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City and County of San Francisco  
Urban Forestry Council  
[Landmark Tree Ad Hoc Committee](#)

**SPECIAL MEETING MINUTES DRAFT**

**Thursday, February 3, 2022, 4:15 p.m.**  
**Remote meeting via web conference**

**Refer to the “Remote Access to Information and Participation” section below for instructions.**

Committee Members: Mike Sullivan (Chair), Damon Spigelman, Jillian Keller, Pamela Nagle and Morgan Vaisset-Fauvel

**Order of Business**

**Public Comment will be heard before the Committee takes action on any item.**

**1. Call to Order and Roll Call.**

The meeting was called to order at 4:26 pm.

Present: Chair Sullivan, Member Keller, Member Vaisset-Fauvel, Member Spigelman, Member Nagle.

**2. Review and vote on whether to approve Resolution File 2022-01-UFC-LT, Resolution Making Findings to Allow Teleconferenced Meetings Under California Government Code Section 54953(e).** Speaker: Peter Brastow, Urban Forestry Council Coordinator (Explanatory Document: Resolution File 2022-01-UFC-LT) (Discussion and Action)

The Council will consider adoption of a resolution making findings that newly enacted Government Code Section 54953(e) requires in order to allow the Council to hold meetings remotely, as currently required under local law, without complying with certain Brown Act requirements.

Motion made by Member Nagle and seconded by Chair Sullivan.

Ayes: Chair Sullivan, Member Keller, Member Vaisset-Fauvel, Member Spigelman, Member Nagle.

Public Comment: There was no public comment.

**3. Approval of Minutes of the November 04, 2021, Urban Forestry Council Landmark Tree Committee Special Meeting** (Explanatory Document: November 04, 2021, Draft Minutes) (Discussion and Action)

Motion made by Chair Sullivan and seconded by Member Nagle.

Ayes: Chair Sullivan, Member Keller, Member Vaisset-Fauvel, Member Spigelman, Member Nagle.

Public Comment: There was no public comment.

- 4. 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.

There was no public comment.

- 5. Hearing on Nomination 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 Possible Action)

**Coast redwood (*Sequoia sempervirens*), located at 313 Scott Street, San Francisco, California.**

(Explanatory Documents: Nomination Form and Photographs; Evaluation forms)

***Landmark Tree Hearing Recommended Guidelines***

The Committee Chair has the discretion to change speaker order or length of time for each speaker if the Chair determines the request to be reasonable.

- 1) Sponsor/Property owner's presentation, including outside professional staff (8 min)
- 2) Staff analysis (5 min)
- 4) Public comment (up to 3 min/per person)
- 5) Committee Evaluation Reports (8 min total)
- 6) Discussion and Action by Committee

Christine Pizzo spoke on behalf of Douglas Durkin, her boss, and the owner of the tree. She read a statement from Mr. Durkin, who emphasized the historic nature of the property and the tree. Peter Brastow discussed that as staff, he does not see the need to contribute to the substantive discussion unless requested. Chair Sullivan agreed.

There was no public comment.

Committee Evaluations: Member Keller discussed that the tree was a significant feature of the landscape, and that she supported the tree for landmark status.

Member Nagle discussed that it is a vigorous tree, not particularly large, but she did support the nomination.

Member Vaisset-Fauvel discussed that the tree was topped and expressed concern about the evolution of the tree over the next decades.

Member Spigelman discussed that the tree is beautiful and that he supports the nomination, despite concerns that it is hidden from the street. He expressed concern that the owner mentioned he was going to make many improvements to the backyard, and that those should not impact the tree.

Chair Sullivan discussed his support for the nomination based on the health, beauty and impressive stature as a landscape feature. He discussed the historic nature of the house, a Victorian. Chair Sullivan agreed sympathized with the point that the tree is not visible from the street.

Member Vaisset-Fauvel discussed that he has three redwoods on his property that are 10X better than this tree. He expressed that this tree is not meeting enough of the criteria.

Member Spigelman discussed other factors besides the size of the tree, the history, the respect by the owner etc.

Member Keller discussed that it was her opinion that the landscaping changes will be unlikely to negatively affect the tree.

The nomination was approved 4-1.

Ayes: Member Keller, Member Nagle, Member Spigelman, Chair Sullivan

Noes: Member Vaisset-Fauvel.

The nomination was approved to be forwarded to the full Urban Forestry Council with a positive recommendation for Landmarking.

