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**EDWIN M. LEE**  
Mayor

**DEBORAH RAPHAEL**  
Director

**URBAN FORESTRY COUNCIL  
LANDMARK TREE AD HOC COMMITTEE SPECIAL MEETING  
Approved MEETING MINUTES**

**Thursday, Oct. 1, 2015, 4:15 p.m.  
City Hall, Room 421  
One Dr. Carlton B. Goodlett Jr. Place  
San Francisco, CA 94102**

**COMMITTEE MEMBERS:** Rose Hillson (Chair), Malcolm Hillan, Dan Kida, Carla Short, Jon Swae  
**STAFF:** Mei Ling Hui

**Order of Business**

- 1. Call to Order and Roll Call.** The Landmark Tree Committee meeting convened at 4:18 p.m. Present: Chair Hillson, Members Short and Swae. Excused: Members Hillan and Kida. Ms. Hui ascertained quorum and called the agenda items.
- 2. Approval of Minutes of the August 6, 2015 Urban Forestry Council Landmark Tree Committee Special Meeting.** (Explanatory Document: August 6, 2015 Draft Minutes) (Discussion and Action).

Upon Motion by Member Short, second by Member Swae, the August 6, 2015 Draft Minutes were approved without objection (Members Hillson, Short and Swae).

- 3. Hearing on Nominations for Landmark Tree Status.** The Landmark Tree Committee will hold a hearing to determine whether the tree nominated at the following location meets the criteria for designation as a landmark tree. (Discussion and Action)

**Norfolk Island Pine (*Araucaria heterophylla* (synonym *A. excelsa*)), located at 46A Cook Street, Assessor's Block 1067, Lot 032, San Francisco, CA.** (Explanatory Documents: Nomination Form, Committee and Staff Evaluation Forms, Tree Images)

Coordinator Hui asked if anybody from the Planning Commission was present as Sponsor of the nomination. There was no representative from the Planning Commission present.

Next was Staff Report. Ms. Hui stated that from the last time, meeting, she stated that the species was still unclear, was a nice-looking tree, and has some potential historic value, environmental value and cultural value as well.

Next was the Property Owner's Presentation. Ms. Barry Bonaparte, attorney for the applicant, stated that at the August 6 hearing there were some questions as to the historical significance of the tree and the species. Ms. Bonaparte stated that in regards to the historical significance of the tree, although there were allusions made to this tree having been connected with historical figures or historical

properties, there was insufficient or contradictory evidence that was presented at the last hearing. She stated that there was an excerpt from Here Today which was actually part of an appendix and when read in its entirety seemed to suggest no trees remained from the time of George Smith. She stated "we" showed photos from the late 1880s which showed no significant trees on that same block including the so-called "sister tree" shown in many of the photos of members of the public prior to its removal and that would have appeared in that frame of the 1885 photo. She stated that photo is now part of Mr. McNair's addendum which you (the Committee) now has; it is on the last page of that report. She stated there is a new submittal that attributed those reports added to the historical connection but it does not and is simply duplicative of the last submittal – just repackaged. She stated that included in it was a photo from the late 1940s / 1950s and in Mr. McNair's addendum compares that 1940s historic photo to the current photo which shows that the tree from the historic photo is not the same tree. Ms. Bonaparte stated that the tree in the historic photo is already quite large and mature. She stated that if this were the same tree, it would likely be already be nearing the end of its life span if not already past it. She stated that it concludes that the tree in the historic photo has since been removed and that the current tree was at best a seedling at the time. Ms. Bonaparte stated that in short the historic connection has only become more tenuous since the last hearing. Ms. Bonaparte then addressed the question on the species as to whether it had been correctly identified and heard from others that it had not. She stated there is a concern with staff weighing in with regards to substantive issues and understands that will be a question that will be addressed later on. She stated that the parties would seek more information as to the species identification whether the tree is a Norfolk Island Pine which everyone including the folks advocating landmarking had been asserting or whether it was a Cook Pine. She stated Cook Pines apparently are more rare in this area. Ms. Bonaparte stated she went to a leading authority on this and contacted Dr. Matt Ritter who is at Cal Poly and a professor in the Biological Sciences Department and a well-regarded taxonomist who specializes in plant diversity and rare species. Ms. Bonaparte stated that his opinion is that the tree is not a Cook Pine but rather a hybrid and not particularly rare because the hybrid species is fairly common in California. Ms. Bonaparte states that the documents stating the tree as a Cook Pine are wrong and not "authoritative" per Dr. Ritter. Ms. Bonaparte stated that it was important to note that when the applicants were first pushing for landmarking that they identified the tree unequivocally as a Norfolk Island Pine. Ms. Bonaparte stated that it was not until the last hearing when they sensed that their chances of landmarking were not as good if the tree was a Norfolk rather than a Cook that they came up with this new source material identifying it as a Cook Pine. Ms. Bonaparte stated that what matters is the criteria as set forth in the ordinance. Ms. Bonaparte stated that Mr. McNair and Mr. Costello, both experts in their field, have gone over the criteria and are known for calling it as they see it stated that they concluded that this tree is not suitable for landmark status. Ms. Bonaparte stated that it is a backyard tree that is not rare or distinguished and as Mr. Costello stated is unsuitable for its location and stated that in short, it was the wrong tree in the wrong place. She stated that applying the landmark criteria for it would be inappropriate.

