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Director

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

**Thursday, Dec. 3, 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 4:25 p.m. Present: Chair Hillson, Members Hillan and Kida. Absent: Members Short and Swae. Ms. Hui ascertained quorum and called the agenda items.
- 2. Approval of Minutes of the October 1, 2015 Urban Forestry Council Landmark Tree Committee Special Meeting.** (Explanatory Document: October 1, 2015 Draft Minutes) (Discussion and Action).  
Upon Motion by Member Hillan, second by Member Kida, the October 1, 2015 Draft Minutes were approved without objection (Members Hillson, Hillan and Kida).
- 3. Landmark Tree Evaluation Process Flowchart.** (Explanatory documents: Landmark Tree Evaluation Process Flowchart Speaker: The committee will review a draft Landmark Tree Evaluation Process Flowchart prepared by Chair Rose Hillson, suggest edits if needed, and recommend that the Urban Forestry Council adopt the Flowchart as an education and resource document for the Landmark Tree Program. (Discussion, and Possible Action)  
Chair Hillson presented and noted that the Landmark Tree Committee (LTC) needs to be responsible for proper process flow and for making it easy for the public, LTC, Staff, members of Commissions, and other stakeholders to understand the landmark tree process for nominations. She said there was no easily understood document to show process flow that shows where somebody is in the process other than reading DPW Code 810 and the flowchart would be an easy pictorial form. The preliminary flowchart illustrates basic steps and does not contain details as to timeframe issues or to minutes allotted for speakers, etc. in Committee. The flowchart is an initial step to gather people's input about the process rather than get into too many details. Member Kida asked if the flowchart was for LTC members or for the public and Chair Hillson replied that the flowcharts are for everybody. Chair Hillson commented that in the process, there are concurrent processes going on, such as the temporary designation of a tree, and different treatments depending on who the initiator is (e.g. BOS, PC, etc.), and DPW emergency protection. She wanted to ensure each of those was evaluated and Chair Hillson has rough drafts of flowchart work in addition to those presented at today's meeting but

there were too many questions and more research was needed so for part of it she consulted with the BOS Clerk. The ordinance is not clear in regards to some steps. Ms. Hui asked what the BOS Clerk said. Chair Hillson responded that there are things like a resolution from UFC that does not get to the BOS Clerk vs. a Planning Commission's resolution in the case of the last meeting; and UFC has to write a formal resolution with whereas(s) and resolved(s) clauses.

Chair Hillson, in order to rectify this, has drafted a resolution for the Chair of the UFC to review because that is required of the Chair of the UFC and send to the BOS Clerk. Ms. Hui asked if it was for the most recent tree. Chair Hillson said it was but also that a few trees have been landmarked but do not have a resolution from UFC. Trees are also marked as landmark but they have not been landmarked though they have are listed, e.g., on Planning's tree protection list. Chair Hillson stated that this is not to point fingers at anybody but that the legislation is vague to begin with. Resolutions based on UFC findings are to be formally put on paper and given to the BOS to document on paper and not to be sent via emails. The resolution comes from UFC based on findings as part of DPW Code 810. Member Kida stated when the tree gets landmarked it goes to the BOS. Chair Hillson stated that the resolution comes from the full Council. Member Hillan stated that we generate the resolution. The BOS Clerk relayed to Chair Hillson that the UFC must generate the findings resolution. Chair Hillson said that at the UFC meeting (10/27/2015) two resolutions were passed – to move the case forward to BOS without recommendation and to show the vote of 5-5. UFC members verbally relayed findings at that meeting such as environmental, physical, etc.

Ms. Hui chimed in to say that the way it works and the way that it has always worked is that when UFC supports a nomination, UFC has a resolution based on the reasons for supporting the nomination – e.g. environmental, rarity – with whereas(s) – and UFC has language for that that UFC has used in the past.

She stated that when trees are "split vote," the UFC cannot pass a motion successfully – that is what the split vote means – UFC cannot get a quorum vote – so in those cases, the "findings" are a packet of information that is sent to the BOS with an email that outlines what the vote was, what the next steps are, when the tree protection will end, if it does have protection.

