

**SAN FRANCISCO MUNICIPAL TRANSPORTATION AGENCY  
SFMTA HEARING SECTION**

**PUBLIC HEARING**

**RE THE PROPOSED REMOVAL OF MONTEREY CYPRESS AT 1500 GEARY BLVD. RELATED  
TO THE GEARY RAPID PROJECT INFRASTRUCTURE CONSTRUCTION**

**STATEMENT OF DECISION**

This office held a public hearing on March 11, 2021, at 10:00 am via video conference to consider the SFMTA’s proposal to remove one large Monterey Cypress tree located in the mid-block median at approximately 1500 Geary Blvd. near Buchanan St. This hearing was conducted following posted notices and media-listed public communication of the date and time of the hearing, in compliance with the applicable provisions and required timelines found in the Public Works Code relied upon by the city’s Department of Public Works (hereafter the “DPW”). Local parties who have long-standing general concerns about proposed tree removals in San Francisco were informed in advance of the hearing by electronic mail, and online public participation and comment was made available during the hearing, and comments from the public were received during and afterwards, via email and by telephone.

**I. CONTENTIONS**

At the hearing, the SFMTA’s tree removal proposal was presented by Liz Brisson, the Major Corridors Planning manager of the SFMTA’s Streets Division, and Daniel Mackowski, a project manager in the SFMTA’s Transportation Engineering Department. Ms. Brisson and Mr. Mackowski contended that this particular cypress (one of 12 mature trees on this median) interferes with ongoing construction work along the Geary median in this location, and that this tree by itself prevents further construction in this portion of the larger Geary Rapid Project, which envisions a transformation of Geary Blvd. in terms of enhancing the city’s rapid transit infrastructure.

Few objections to the SFMTA’s intended Geary crosswalk itself have been received from the public. Generally, the need for a crosswalk in this vicinity has been broadly accepted by the Geary neighborhood and by those who have presented comments, due to the prevalence of pedestrian/traffic accidents and the hazards of attempting to cross Geary in this location without the benefit of a traffic light assisted crosswalk.

The construction of the Geary crosswalk has been delayed due to an ongoing objection to the removal of a prominent cypress tree that is thought to interfere with the public’s future use of the median there. On or about February 8, 2021, an objection to the proposed removal of this cypress was lodged by Mr. Joshua Klipp. Mr. Klipp has contended that it is feasible to continue with the plans to improve this Geary crosswalk median without the necessity of sacrificing this particular cypress tree. He argued that a previous consideration of the removal of this tree was denied by the Director of the DPW in December of last year. Mr. Klipp contends that ADA compliance provisions would not require the tree’s removal, and that those provisions would be the only impediment necessary for the city to consider in this

circumstance. Mr. Klipp is also more generally concerned about the city's (and the DPW's) long standing practice of taking down large trees throughout the city that could be saved by more considerate planning. According to Mr. Klipp, where trees are deemed to interfere with ADA or street construction imperatives, trees are often removed by the city without engaging in any sufficient mitigation in terms of planting enough replacement trees to equal the loss to the environment of the tree's ability to sequester carbon dioxide.

## **II. FINDINGS**

1. Under the San Francisco Charter, the SFMTA has exclusive authority over certain transportation-related functions, including provisions related to tree removal proposals as they relate to transportation planning. [See generally, SF Charter, §§ 8A.101(d), 8A.102(b).] In following the substantive tree removal provisions of Article 16 of the Public Works Code, the SFMTA is responsible for conducting hearings that involve objections filed against the SFMTA's tree removal proposals that pertain to its transportation planning and associated projects.
2. When the proposed removal of this cypress tree came before an earlier hearing conducted under the aegis of the DPW in early 2020, there were comments against the removal of this cypress inasmuch as it was observed to be a large and generally healthy tree. As a result its removal was denied. At that time, however, no specific construction plans for the involved median had been reviewed by the office that had denied removal, and the specific dimensions of the median around the tree had not been detailed for purposes of determining the tree's likely affect upon the public's access to the median. In addition, it appears that the DPW had not at that time reviewed the potential ADA compliance issues that could be involved if the tree was left in place, given the eventual design of the median that included elements bearing upon general public access.
3. The planned crosswalk in this specific location of Geary Blvd. between Buchanan St. and Zampa Lane is essential to the local Geary community as a safety measure and to improve access between the Japantown Center Mall and the south of Geary neighborhoods, including the St. Francis Square Cooperative and the Rosa Parks Elementary School. The public comments presented in the SFMTA's exhibits, in addition to those comments received by my office, provide an almost unanimous agreement about the importance and value of this mid-block construction effort. The Geary crosswalk at this location is appropriately sited in terms of its position between the indicated two driveways.
4. The intended design of the Geary median will operate as a refuge area from 50 to 60 feet long, enclosed by guard rails to facilitate guided groups of up to 80 children who will need to safely cross Geary on occasion. As currently designed, the western end of the median forms the landing for people to cross the eastbound traffic along the south side of Geary. And the eastern end of the median forms the landing for people on the median to proceed across the westbound lanes of Geary to and from Japantown.
5. As currently designed, the cypress tree at issue here would interfere, to some measurable extent, with the ingress and egress of people onto and off the median from the western end. There are limbs from the cypress that affect access along both sides of the western portion of the median, and there are narrow "pinch points" that would restrict the access of those using wheelchairs at this western end of the median, either when coming onto the median from the south, or when leaving the median to cross Geary's eastbound lanes. While it may be technically possible to keep this cypress on the median under the