#### Public Comment:

Richard Worn who lives at 60 Cook Street spoke. He stated the tree is so big and comparing the photos – the '46/'51 photo -- is at an angle, and this tree (referring to the current photo) is along the side the house at different angles and a tree like that is sizeable and he disagrees that this one ('46/'51 photo tree) was removed and another one (current) was put in there and that is just physically impossible. Mr. Worn produced a letter to verify the species from Laura Money-Brodick and read it: To Whom It May Concern, My name is Laura Money-Brodick. I am the field botany teacher for the **Potomac ?** School of Herbal Studies and many others around the United States. I often have to make very precise and important differentiations between species due to the fact that I study plants with the intention of harvesting them to make herbal medicine. For this reason, I look to often small distinctions to make positive identifications between plants that may look quite similar to the mortal eye. For the tree in

dispute on Cook Street, one can look to Hortus Third and read through the technical descriptions of both *Araucaria columnaris* and the *Araucaria heterophylla* to make that positive identification. Our botanical classification system of binomial nomenclature is based on reproductive parts of plants. So let's examine the cones of both species. Mr. Worn referred to the Hortus Third document (in the packet).

**Vanessa Rituolo ? or Jenn Levitt ?** stated that it was brought up at the last meeting that "we" had misrepresented the historic status of the property at the time and were not educated on the correct terminology at the time; and to clarify these buildings had been deemed "Category A historic resources" by the city and are shown on the SF Planning Department website as such. She asked that the committee refer to the SF Heritage correspondence written by the Senior Project Manager, Desiree Smith. Ms. Levitt stated that Ms. Smith, after having discussed this with several members of SF Heritage they think this property has the potential to be designated as landmark and encouraged "us" to consider the entire property as historic including the buildings and the landscape. Ms. Levitt stated they have begun the process of landmarking the buildings as well. Ms. Levitt asked that the worthiness of the tree to be landmarked be looked at per the criteria in the ordinance; specifically, the undeniable evidence that this tree is a significant historical landmark and wanted to ensure (the committee) read the historical material submitted and refer to the evidence of the historical timeline that was sent a few weeks ago.

Levi Levitt stated that they did come to the last meeting stating that it was a Cook Pine and did not change their minds and came into the meeting stating what it was. He stated he also had two arborists independent of each other saying that it was a Cook. Mr. Levitt stated that in the packet (of documents for the committee) – he and his wife started also thinking that it might be a hybrid – in the packet, there was something from "Flora-something" that talks about how all hybrids are classified as Cooks. So Cook being one of the things we look to establish rarity -- that evidence goes directly into that. Mr. Levitt asked if "you all" (the committee) had read the packets and mentioned the historical presence, the species identified and the Hortus Third that is put out by Cornell and seems to be a pretty viable source. Mr. Levitt stated we have learned about historical assets and historical landmarks for the property and did not know that before and they did not know they were misbehaving when saying it was a landmark property but a "Historic resource -- A," the highest historical resource category before a landmark and apologized for that. Mr. Levitt brought up that there was the mention of abusing the landmark tree ordinance. Mr. Levitt stated that in the two months between the time tree people who were cutting down the trees and finally got this thing protected, Dale Rogers could have cut down the tree had he wanted to. Mr. Levitt said he (Mr. Rogers) never said that he wants to, said it was the wrong tree in the wrong spot but he made no attempts to actually cut it down. So Mr. Levitt said we are not abusing the landmark ordinance by landmarking this beautiful tree. Mr. Levitt stated that it almost seems that if "we" were to not landmark it, that would be a reverse abuse of the same ordinance.

**Veronica Beasley ?**, Environmental Studies student at SFSU. She stated that she came across this tree as a landmark and stated even though the species is questionable, and the age 70 to 125 years, the tree provides a great environmental benefit because it is a large tree; and it contributes to the biodiversity and to help conserve nature. She feels that if it inflicts no harm or consequences of the tree, she stated it can make it.

James McNair stated that in regards to species, Dr. Ritter has pretty much laid to rest the issue of the species and explained why there was so much controversy because it is a hybrid so that it has characteristics of both. Mr. McNair stated that being a hybrid does not mean that it is necessarily superior and it means it has a mixture of genetics between the species and he stated that he does not think that anybody has demonstrated that this tree is really special in a genetic sense. Mr. McNair stated that in terms of the historical or rarity, he noted that there was a reference to the urbanforest map that

showed 15 Norfolk Island Pines in the city. Mr. McNair stated that as “we” drove in on Lombard, “we” saw 5 just driving down Lombard and turning on Van Ness. Mr. McNair stated that he spoke to Peter Erlich in the Presidio and he stated he has at least 20 so the number is much greater than what has been put out there in terms of the 15 and he stated now he is up to 50 and he believes a lot of them are probably hybrids than we previously realized. Mr. McNair went on to historical significance and he stated he did the comparison with the two photos virtually in the same location as the circa 1946 photo (compared to current photo) when he took it and stated it is not the same tree and that it makes sense in terms of its condition now. Mr. McNair states that the subject tree was probably planted in the 1940s, 50s when the tree shown in the 1946 photo was removed and someone had planted a replacement tree and believes that this is pretty likely.