Chair Hillson stated that is procedure today or has been in the past by whoever handled these resolutions but it was relayed to her that, "split vote" or not, the document with the findings with the whereas(s) was still needed and that the Planning Commission's whereas(s) is theirs and not what the UFC decided on and it is the UFC's findings at the meeting that needed to be put in a resolution document. Member Hillan stated it appears it was a matter of verbiage that the BOS want a formal package.

Ms. Hui stated that once UFC finishes the process, it goes to the BOS, and if the supervisor wants to move the tree forward, then he/she asks for Staff's help in developing the ordinance language which UFC provides. Chair Hillson stated then there is a BOS file number, it gets put on the agenda, followed by other steps. She stated again that that is not what she heard from the BOS Clerk as to what was needed which was still a resolution. Ms. Hui will check with the BOS Clerk as to what exactly she needs because she said that Staff needs to do the resolution and needs to know what the BOS Clerk is asking for. Member Hillan stated that the point was that there are some loose ends.

Member Hillan stated that the process flowchart document is a lot simpler than trying to sort it all out from the ordinance for the uninitiated. He says the flowchart, as something graphical, would be helpful for the public and new members of the LTC. He stated it should not get too bogged down in the details though maybe have one with the minutia on file but have the streamlined one like this for the public.

Chair Hillson mentioned about details for the tree nomination in an email from Ms. Hui on the flowcharts and how most people do not know that when they nominate a tree for instance on somebody else's property that they have to find an official nominator to carry that nomination. Some details like that could be put in. Member Hillan suggested maybe with asterisks but to keep the flowchart simple.

On Page 1, Ms. Hui stated that the "public" needs to be taken off the first box. They are not a nomination source. Chair Hillson stated they are on the nomination form so that will be shown as a manual input as a document to the landmark tree nomination. Ms. Hui says "public" cannot be listed as a nomination source. Chair Hillson stated then for the first box perhaps state "tree nomination sources." Ms. Hui stated that if a member of the public initiates the nomination, they have some other steps to do. Member Hillan stated that a member of the public has to go through one of the sources. Ms. Hui stated that it is not an official nomination unless it comes through one of those 5 sources. Member Kida stated there has to be a step before the first box. Chair Hillson stated there is the Nomination Form as the input before the first box. Ms. Hui stated that 75% of the nominations come in from people who cannot nominate the tree and do not move forward. Chair Hillson noted that the main box can say the sources are the ones who can forward the nominations. The Landmark Tree Nomination Form symbol will have the potential people who can fill out the form and shown as the input.

Member Kida asked that sometimes the trees never come to LTC and asked Ms. Hui how they are handled. Ms. Hui stated that if an "official" nominator source does not pick it up, then nothing happens. If a Landmark Tree Nomination Form is submitted by a neighbor, Ms. Hui will advise as to what the process entails – who they can approach to request a nomination from and answer any other questions. She stated that until an official nomination is made, the process with the LTC does not start. Member Kida stated that there needs to be a champion before it gets to LTC. Ms. Hui gave an example of a member of the public wanting to nominate a street tree in front of her house. The street tree is on DPW property and is not her tree. Chair Hillan asked if that was true of all street trees and Ms. Hui answered in the affirmative. Ms. Hui stated that no street tree can be nominated by the property owner unless that property owner is DPW. Ms. Hui then sent the request to Carla (DPW) and Chris (DPW) and UFC waits for a response.

Member Hillan asked if the public went to the Supervisor if that street tree can get nominated. Ms. Hui said that was possible, and Supervisors can nominate trees anywhere but typically they nominate within their own district boundaries, and that Department Directors can nominate also but typically only on their department properties. Member Kida asked that if they take on a tree nomination, the same criteria LTC uses to judge a tree as landmark is used. Member Hillan said that in their mind maybe not but that in the end it would have to be; and Staff Hui stated the tree is always assessed based on the criteria.

Chair Hillson asked that since the Landmark Tree Nomination Forms are mailed to Ms. Hui based on the address on the form, if there is a log of these applications, how do they get vetted, would the LTC Chair or the UFC be notified that these applications have been received. Ms. Hui stated that there is not vetting and nobody is notified until an "official" nomination happens since neither Staff nor the UFC members can do anything until the official nomination happens. Member Hillan asked how the Cook St. tree got on and it was explained that it came through the Planning Commission. Member Hillan mentioned the Market St. tree and the response was that tree came through from the Supervisor. Ms. Hui explained how the nomination comes through the UFC, that once there is an official nomination, the notifications to the different city agencies are made. Chair Hillson stated that is in the flowchart. Ms. Hui continued about the protection period and stated that if the tree has a protection period, that will also be relayed to them. Ms. Hui stated that is when the tree ends up on Planning's and DPW's list of landmark trees on their website.