- 6. Hearing on Nomination 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 Possible Action)

**Giant sequoia (*Sequoiadendron giganteum*), located at 3344 Folsom Street, San Francisco, California.** (Explanatory Documents: Nomination Form and Photographs; Evaluation forms)

***Landmark Tree Hearing Recommended Guidelines***

The Committee Chair has the discretion to change speaker order or length of time for each speaker if the Chair determines the request to be reasonable.

- 1) Sponsor/Property owner's presentation, including outside professional staff (8 min)
- 2) Staff analysis (5 min)
- 4) Public comment (up to 3 min/per person)
- 5) Committee Evaluation Reports (8 min total)
- 6) Discussion and Action by Committee

Richard Patel made his case for the giant sequoia with an emphasis on the age of the house, circa 1840/1850, originally built by a gold prospector, who reportedly also planted the tree. The tree has been in movies. Mr. Patel discussed that he nominated the tree to prevent the neighbors forcing him to cut it down.

Public Comment: Mr. Garrison, an expert on structural foundations and concrete, discussed the proximity and the impact of the tree on the neighbor's foundation. He expressed that his professional opinion is that the entire tree should be removed, including the roots that are under the foundation of the house.

Roy Leggitt discussed the forking pattern, the lean, and the proximity of the tree to the neighbor's house. He discussed that the tree is hazardous to the neighbor's house, and that it cannot be corrected without removing it.

Committee Evaluations: Member Spigelman discussed the tree by itself, on its own, not taking into account the neighbor's house. He discussed that the tree is a "beautiful" example of a tree with questionable pruning practices leading to unhealthy foliage. The tree has outgrown its surroundings. He is not in favor of the nomination.

Member Keller discussed that the nominator's description was touching and moving, but that she is concerned that the tree is not healthy, "right tree, right place." She is concerned about attachments. She was concerned about the impact on the neighbor's house.

Member Vaisset-Fauvel discussed his concerns about the health of the tree, the canopy is sparse. Member Nagle was not able to visit the tree but read all of the material and has similar concerns to the ones expressed by the other members.

Chair Sullivan discussed similar concerns and that he was surprised that the Committee found out about the lawsuit so late.

The nomination failed 5-0.

Ayes: None

Noes: Member Nagle, Member Vaisset-Fauvel, Member Spigelman, Member Keller, Chair Sullivan.

The nomination failed to be recommended to the full Urban Forestry Council for Landmarking.

- 7. Hearing on Nomination 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 Possible Action)

**Deodara pine (*Cedrus deodara*), located at 3340 Folsom Street, San Francisco, California.**

(Explanatory Documents: Nomination Form and Photographs; Evaluation forms)

***Landmark Tree Hearing Recommended Guidelines***

The Committee Chair has the discretion to change speaker order or length of time for each speaker if the Chair determines the request to be reasonable.

- 1) Sponsor/Property owner's presentation, including outside professional staff (8 min)
- 2) Staff analysis (5 min)
- 4) Public comment (up to 3 min/per person)
- 5) Committee Evaluation Reports (8 min total)
- 6) Discussion and Action by Committee

Richard Patel discussed the tree as habitat for squirrels, its visibility, the fact that it's associated with the old house, as well as the "candelabra" structure.

There was no public comment.

Committee Evaluations: Member Spigelman discussed that he is impressed by Mr. Patel's enthusiasm for the property. The tree is a magnificent tree and suits the home. Meanwhile, there are lots of problems with the history of pruning of the tree. If the tree were worked on, it could be improved. Currently, it is not a good representative of the species.

Member Vaisset-Fauvel discussed that the tree needs some pruning. He mentioned that he would like to see the tree cleaned up and brought back in 5-10 years for a nomination.

Member Keller really, really liked the candelabra form, and she was not concerned about the detachments. The tree was overall vigorous and healthy. She appreciated the cultural and historical values. She advised that the ivy be removed.

Member Nagle recuses herself since she could not visit the tree and cannot see much from the photographs.

Chair Sullivan agreed with colleague comments and agrees that it does not meet the criteria for Landmarking.

The nomination failed 4-0 with 1 abstention.

Ayes: None

Noes: Member Keller, Member Vaisset-Fauvel, Member Spigelman, Chair Sullivan

Abstentions: Member Nagle

- 8. Discussion on Landmark Tree nomination withdrawals and improving messaging about the Landmark Tree Program.** Speaker: Peter Brastow, Urban Forestry Council Coordinator (Discussion)

Peter Brastow discussed messaging of the Landmark Tree Program and offered some ideas for small changes for the website.