current design without infringing upon ADA guidelines, it seems more feasible for general public access to have this portion of the median left open with a much more unobstructed landing—on the basis of the specific design dimensions depicted by Exhibit 8 of the SFMTA’s brief, an engineering schematic, which is apparently intended to be duplicated in the as-built plans for the median. (See attached.)

6. Exhibit 8 by itself tends to confirm that the cypress tree at this western end of the median would clearly contribute to crowding on the median in that area when it was used as a refuge for large groups, as the evidence suggests it would be, and that the tree would more generally limit unencumbered access. And testimony from the SFMTA at the hearing indicated that the construction of a concrete tree box around the cypress would tend to further restrict the accessibility (to an extent that has not been estimated), if the tree were left standing.

7. On the other hand, there is some evidence to support that in San Francisco more trees are sacrificed than are replaced by the city’s customary mitigation efforts. If that information is reliable, remediation efforts in the city following tree removals need to be zealously watch-dogged in order to help restore levels of local flora that has been and is being lost to facilitate transportation mandates that are considered more important. Large, well-developed, sustainable trees of all varieties in the city deserve to be protected and treated with great respect for all of the beauty and benefits they naturally impart to every one of us.

8. Finally, it is clear that the removal of the cypress at issue here will sacrifice some overhead sheltering canopy that would otherwise be available for those who await traffic light changes on this median—whether during rain or in the sun. On balance, though, if adequate mitigation efforts are engaged to replace this cypress with an equivalence of other large shade trees along Geary, there would eventually be more branches sheltering folks along this same thoroughfare. It is also possible that an open median landing at this location would present a safer place to wait for a crossing signal during the hours of darkness.

### **III. DECISION AND ORDER**

After a thorough consideration of the excellent briefing and presentations of the parties, the review of all of the exhibits, and the comments received from the public, all of which I have accepted into evidence, I approve of the SFMTA’s proposal to remove the single cypress tree at 1500 Geary in the mid-block median, but conditioned on the following guidelines:

1. Along Geary Blvd. planting (as soon as reasonable feasible) of at least fifteen (15) “large stature,” climate appropriate trees with 24-inch box containers, which would intend to replace the loss of this cypress which has a diameter of approximately 30 inches. This mitigation may be expected to facilitate the conversion a roughly equivalent amount of carbon dioxide into oxygen, and provide increasing air quality as these replacement trees continue to grow.
2. Maintenance (including replacement, if necessary) of any of these replacement trees for a minimum of 3 years, to include adequate watering and sufficiently sized tree boxes.


3. Installation of protective measures for each of these replacement trees to help reduce the incidence of vandalism or other hazards.
4. SFMTA staff should continue to work with Mr. Joshua Klipp, who is expected to willingly consult with the Agency in the species selection and sizes of the replacement trees as well as their locations along Geary.
5. Mr. Klipp shall be timely advised of the date and time of the SFMTA's schedule to cut down and remove this cypress, in order to allow Mr. Klipp to hold an on-site ceremony to acknowledge the life of this tree, and presumably to thank it for its many years of largely unheralded service to the city.

This Order specifically supersedes the previous Order in this matter issued by the undersigned on March 18, 2021.

**APPEAL**

This Order may be appealed by contacting Kate Toran, Director of Taxi and Accessible Services at the SFMTA, within 15 days from the date of this Order.

Dated this 23<sup>th</sup> day of March, 2021,

  
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James Doyle, Hearing Officer and Acting Manager  
SFMTA Hearing Section