Larry Costello, consulting arborist, stated that he put together a short report that was sent hours ago and was not sure if (the committee) got that but that there were three key points, tree identification, location or suitability for location, and unintended consequences of landmark action. Mr. Costello stated that in his mind, Matt Ritter is the statewide authority on tree identification and if he says it is a hybrid, he believes that so Mr. Costello stated it is not *heterophylla* and it is not *columnaris*. Mr. Costello asked, “Is it a named hybrid? No.,” “Is it a 50-50 hybrid of the two? We don’t know. Could be. Could be 75-25 mix.” Mr. Costello said there are a lot of questions about its identity. Mr. Costello asked, “Does it have traits that are more desirable than the species? It may, we don’t know;” “Does it have traits that are less desirable? It may, we don’t know.” Mr. Costello stated that we really don’t have a good understanding of the tree that is being landmarked and that that was of concern to him. Mr. Costello stated that hybrids are not rare according to Matt (Ritter). Mr. Costello stated that secondly, the suitability of the location, it is just a large tree on a small lot. Mr. Costello stated that perhaps long ago, if that was the tree, perhaps it is OK on a large estate. Mr. Costello stated that Sunset states and other references state that it should be in parks and larger properties and open spaces; and Mr. Costello stated that there is a risk involved here.

#### Committee member evaluations:

Carla Short stated that she did her evaluation based on the fact that this was a Norfolk Island Pine. She also stated that at the last meeting, she had also reached out to an expert who was also Dr. Matt Ritter and she is also convinced that it is a hybrid if that is what he believes it is because he knows far better than she. Ms. Short stated that Mr. Ritter indicated to her that while it is not uncommon, certainly he was not aware of a huge quantity of these in San Francisco; and she stated that the other, saying she was unsure of going over all the physical attributes and everything else she found last time, stated that she was struggling with this one a lot because she is intrigued by the notion that it is a hybrid and how many of our Norfolk Island Pines are hybrids and how many are Cook Pines and she stated it actually makes it a little more significant to her that it is a hybrid although if it turns out that most of what we have are hybrids then it suddenly becomes more common but stated that she thinks we don’t know. Again, Ms. Short says from her perspective that that is what is what makes it more intriguing. Ms. Short stated that there are some real challenges to not knowing what we have although we have a precedent for that because we did that with Rose’s (tree). Ms. Short stated that she was very swayed by the amount of neighborhood support for this and that is one of the factors that we weigh. Ms. Short stated that she was very concerned about the use of the ordinance to prevent development from happening and worries about potential backlash and the unintended consequences that Dr. Costello noted and are valid concerns and that was something we talked about early on when the Landmark Ordinance itself was being created – did we need to worry that people would go out and remove big trees because they were afraid of that; and Ms. Short stated that she does not believe she has seen too much of that but that is something to be aware of. Ms. Short, at this point, stated that she was struggling with what her vote would be at this point.

Ms. Hillson stated that at the full Urban Forestry Council, it was stated that the Committee decided that the tree was in good condition, it had distinguished form, it does not provide erosion control, not an interdependent group of trees but had neighborhood appreciation. Ms. Hillson stated she had a list of all the previous landmark trees and stated that all the trees did not hit every single criteria. Ms. Hillson stated that her tree did not hit every single criteria and was also unknown and it hit the one mark that was rarity because it is the only one in the city. Ms. Hillson also stated that there was another tree, a redwood, on Market Street. She stated there was community support for it and did not hit on much of the other ones but it was community support. Ms. Hillson stated that this was like a crap shoot because nobody knows who is going to think what and that this whole thing is going to end up at the Board of Supervisors if the Urban Forestry Council decides a certain way though it is not known yet but Ms. Hillson put it out there. Ms. Hillson then asked Ms. Bonaparte to clarify her prior explanation of the 1885 picture from the Bancroft Library and which tree she was referring to in comparison to the 1946 picture. Ms. Hillson asked Ms. Bonaparte whether this (pointed to tree in upper left of 1885 photo) was the tree that did not have or is the tree, or it didn't have any trees on that lot in 1885. Ms. Bonaparte responded that the (1885) photo was meant to show the absence of large trees in that lot and she stated the tree in question would be to the right of the frame and so is not seen but the "sister tree" is not even shown. Ms. Hillson then brought up that the neighbors had a trunk cutting of the other "sister tree" and if it is true that it was estimated to be 120 years, Ms. Hillson was thinking 2015 minus 120 years would be 1895 and this (photo) is 1885; and if 10 years later the guy had planted these trees, that is one thing we do not know either. Ms. Hillson said that is something that will probably never be figured out but that she was putting that out there because the years and the dates of the photos what could be calculated to this year is another factor that is unknown along with whether the species is a hybrid.