She stated figuring out how to get nominated trees that do not make it through the process where the protection period lapses and how to get those taken off is something UFC needs to look into with DBI, DPW and Planning because they do have trees listed that are not landmark trees that were temporarily protected as landmark trees. Ms. Hui stated that she reaches out to the LTC and informs them to look at a tree just to go out if it is a sidewalk tree, if there needs to be a visit to a tree not on the sidewalk, the LTC has asked for a 2-week leadtime for its members to make a site visit. Ms. Hui stated that

sometimes LTC members are asked on a shorter timeframe to make the LTC hearing schedule but usually 2+ weeks out.

Chair Hillson stated that in terms of the lead times, instead of putting all the timings in the flowchart to avoid it being cluttered but also in order to digest what the BOS Clerk stated and to read the DPW Code more carefully, it was left out for now.

Chair Hillson will note that in the flowchart, file of nominations received are kept with UFC Staff on the flowchart. Chair Hillson asked if the LTC Chair could be advised of a tree nomination in advance so she is not finding out about it in a short timeframe especially after having heard of the Cook St. tree at a Planning Commission meeting. Ms. Hui stated that she does not usually get that much advance notice; and the Cook St. one she had some advance notice because Planning asked UFC Staff to speak at that hearing but often as soon as she finds out, she lets LTC and UFC know.

Ms. Hui provides parcel info prior to notifying DPW and Planning. Ms. Hui stated that not all the things listed in the box are done by Staff and are done as Staff time is available. UFC Staff will fill out the Evaluation Form just as the rest of the LTC members do and so will look for photos, parcel information, and more of it can get done if Ms. Hui has an intern at the time. Member Hillan states that for that box, state "Staff completes Evaluation Form and additional research." Ms. Hui and Chair Hillson stated to insert "Staff" along with "LTC." Ms. Hui stated that she needs to supply the parcel info to DPW, Planning and DBI before anything happens. Chair Hillson stated she based the chart flow also on a presentation by Staff from July 2015.

Member Kida questioned that for historical records that was on the nominating person as well. Chair Hillson stated that any LTC member can also. The box "...evaluate criteria..." should say "for" the site. Member Kida asked if it says on there if they recommend an arborist's report. Ms. Hui stated that an arborist's report is recommended but not required. Ms. Hui stated that whenever she gets a nomination, she encourages the person to get an arborist's report. She stated that the required items are the parcel information (Block & Lot numbers), the photos and the nomination/evaluation forms. Member Hillan stated that this is not going to be a legal document and a disclaimer on there that the ordinance takes precedence. Member Hillan stated that this flowchart is not what LTC members will rely on but as something to guide people and give them a general idea of what is going on. Chair Hillson stated that it still should be accurate. Member Hillan stated but not exhaustive. She stated that details will be shown on different sheets in a separate rough document and with color codes for the different initiators, different temporary designators. Ms. Hui wanted to collapse some of the boxes into a combined box "Nomination Form completed and sent to address on the form" to "Nomination Form completed and submitted to UFC Staff." Member Hillson talked about each box being an action and people do not read multiple steps in one box.

Member Hillan suggested "Nomination Form completed and sent to UFC address on form." as a collapsed single box. Ms. Hui suggested for the site visit box that "LTC members perform site visit and complete Evaluation Forms." Member Hillan stated that it makes it less intimidating than to have all the boxes and to have fewer. Ms. Hui asked if this was going to be for the public or for LTC and Chair Hillson stated it was going to be for everyone rather than separate flowcharts. Ms. Hui suggested the 3 boxes with the staff sets site visit, time, etc. to be in one box "LTC and Staff perform site visit and complete and submit Evaluation Forms to UFC Staff." Member Kida also stated bullet point the steps. Ms. Hui stated that the public has many questions on the setting of the Landmark Tree Committee hearing, the notification being a big part of that, minimum of 15-day notification for the hearing (this is what HPC & PC asked for). Notifications is part of the direct process. Ms. Hui stated "LTC hearing date set and notifications supplied with a minimum 15-day notification period." Ms. Hui will check on whether it is 15-day notification for the letter or if it was 14-day notification. Asterisk for details of who gets notified: Property owner, PC/HPC (Commissions Affairs Manager), surrounding property owners, LTC & UFC hearing notification list, Government Information Desk at the library, and a few other places so maybe say the standard notification list; and these are so major development does not affect the tree in the interim period. Ms. Hui stated it would be good to say that the Nominator,

