

SFPUC

515 Golden Gate Avenue, 12<sup>th</sup> Floor

San Francisco, CA 94102

628-215-0940