Mr. Swae stated that he had questions regarding historical significance. He spoke to the Planning Department's Historic Preservation staff and according to them, in order for a tree to be landmarkable based on its historical attributes from their perspective, the tree would not have to just be of a certain age but associated with some exceptional element of history of San Francisco. Mr. Swae stated that so as discussed in the last hearing, the building is mentioned in the Here Today book and was determined to be historically significant, but Mr. Swae stated that he learned from the Historic Preservation staff that the historical significance is really based on the architectural significance of the property – the 46 Cook property – and not related necessarily to the historic person or event associated with the property. Mr. Swae stated that for the nominated tree to receive a landmark designation because of its historic significance would require the tree or the landscape to be associated with a historic event or person or a historically designed landscape which he stated he believes we don't have evidence for. Mr. Swae stated that a good example of this are the blue gum eucalyptus on Octavia Street which were planted by Mary Ellen Pleasant who was involved with the Underground Railroad during the Gold Rush and was clearly a historic person at the time so Mr. Swae does not see, in his perspective, to landmark the tree based on the historic associations with past residents or any historic event. Mr. Swae stated that it is clear it is a beautiful tree and of quite some age. Mr. Swae stated that as he stated at the last hearing he encouraged that the Council explore new alternative protections of trees on private property outside of the landmark tree designation process.

Ms. Hui stated that she wanted to note that she was asked if it was appropriate that she provide a report. Ms. Hui stated that it was her job to provide a report. Ms. Hui stated that the documents that came in from the community members, she did identify to Ms. Bonaparte were emailed so she did have that information and the last point is that the Urban Forestry Council has evaluated specimens of unknown species and they have been landmarked so that is not necessarily a problem.

Next was Property Owner Rebuttal:

Ms. Bonaparte stated that as a follow-up to what Rose was saying that not all criteria have to be met and she understands that but that unlike yours (Rose's) and probably most other landmark situations if not all of them it's not the property owner nominating it. Ms. Bonaparte stated that you have a backyard tree on a property, the owner of which is objecting to the landmark of his own tree. She stated that he was asked for access to his property for the Committee to inspect and he respectfully declined to provide access because he was opposing the process. Regardless of that objection, apparently there were photos taken of his property without his permission in order to count rings and others have been taken of his property without his permission. Apparently a pine cone was removed from his property and taken without his permission. Ms. Bonaparte stated that all of this started when he started to embark on a property improvement project including some tree removal. Ms. Bonaparte stated that that's not what the Landmark Ordinance is for; that is not what this Committee is for. She stated that as Mr. Costello stated in his report that if you were to landmark under these unusual circumstances you would not only be harming the credibility of this Committee and its good works but the Committee would be encouraging the pre-emptive removal of large beautiful trees in order to avoid what is happening here; and for these reasons she encouraged (the Committee) to end the matter now.

Committee discussion and action: Ms. Hillson stated that Ms. Bonaparte mentioned that it does not hit on every single point, clarity, definite species being known, the fact that her (Rose's) tree is rare but it is she (Rose) who put in the nomination as opposed to some property owner who did not want it done and the sequoia on Market Street was one that was landmarked because the property owner didn't want it but it still happened and the plans were looked at and everything through Planning Department so we have two things that have already happened in the past and this is a hard one. Ms. Hillson stated that she was in the Community Seat, so from that perspective, I see the petitions and the enthusiasm and importance they place on this large tree and it was the same with the redwood tree and that's why she is on the Council to represent the community. Other than that, Ms. Hillson wanted to hear other members comments. Ms. Hillson stated that it was interesting that there were only 3 out of the 5 (Committee members) today.

Ms. Short stated that even if the Committee all voted 'No' today, it does not end today. Ms. Short explained that it will go to full Council and it will vote on it and it can potentially move on to the Board of Supervisors. Ms. Short stated it was a tough one for her. She stated that she usually looks for more than one criterion to be met and in the past, even though the neighbors value trees and she is in her job because she loves trees and appreciate when people care about their environment and their community and is effected by that but that alone has not been sufficient to sway her personally to vote for trees and she stated she voted against the Giant Sequoia on Market Street but it got landmark status anyway. Ms. Short stated that we think we do not have enough on the historical connection to make her feel like we are meeting that criterion. Ms. Short stated that she is struggling with is that she does not really know if it is rare enough for her to say this makes sense. Ms. Short stated that, with the belief that she feels the neighbors really love this tree, she felt that the neighbors would like to see it landmarked whether anyone has any intention to remove it or not but the reality is they were spurred into action because of concern that it would be removed. Ms. Short stated she was very uncomfortable with the Landmark Ordinance potentially being used in that way. Ms. Short stated she was not really sure but those were her thoughts.

Mr. Swae stated that his two holdouts were the rarity of the species, which from what he was hearing, is that it is not super rare and that even the hybrids are not super rare. He stated that he has seen a lot of Norfolks around the city and that the urbanforest map is definitely not as accurate and maybe someday it will be. (Ms. Short chimed in to agree and stated that she does not believe anybody is relying on that for rarity.) Mr. Swae then talked about the historical piece; and when he spoke to the Preservation folks to clarify, he stated that the property is actually historical because of its architecture and we don't have

it associated with a key individual or event or something to make it related specifically to that tree. Mr. Swae stated that those were the two big holdouts for him and he does not really see a strong case in either of those.