Property Owner and any other interested parties speak at the hearing prior to LTC making decision. This is important because people do not know when to chime in to influence the process. Ms. Hui stated the timeframes for the speakers was changed due to the definition of "affected property owner" so that 3-8 minutes got removed otherwise it could be all the public. Chair Hillson has the times on another sheet. Member Kida stated that he felt that there questions from the public so we need to address those.

Chair Hillson then presented the second page which starts with the UFC and what happens there. The LTC Chair gives a verbal report on the written summary. The process for no quorum was where it was not clear. She was informed a resolution was needed for approvals and split votes to the BOS Clerk and that could be submitted to the UFC Chair to get to the BOS Clerk. The "temporary designation" part was on separate pages. Ms. Hui said chart should show that "if the tree is protected, e.g. "temporary designation," protection ends." She stated that trees are temporarily declared landmark trees so they can make it through the process. Also to show that a "tree cannot be nominated again for 3 years" to avoid serial nominations. Chair Hillson is putting the other details such as the 3 years wait period on another sheet with other asterisked things such as the 215 days and 120 days as the flowchart is not meant to be comprehensive.

Member Hillan stated for Page 2, if there is no support at the full UFC do we not send anything to the BOS that says UFC is not supporting it? Ms. Hui stated that UFC ends the process. Show that the process ends on the flowchart. Member Hillan stated to put the no tree nomination for 3 years maybe at the "end" symbol.

For Page 3, it was straightforward. On Page 4, for the HPC/PC the temporary designation happens at resolution adoption and PC/HPC informs DPW, etc. Ms. Hui questioned whether "temporary designation" occurred at time of initiation or when UFC adopts the resolution for City Agencies. Chair Hillson read the ordinance several times but Staff Hui thought the temporary designation starts immediately. This was to be looked at further to ensure accuracy.

Ms. Hui saw DPW issue a temporary protection one time only. Ms. Hui says it is an option for DPW to protect any tree not just landmark trees and not just on Public Works property. Ms. Hui stated that the DPW emergency protection is not a trigger anywhere – that no part of the process triggers that except that if the DPW Director feels that it needs to be done. Ms. Hui clarified the two things that can happen. When the DPW Director nominates a tree, it is protected but if a tree is nominated elsewhere or anything else, the DPW Director can issue an "emergency protective order" related to a different nomination, related to a tree that is not being nominated. The emergency protections that the DPW Director issues can be part of the nomination process but the nomination process can move forward without that.

Chair Hillson read out loud DPW Code 810(d)(1). Ms. Hui stated that that is not a required part of the Landmark Tree Nomination Process. Chair Hillson and Ms. Hui agreed that the DPW Director's emergency protection was an option. Ms. Hui stated that how the nominations are made are what are on the rest of the page and how we get to the first box on Page 1. Ms. Hui stated that the way the HPC or PC nominates a tree is the part shown on the page. Chair Hillson asked Ms. Hui if that HPC/PC intent to initiate an option? Ms. Hui stated it is how they make the nomination to get to the first box. A commissioner cannot say here is the nomination LTC and go forward but there must be an adopted resolution of the PC to kick off the nomination. Ms. Hui spoke about steps taken by the sources to get to the first box. Chair Hillson was talking about the "temporary designation." Ms. Hui stated that since nominations are brought in different ways and this describes how the nomination is actually made, she thought that was what Chair Hillson was talking about. Member Hillan suggested to divide Pages 3 & 4 which are of pretty limited interest from Pages 1 & 2 that show the fundamental process since not many people are interested in "temporary designation" and be on two separate documents. Chair Hillson stated that she gets questions on that though. Member Hillan stated that when somebody is thinking about landmarking a tree, the person wants to know what is going to happen. He stated that at the end of Page 2, where the basic process ends, it does not tell people what happens at the BOS.