Chair Sullivan discussed that many nominations relate to neighbor disputes.

Member Vaisset-Fauvel discussed that neighbor issues will always be the case. He discussed that nominations should just be about the trees and not about neighbors.

Member Spigelman discussed the question about whether a pending lawsuit would disqualify a tree. Peter Brastow explained that the City Attorney had recommended going ahead with the giant sequoia, despite the lawsuit, and that the code would have to be changed for a tree to be disqualified due to a lawsuit.

Member Vaisset-Fauvel discussed how he wants more trees nominated. Chair Sullivan mentioned that the coast live oak on Sanchez. Member Vaisset-Fauvel discussed promoting the program.

Member Nagle agreed that adding a link to the Tree Dispute Resolution code.

Chair Sullivan discussed being more proactive with verbally educating nominators when they initiate communication.

There was no public comment.

## 9. New Business/Future Agenda Items. (Discussion)

Member Vaisset-Fauvel discussed promoting the program to increase nominations of worthy trees. Chair Sullivan suggested putting the McAllister buckeye on the agenda if the District 1 Supervisor does not make any progress.

The meeting adjourned at 6:16 pm.

## 10. Adjournment.

**The Landmark Tree Ad Hoc Committee meets as needed on the first Thursday of the month at 4:15 p.m. In compliance with the San Francisco Health Officer's Order No. C19-07c, directing all individuals to "shelter in place", Public meetings, panels and other advisory bodies will continue on a remote conferencing basis only. Find out about upcoming deadlines, public hearings and meetings. Search the SFEnvironment.org website archived minutes and agenda.**

### Remote Access to Information and Participation

This meeting will be held remotely using video conferencing, through the WebEx Meetings platform, and by telephone for members of the public who are unable to attend using computers or smart devices.

### Attending the Meeting: Watch or Listen

Members of the public have the following options for attending the meeting:

Option 1: Watch the meeting using a computer or smart device by clicking on the following link:

<https://ccsf.webex.com/ccsf/onstage/g.php?MTID=ec7dcca208f46ac6fe7a4a9c9d2f6a46a>

- If you are able to and would like to watch via your computer, please follow these instructions: i) Click on the link above; ii) Enter your first name, last name, and email address if desired; iii) Click "Join by Browser" (directly beneath the "Join Now" button);
- If you are able to watch via your smart mobile device: i) Download the Webex Meetings application; ii) Click on the link above; iii) Click "Join"; iv) Enter your name and email; v) Click "Ready to Join".

Option 2: Join the meeting by phone if you do not have access to a computer or smart device.

Dial: **415-655-0001** and then enter the Access Code: **2492 209 0953**

### Participating During Public Comment

Members of the public will have opportunities to participate during public comment. The public is asked to wait for the particular agenda item before making a comment on that item. Comments will be addressed in the order they are received. When the moderator announces that the Committee is taking public comment, members of the public can:

Participate over the phone (information above) by pressing \*3 (this step is very important, as it will activate the "Raise Hand" icon in the Webex Participant window).

Depending on the number of people also in line ahead of you, you may have to wait before it is your opportunity to speak. When it is your turn, you will be notified that your line has been unmuted, and it will be your opportunity to speak. Your line will be muted again when your allotted time expires.

In accordance with Governor Gavin Newsom's statewide order for all residents to "Stay at Home" - and the numerous local and state proclamations, orders and supplemental directions - aggressive directives have been issued to slow down and reduce the spread of the COVID-19 virus. Copies of explanatory documents are available, 1) on the Urban Forestry Council webpage <https://sfenvironment.org/about/taskforce/urban-forestry-council>; or (2) upon request to the Commission Affairs Manager, at telephone number 415-355-3700, or via e-mail at [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org).

### **Important Information**

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

### **Public Comment**

At this time, members of the public may address the Committee on items of interest that are within the subject matter jurisdiction of the Committee but are not on today's agenda. Public comment will be taken following each agendized item. Each member of the public may address the Committee for up to three minutes, unless otherwise announced by the Chair. If it is demonstrated that the comments by the public will exceed 15 minutes, the Chair may continue Public Comment to another time during the meeting.

NOTE: Persons unable to attend the meeting may submit to the Committee, by the time the proceedings begin, written comments regarding the agenda items above. These comments will be made a part of the official public record and shall be brought to the attention of Committee Members. Any written comments should be sent to: Commission Affairs Manager, Department of the Environment, [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org), by 5:00 p.m. on the day prior to the hearing. Written public comment received by the Council will be posted as an attachment to the minutes.