Ms. Short stated that today she felt there was not a ton of new information and is now convinced that it is now a hybrid. She stated that she wished there was clearer confirmation of what that meant in terms of its rarity. She stated that Matt (Ritter) told her that he did not think they were very common in San Francisco though – the hybrids. Ms. Short stated that in order to be sure, his grad student would actually have to actually take samples to look at the genetics.

Ms. Hillson asked about the hybrids that Matt Ritter said are not rare if there were any peer-review papers? She stated that somebody mentioned that there was some “Flora” document. Ms. Hillson read the line from the document: “One popular theory holds that many Norfolk Island Pines in the Hawaiian Islands are all of hybrid origin but pollen of the two species (*heterophylla* and *columnaris*) is shed 6 months apart making hybridization unlikely. These reported hybrid trees are virtually all Cook Pines.” Ms. Hillson stated the document is in Tropical Garden Flora.

Ms. Short stated that if Matt Ritter has a Ph.D. and his student is actually taking genetic testing and finding that these are hybrids, then she would put a little more stock in that. Ms. Short stated she was not sure if this (Tropical Garden Flora) was peer-reviewed or not but also stated that the document was from 2005 and a lot may have changed since then in terms of genetics systems. Ms. Hillson stated she just wanted to clarify.

Ms. Hillson sympathized regarding property owners, not property owners, figuring out the species or not figuring out the species, and all of these scenarios have come up before; and her vote was not going to make any difference with the three of us. Ms. Hillson made a motion to support landmarking this unknown hybrid tree at 46A Cook. No second, motion failed.

Ms. Short did not particularly want to make the motion to not support the nomination so Mr. Swae made the motion to not support the nomination to landmark the tree. Ms. Short seconded the motion.

Roll call vote on motion to not support: Ayes: Short, Swae; Noes: Hillson. (2 to 1)

Ms. Hui stated that there was no quorum vote and the motion does not pass. She stated the tree nomination will move forward to the full Council with no recommendation from the Committee.

**4. Landmark Tree Visible Identification.** The Committee will discuss on-site identification of landmark trees. (Discussion)

Ms. Hillson stated that the reason for having this topic was that Mei Ling, Dan Kida and Carla Short have been working on these markers for the trees. She stated there has been discussion since 2008 on this; the design is already made, and it was voted by the Council that these be made and it was put on the back burner until Dan has time to go out and look at the landmark trees and that was the last status. Ms. Hillson stated that she was at the Historic Preservation Commission meeting when Mei Ling was giving her presentation on the Cook tree and an item came up on their agenda on how they were going to get markers for landmark buildings. Ms. Hillson then thought about their funding stream because it is for landmarking. Ms. Hillson reported that the Historic Preservation commissioners discussed sources such as SF Travel, having funding from Friends of City Planning, funding programs, hotel tax, Visitors and Convention Bureau, and if there is any way to expedite this (for tree markers) – and Ms. Hillson does not know if it has to go through the Planning & Funding

Committee (of UFC), although she doubts it because it was already voted on at the full Council and because it has been done since 2008 and not wanting to keep creating motions to do this.

Ms. Hui gave some historic background in that SFE (SF Environment Department) had a small budget for materials that they were going to use to buy plaques and that budget disappeared so that is where the design came from. Ms. Hillson stated the circular design with the Monterey, and Ms. Hui stated the tree that is in front of McLaren Lodge, the City tree. Ms. Hui stated that ultimately we need to decide what would work for DPW and if we can go in the sidewalk before we do anything on this.

Ms. Short stated that the question was about where the marker goes. If it is in the sidewalk, it was going to be a problem but if it was in the tree well, it probably was not going to be a problem. Ms. Short stated that something had to be found that could be within the tree basin. Ms. Short stated that if it is in the sidewalk and if somebody is willing and able to maintain it, unless the adjacent property owner says it is find and they are willing to maintain it, Ms. Short stated that typically if it is in the sidewalk itself there needs to be a permit to put something in the sidewalk and a long-term maintenance agreement. She stated if it is within the tree basin, we could just have it there.

Ms. Hillson also contacted the Japantown people who had the 150-year Cherry Blossom tree installation and the fan on Webster and all the trees had small plaques. There was a grant and also people contributed \$500 for a tree and a plaque. Ms. Hillson restated it was \$500 for a tree AND (with emphasis) a plaque, and when she submitted information to the Committee back in 2014...Ms. Short interjected and stated that those trees were heavily subsidized. Ms. Hillson stated that these are the things that we do not know about. She stated that she would like to get the funding straightened out. Mr. Swae asked if there was a cost estimate and Ms. Hillson stated she gave information in 2014 on vendors' names for concrete stamps.

Ms. Short stated that there could be a little concrete thing but it would need to be in the tree well itself and not be in the sidewalk; but if it is in the sidewalk, it is going to have to be through a permit process and there is going to have to be some willingness from whoever is formally responsible for that sidewalk.