Chair Hillson said that is on other sheets that LTC does not see today that she has drafted in rough form. Member Hillan said that if the BOS approves, show a diamond, then the "yes" if approved box and how it gets recorded on Planning, UFC website, DBI database; and the "no" box where the process ends as in upper part of the chart. Chair Hillson stated that the BOS and what Joe Average wants to know if the tree got landmarked is on a separate page not presented today. LTC directed Chair Hillson to complete the changes from this meeting and to work with Staff Hui to work on the flowchart further as needed and bring it back to LTC to share highlights and have it brought to UFC as informational.

Samantha Kwan, SFSU student, appreciates the flowchart to make it easier to understand and to be able to do follow up on where a nomination stands.

- 4. On-site Identification of Landmark Trees.** (Explanatory documents: Images of Landmark Trees) The Committee will review site consideration for on-site identification of landmark tree and make suggestions for tree markers, including materials, design, procurement, funding, installation, and recommend a process/application for UFC adoption. (Discussion and Possible Action)

Member Hillan expressed possibly tabling this item. Chair Hillson stated she wanted to present what was found out on the marker measurements as she did not feel Ms. Short needed to be present to hear what Chair Hillson had found from tree surveys. Member Kida mentioned donation from PG&E to ensure there would be any future conflicts and no need to mention donation from PG&E on the plaques but the review of the trees to ensure they were not over any transmission gas lines has been forwarded to another PG&E department with a different mapping system. Member Kida will follow up and have something by the next meeting in light of the fact that this marker project has been unfinished since 2008. The estimate was \$1,500 – \$2,500 and Jon Swae stated that Planning may be able to help out with the funding. Chair Hillson reported that if we want a standard marker, it would be the trees with the least amount of room as for the ash trees on Cortland Avenue. That would be 5.5" by 14" or brick size. Member Hillan stated that if the vast majority has a square foot, it may be better to have more than one size to not be too limiting. Chair Hillson asked the LTC if two sizes could be done and with Sunset Concrete to do the work per the last LTC meeting. Chair Hillson asked if there were city vendors as she had submitted vendor names in the past. Ms. Hui said that once Carla has input, we could ask PG&E to handle inter-agency but that can be handled outside of LTC. Member Kida stated that they have had vendors in the past so that logistically that would work but not be involved in the design. Chair Hillson asked the committee members to look at the pictures and come up with a good size. Member Kida inquired to see how they can be marked, perhaps 6" or 9" round and a long skinny one for the Cortland tree. Member Hillan stated no smaller than 6" and round could be more easily installed. Ms. Hui stated that anything would have to be flush as Carla stated in previous meeting. Item continued to call of the Chair when Carla is ready to talk about it and give feedback.
- 5. Trees on private property in relation to landmark tree program.** The Committee will discuss backyard landmark tree policy. (Discussion)

Chair Hillson put this item on the agenda to inform the public that the ordinance states that any tree in the city can be landmarked and it is not only those with public benefit; so backyard trees could be landmarked. Lately, the public has opined that backyard trees cannot be landmarked and this was to make it clear that the Landmark Tree ordinance does not disallow them. One can have a tree in a courtyard, build around it and have it now in the backyard. Member Kida stated there could be some inherent limitations to trees in the backyard. Member Hillan says he has not had an issue with whether it is a backyard tree and that it is a non-issue. Member Kida stated that those people who say backyard trees cannot be landmarked as a valid opinion in terms of landmarking but it should not preclude people from considering them.

**6. Alternative Tree Protection Policies.** (Explanatory documents: Summary Table for Tree Protection Ordinances.) The Committee will discuss alternative tree protection policies. (Discussion)

Ms. Hui stated that this item was something Jon Swae wanted to be put on the agenda.

Member Hillan tables the "Alternative Tree Protection Policies" until the next meeting to the call of the Chair. Member Kida opined that that be the only item on the agenda. Chair Hillson stated that the flowchart process item should come back as a report item along with the tree markers when Carla is present also to the call of the Chair.

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

None.

**8. 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.

None.

**9. Adjournment.** The Landmark Tree Committee meeting adjourned at 5:51 p.m.

Minutes written and submitted by Chair Hillson (December 11, 2015).

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