The Brown Act forbids the Committee from taking action or discussing any item or issue not appearing on the posted agenda. This rule applies to issues raised in public comment as well. In response to public comment, not on an agendized item, the Committee is limited to:

1. Briefly responding to statements made or questions posed by members of the public, or
2. Request staff to report back on a matter at a subsequent meeting, or
3. Directing staff to place the item or issue on a future agenda (Government Code Section 54954.2(a).)

### **Disability Access**

The Urban Forestry Council meetings will be held virtually. The Committee meeting rooms are closed.

The following services are available on request 48 hours prior to the meeting; except for Monday meetings, for which the deadline shall be 4:00 p.m. of the last business day of the preceding week: For American sign language interpreters or the use of a reader during a meeting, a sound enhancement system, and/or alternative formats of the agenda and minutes, please contact the Department of Environment at (415) 355-3700 or [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org) to make arrangements for the accommodation. Late requests will be honored, if possible.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City accommodate these individuals. Individuals with chemical sensitivity or related disabilities should call the Mayor's Office on Disability at (415) 554-6789 or (415) 554-6799 (TTY) for additional information.

### **Language Access**

Per the Language Access Ordinance (Chapter 91 of the San Francisco Administrative Code), Chinese, Spanish and or Filipino (Tagalog) interpreters will be available upon requests. Meeting Minutes may be translated, if requested, after they have been adopted by the Commission. Assistance in additional languages may be honored whenever possible. To request assistance with these services please contact the Commission Affairs Manager at 415-355-3700 or [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org), at least 48 hours in advance of the hearing. Late requests will be honored if possible.

### **語言服務**

根據語言服務條例(三藩市行政法典第91章)·中文、西班牙語和/或菲律賓語(泰加洛語)傳譯人員在收到要求後將會提供傳譯服務。翻譯版本的會議記錄可在委員會通過後透過要求而提供。其他語言協助在可能的情況下也將可提供。上述的要求·請於會議前最少48小時致電 415-355-3700或電郵至 [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org)向委員會秘書提出。逾期提出的請求·若可能的話·亦會被考慮接納。

### **Acceso A Idioma**

De acuerdo con la Ordenanza de Acceso a Idiomas "Language Access Ordinance" (Capítulo 91 del Código Administrativo de San Francisco "Chapter 91 of the San Francisco Administrative Code") intérpretes de chino, español y/o filipino (tagalo) estarán disponibles de ser requeridos. Las minutas podrán ser traducidas, de ser requeridas, luego de ser aprobadas por la Comisión. La asistencia en idiomas adicionales se tomará en cuenta siempre que sea posible. Para solicitar asistencia con estos servicios favor comunicarse con el Secretario de la Comisión al 415-355-3700, o [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org) por lo menos 48 horas antes de la reunión. Las solicitudes tardías serán consideradas de ser posible.

### **Access Sa Wika**

Ayon sa Language Access Ordinance (Chapter 91 ng San Francisco Administrative Code), maaaring mag-request ng mga tagapagsalin sa wikang Tsino, Espanyol, at/o Filipino (Tagalog). Kapag hiniling, ang mga kaganapan ng miting ay maaring isalin sa ibang wika matapos ito ay aprobahan ng komisyon. Maari din magkaroon ng tulong sa ibang wika. Sa mga ganitong uri ng kahilingan, mangyaring tumawag sa Clerk ng Commission sa 415-355-3700, o [peter.brastow@sfgov.org](mailto:peter.brastow@sfgov.org) sa hindi bababa sa 48 oras bago mag miting. Kung maari, ang mga late na hiling ay posibleng pagbibigyan.

## **Know Your Rights Under the Sunshine Ordinance (Chapter 67 of the San Francisco Administrative Code)**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils, and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, City Hall, Room 244, One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102-4683 at Phone No.: (415) 554-7724; Fax No.: (415) 554-5163; E-mail: [soft@sfgov.org](mailto:soft@sfgov.org). Copies of the Sunshine Ordinance can be obtained from the Clerk of the Sunshine Task Force, the San Francisco Public Library and on the City's website at [www.sfgov.org](http://www.sfgov.org).

### **Lobbyist Registration and Reporting Requirements**

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Campaign & Governmental Conduct Code §2.100, et. seq] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at: 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102; telephone (415) 252-3100, fax (415) 252-3112; web site at [www.sfgov.org/ethics](http://www.sfgov.org/ethics).

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