Ms. Hillson stated that she did send out the vendor information in July '14 and she contacted them but the vendors could not give a quote without knowing the size of the stamps.

Ms. Short then questioned about PG&E and their willing to fund the effort because that was one of the reasons she thought Dan was going out to look at the trees. Ms. Hui stated that Dan said there is a small grant funds that could pay for the stamp but not for the plaques. Ms. Hui stated it would be an amount "sub-a-thousand" dollars, under a thousand dollars, though there was no specificity with that. Ms. Hui stated that we could ask Dan what is available.

Mr. Swae stated it would be good to get some cost estimates. Ms. Hui stated that initially the discussion for the markers and the permitting was only for trees that were publicly accessible and that was probably for sidewalks maintained by Rec and Park or DPW in a lot of cases. Ms. Short stated that private property sidewalks are maintained by the adjacent property owner. She stated that if the tree is in an area specifically maintained by the city for the sidewalk, the city might take care of that; but the sidewalk is the responsibility of the private property owner adjacent. Ms. Hui brought up the trees on the Dolores median or the Quesada median or trees off of Third with trees not directly associated with the property. Ms. Short stated that median trees are the city responsibility and street trees are the responsibility of the adjacent property owner. Ms. Short stated that those median trees would be DPW responsibility.

Mr. Swae asked about the tree well option, whether it was a plaque or what. Ms. Short stated it could be a plaque that would be in the tree well and should be flush. Ms. Short stated that FUF used to do it with a little thing that they set in the concrete in the tree well; and it could be a concrete thing like a concrete brick that is dug in and most people wouldn't dig it out. Ms. Short stated that if it is metal, people would dig it out. Mr. Swae did not think that this sounds as if it would be that costly.

Ms. Hillson stated that, since FUF was mentioned, it was FUF that did the Japantown cherry trees; and we have the sources – Dan with FUF -- and by the next meeting would like to come up with something a bit more definite and we are not getting anywhere and this is not some topic she even started.

Ms. Hui asked if we were to get a concrete stamp, would that be something DPW could use to stamp a brick. Ms. Short stated that there is a frame and wet concrete and just stamp it. She stated that there would need to be someone to administer this and there is not DPW staff for this.

Ms. Hillson commented that if somebody could get her potential dimensions, she would start calling and get some work done. Mr. Swae asked what information would there be on the stamp. Ms. Hillson responded that in Ms. Hui's design, it said, "City and County of San Francisco," "Landmark Tree" and a picture of the Monterey Cypress from the park. Ms. Hui added that on the design they had before, there was also a flat space that could be engraved with a number or ID as it relates to a "QR" code so people would have something to look up to get more information. Ms. Hillson stated that on the Planning website, people can look up the number and get the additional information.

Mr. Swae asked if there were names of contractors for stamped concrete bricks. Ms. Short mentioned Sunset Concrete. Ms. Short stated she could ask what her crew would cost but she would need dimensions.

Ms. Short thought the size cannot be too small or large to be legible nor too big for tree basins. Ms. Hillson (looking at Ms. Short's sizing with her hands) suggested maybe 9"x9" and Mr. Swae stated there could be one skinny and short since some of the basins are almost all trunk.

Ms. Hui stated we needed to go out to look at the trees. Ms. Hillson does not want to duplicate Dan's work but is willing to look at the trees for markers. Ms. Hui stated Dan did go out to look for obvious conflicts for markers and to look at maps for underground conflicts. Ms. Hui stated that he has already performed all the site visits of all the trees. Ms. Hillson stated she will ask Dan what he has done thus far. Ms. Hui stated that Dan did not take measurements and were not thinking about markers in the tree wells at the time they went out to check the trees.

Ms. Short asked about what the sidewalk trees were. Ms. Hillson had a list of the landmark trees for Ms. Short to reference. Ms. Hui will ask the public library (for the flowering ash) could be tight. The other is the blue elderberry with a sidewalk across the way but is on Rec & Park land. Ms. Hillson will do the site visits.

Mr. Swae stated maybe the Committee can come up with some dimensions that would work for all cases and come up with some cardboard models for sizing. He stated perhaps we need two sizes and it would not be too expensive.

- 5. Landmark Tree Process.** The Committee will discuss steps in the Landmark Tree evaluation process from application submittal to hearing at Urban Forestry Council to Board of Supervisors. (Discussion)

Ms. Hillson explained that this topic was instigated by the situation that occurred at Planning Commission when the commissioners got a Landmark Nomination Form and they did not know what to do with it except stating they had no tree expertise. She stated that she hoped there was a documented process to show the commission members that this is the process and staff and committee members move on and the process is not even on the website and then somebody has to go before the commission to explain the process all again. Ms. Hillson is not sure how city agencies handle this but maybe a memo to potential city agencies who are potential nominators of trees, perhaps a Director's letter or something, so that it is more clarifying to everyone.

Mr. Swae stated perhaps a flowchart. Ms. Hillson can draw a flowchart from what she presented and bring it back to committee. Ms. Hillson stated that she can draw a flowchart based on what Mei Ling presented and later on can bring that back to review. As well, she stated that later on, there is a need to look also at the Nomination Form because that also caused some uncertainty on people's part because it said, "Authorized nominator: Planning Commission." Ms. Hillson asked if it was the entire Planning Commission or a member of the Planning Commission; and that when they have that done, nobody signs off on it from Planning and there is no space for anyone to sign off on anything.

Ms. Hui stated that that process is defined by ordinance – how the Planning Commission makes a nomination, how the Historic Preservation Commission makes the nomination – that is identified in the ordinance.

Ms. Hillson stated, people ask is it a tree on private property or not, is it the owner that's nominating it or not. She referred to the Nomination Form for today's tree hearing and read who could nominate a tree: Property owner, Board of Supervisors member, Head of a department or city agency, Planning Commission member. She stated that on the other part, it states Board of Supervisors – the whole thing, Planning Commission – the whole thing; and it is not real clear. Ms. Hillson states there is Richard Worn nominating the tree as a member of the public but is he the owner? Some of these things are not clear.

Ms. Short agrees and she said the Ordinance refers to the Historic Preservation Commission as the Landmarks Preservation Advisory Board and thinks having a flowchart would help people and to clean this up a little to make it a little more user-friendly. Ms. Short stated that maybe we need words to say, please indicate if you are the following or have checkboxes to indicate if you are the property owner. Ms. Short agrees that the form it is not intuitive to people and if someone from the Historic Preservation Commission is approached, they don't know what to do with it since this is the first time they ever did it. Ms. Hillson stated that one of the HPC commissioners stated that none of them have tree knowledge so what are they going to do with this?

Ms. Hillson stated that was what got her thinking about process and that it may not just be the Nomination Form to look at. Some person questioning the process we use here in Committee; and for full disclosure, she was contacted by Dr. Costello who questioned about whether staff should say anything during this and Ms. Hillson stated that it has been the process. Ms. Hillson stated if it needed to be changed, probably not but she did not know and people had questions. The Committee wanted to know what Dr. Costello's concern was and Ms. Hillson responded that he questioned why the staff was giving an analysis when not part of the Committee and Ms. Hillson stated it was part of DOE, the staff analysis and it has always been like that for every other nomination and it has always been like that and asked Ms. Hillson to bring it up but she explained to Committee that she rather have him bring it up in case she were to misinterpret his words. Ms. Hillson stated that anyway, there were questions about process.

Ms. Hui stated that she had never heard anything like that before and was always asked to provide an analysis. Ms. Short stated that it has been consistent even when Grace was in that (Ms. Hui's) job. Ms. Short stated that whether it is appropriate is a bigger question. Ms. Hillson stated that she was only stating it and not making it up as she has an email on it. Ms. Hillson stated that the biggest concern right now was to deal with the next Nomination Form that comes in and what if it gets to Planning or HPC so she wants to get at least a flowchart started for the commission people. Mr. Swae stated that it would really be helpful and to get just a rough draft he could help on his end. Ms. Short stated maybe there needs to be something very specific for each type of nomination but stated it would be helpful for the public to know because she gets calls a lot and got calls about this tree. Ms. Hillson stated maybe two charts with one for the public. Ms. Short stated she thinks it would be helpful to have a process chart for everyone. Ms. Short stated maybe one for each of the five different nominators.

Ms. Hui said that it might be good to have that because trees get protections at different stages so for the nominators we want to know when that happens.

Ms. Hillson states she can make a flowchart and work on that.

Ms. Short stated that maybe there could be a graphic person. Mr. Swae said he can look into that. Ms. Hillson said that the next meeting will probably be in December since she does not think she will get it done by early November.

Ms. Hui asked if we would talk about changing of the code for Landmarks Advisory Board to Historic Preservation Commission and for Landmark Nomination Form edits and stated that in the past all those edits have gone to the Board of Supervisors for approval. Ms. Hillson stated that there was the one she worked on (with Committee) from 2012 to 2014 with Carla, Chris Buck and we took it to the full Urban Forestry Council and it was up to DPW city attorney to look at it or something and that is where it sat. Ms. Hillson stated we did revise the Nomination Form, the grove thing and worked on the code for a long time. Ms. Short stated that she thinks the feedback was that our city attorney did not like it. Ms. Hillson stated then so we leave the grove language out and we stick with this.

Ms. Short stated that we need to go through some edits but if we did go through this process we will find where we need to do it and we can do it all at once rather than doing them piecemeal.

Ms. Hillson will work on the flowchart and look at the trees (for the marker idea).

Public Comment: Levi Levitt stated that he would like to volunteer when he can. Ms. Hillson stated that he can come to the next meeting to see where we are on the process even though it is time-consuming but under the Brown and Sunshine Ordinance, we cannot hide things behind closed doors. Ms. Short stated that he could attend the next meeting and if we have a flowchart, Mr. Levitt can potentially validate or see where the holes are in the current process and the timing of things.

## **6. New Business/Future Agenda Items. (Information and Discussion)**

Ms. Short stated that one of the Mary Ellen Pleasant trees is in decline, pretty substantial. She stated that we have never removed a landmark tree before and believes we will have to initiate that. Ms. Short can bring to the next Committee an evaluation and photos to document it. Ms. Short was not sure about the code to see if this Committee has to make a recommendation for that part. Ms. Hillson had happened to have brought the code that pertained to the removal of landmark trees. Ms. Short read parts of it about the Council shall develop and recommend for adoption by the Board uniform criteria, rules and procedures governing determination to remove landmark trees. Ms. Short stated

that there is criteria for removal for emergencies and would like to do this before it becomes an emergency. Ms. Hillson asked if it was leaning. Ms. Short said it is leaning a little but that that lean was not an issue but it was in decline. Ms. Short continued to read the code. She stated that we can recommend rules, procedures to the Board but in the interim can follow street tree process. Ms. Short stated that maybe it's not so urgent we do that but someday we should -- recommend rules, procedures to remove landmark trees. Removal criteria rules, criteria for landmark tree as new business.

**7. Public Comment.** Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda.

Levi Levitt asked whether establishing a dialogue with members of the Committee outside of these meetings is illegal or not. Mr. Levitt mentioned that the packets are thick and instead of having a dialogue, it felt like he was talking at the Committee. He asked if there was a way through emails or telephone calls or if everything was done at these meetings. Ms. Hillson stated that one of the things governing city meetings is the Brown Act and the Sunshine Ordinance and asked Ms. Hui to correct her if she was wrong; but that if someone has something to share with the whole Committee, it is sent to the Coordinator and she can get it out to the Committee. Ms. Hui stated that Committee members and Council members are not to be talking to each other about business outside meetings. Mr. Swae believes that committee members are allowed to speak to members of the public. Ms. Short stated she speaks to the public as part of her job. Mr. Swae stated that Planning commissioners speak to members of the public. Ms. Hui stated that UFC has not published any of the members' contact information because there has not been permission given by the members to publish their private contact information. Ms. Hui stated that that might be a question for the full Council on whether people want to have their contact information distributed. Some people – who work for the city – already have the information available but some people have not. Ms. Hui stated that she thinks it is dependent on what the Committee/Council wants re contact information. Ms. Short stated that the general reason for all was to ensure that everybody has access to the same information and prevent somebody from lobbying a Committee and other people not knowing what they are saying. Mr. Levitt stated something about a couple of notes; and Ms. Hui stated that they were very specific restrictions about taking gifts. Mr. Swae stated that he understands what Mr. Levitt is saying in that it creates a kind of awkward format and does not create an opportunity for dialogue or human conversation. Ms. Hillson stated that she was warned not to engage in conversation about itemized things on the agenda outside of the meetings. Ms. Hillson stated that was why she disclosed the thing about staff reports otherwise anyone can say do this, do that, influencing any one of us.

Mr. Levitt stated they had to sit and listen to the lies about the materials and all the materials are still there on the property. Ms. Hui chimed in that this is beginning to be a discussion on a non-agendized item. Ms. Short stated that it is allowed to be non-agendized because that is what public comment...

Ms. Hui stated that public comment was for, with feedback from her city attorney, was that we can provide brief answers mostly about agendizing items for the future. Ms. Hui stated that if we were engaging in a conversation on an item that is not agendized then it is against the rules and we should probably turn it off.

Mr. Levitt started to speak about the garden cemeteries that this tree was from. Ms. Hui interjected to ask if this was about something to do with the landmark tree that was on the agenda today. He stated he thought so. Ms. Hui stated that this (time period) was for items not on the agenda. Mr. Levitt stated that he misunderstood what the public comment at the end was for the entirety of the meeting. He apologized for misunderstanding.

Ms. Hillson stated that was another process thing. Mr. Levitt asked if it was OK to send Ms. Hui emails and she stated he can always send emails to her and the Committee members would get them as soon as she is able and today she got some emails that she was not able to get out to "you guys" but she did not get them until this morning.

**8. Adjournment.** The Landmark Tree Committee meeting adjourned at 5:40 p.m.

Minutes written and submitted by Chair Hillson (October 16, 2015).

Meeting minutes approved December 3, 2015

Department of the Environment, City and County of San Francisco  
1455 Market Street, Suite 1200, San Francisco, CA 94103  
Telephone: (415) 355-3700 • Fax: (415) 554-6393  
Email: [environment@sfgov.org](mailto:environment@sfgov.org) • [SFEnvironment.org](http://SFEnvironment.org)

 Printed on 100% post-consumer recycled paper.

Copies of explanatory documents are available to the public at (1) the Department of Environment, 1455 Market Street, Suite 1200, San Francisco, California 94103 between the hours of 9 a.m. and 5 p.m., (2) or may be available at the Landmark Tree Committee Meeting website <http://www.sfenvironment.org/about/taskforce/urban-forestry-council/agendas> posted with each agenda or meeting minutes, or 3) upon request to the Council Secretary at the above address, telephone number 415-355-3709, or via e-mail at [Monica.Fish@sfgov.org](mailto:Monica.Fish@sfgov.org). Audio recordings of all meetings can be accessed at the following website <https://sites.google.com/a/sfenvironment.org/commission/urban-forestry-council/urban-forestry-council-and-committee-meeting-audios>.