

BOARD of SUPERVISORS



City Hall
Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Malia Cohen, Chair
Land Use and Transportation Committee

FROM: Andrea Ausberry, Assistant Clerk

DATE: May 3, 2016

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, May 3, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, May 3, 2016. This item was acted upon at the Committee Meeting on Monday, May 2, 2016, at 1:30 p.m., by the votes indicated.

Item No. 32 File No. 160320

Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as a landmark tree pursuant to Public Works Code, Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

RECOMMENDED AS A COMMITTEE REPORT

Vote: Supervisor Malia Cohen - Aye
Supervisor Scott Wiener - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Jon Givner, Deputy City Attorney

File No. 160320

Committee Item No. 3

Board Item No. 32

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date May 2, 2016

Board of Supervisors Meeting

Date May 3, 2016

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Memorandum of Understanding (MOU) |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 - Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 700 |
| <input type="checkbox"/> | <input type="checkbox"/> | Vacancy Notice |
| <input type="checkbox"/> | <input type="checkbox"/> | Information Sheet |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

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Completed by: Andrea Ausberry Date April 29, 2016

Completed by: _____ Date _____

1 [Landmark Tree Designation - Norfolk Island/Cook Pine Hybrid Located at 46A Cook Street]

2
3 **Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla x A.***
4 ***columnaris*) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as**
5 **a landmark tree pursuant to Public Works Code, Section 810, making findings**
6 **supporting the designation, and requesting official acts in furtherance of the landmark**
7 **tree designation.**

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in single-underline italics Times New Roman font.
10 **Deletions to Codes** are in ~~strikethrough italics Times New Roman font~~.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

15 Be it ordained by the People of the City and County of San Francisco:

16 Section 1. Findings.

17 (a) Public Works Code Section 810 establishes a procedure for the nomination,
18 designation, and removal of landmark trees.

19 (b) The Board of Supervisors adopted landmark tree designation criteria in Resolution
20 No. 440-06. The Board of Supervisors subsequently amended the criteria in Resolution No.
21 63-09. Copies of these Resolutions are on file with the Clerk of the Board of Supervisors in
22 File No. 100880, which is incorporated herein by reference.

23 (c) On July 2, 2015, the Planning Commission initiated landmark proceedings by
24 adopting Resolution No. 19404 for one Norfolk Island/Cook Pine hybrid (*Araucaria*
25 *heterophylla x A. columnaris*) tree located at 46A Cook Street, Assessor's Block 1067, Lot
032. A copy of this Resolution is on file with the Clerk of the Board of Supervisors in File No.
160320 and is incorporated herein by reference.

1 (d) The Urban Forestry Council examined the subject tree based on the adopted
2 landmark tree designation criteria, including (1) the rarity of the tree, (2) the physical attributes
3 of the tree, (3) the environmental value of the tree, and (4) the cultural value of the tree.
4 Based on these designation criteria, the Urban Forestry Council determined that the subject
5 tree qualified as a landmark tree, and on March 25, 2016 adopted a motion reflecting this
6 determination. This motion is on file with the Clerk of the Board of Supervisors in File No.
7 160053 and is incorporated herein by reference.

8
9 Section 2. Landmark Tree Designation.

10 (a) Based on the above mentioned findings, the Board of Supervisors designates the
11 Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook
12 Street, Assessor's Block 1067, Lot 032 as a landmark tree.

13 (b) The Board of Supervisors directs the Department of Public Works to record the
14 landmark designation of this tree on the property record of 46A Cook Street (Assessor's Block
15 1067, Lot 032) and list the tree in the Department's Official Book of Landmark Trees.

16
17 Section 3. Effective Date. This ordinance shall become effective 30 days after
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
20 of Supervisors overrides the Mayor's veto of the ordinance.

21
22 APPROVED AS TO FORM:
23 DENNIS J. HERRERA, City Attorney

24 By:


25 MANU PRADHAN
Deputy City Attorney



SF Environment
 Our home. Our city. Our planet.
 A Department of the City and County of San Francisco

COB, L&DP

Edwin M. Lee
 Mayor

Deborah O. Raphael
 Director

RECEIVED
 BOARD OF SUPERVISORS
 SAN FRANCISCO

2016 MAR 28 PM 2:17

BY EAB

March 25, 2016

Ms. Angela Calvillo, Clerk of the Board
 Board of Supervisors
 1 Dr. Carlton B. Goodlett Place
 San Francisco, CA 94102

Dear Ms. Calvillo:

This letter is to inform the Board of Supervisors that the Urban Forestry Council, in response to Board of Supervisors Resolution No. 5-16 (FILE NO. 160053), has recommended a tree at 46A Cook Street for landmark status.

At their meeting on March 25, 2016, the Urban Forestry Council voted in favor of a motion (Ayes: Flanagan, Hillan, Hillson, Lacan, Michael Sullivan, Taylor, Carter, Manzone, Swae; Noes: Short and Andrew Sullivan; Absent: Kida) to issue the following message to the Board of Supervisors for their consideration:

"We urge the Board of Supervisors to protect the hybrid Norfolk Island/Cook Pine tree at 46A Cook Street as a landmark tree, due to its rarity, physical attributes, environmental benefits, and cultural support."

This letter and the enclosed materials from the March 25, 2016, Urban Forestry Council Meeting serve as written findings and nomination recommendations from the Urban Forestry Council.

If you have any questions, or would like additional information, please contact Mei Ling Hui, Urban Forestry Council Coordinator, at 415-355-3731 or meiling.hui@sfgov.org.

Sincerely,

Anthony E. Valdez
 Commission Affairs Manager



SF Environment
Our home. Our city. Our planet.
A Department of the City and County of San Francisco

Edwin M. Lee
Mayor

Deborah O. Raphael
Director

City and County of San Francisco Urban Forestry Council

March 25, 2016 UFC Meeting

Explanatory Documents for Item 6 – Hearing on nomination for Landmark Tree Status

San Francisco Department of the Environment
1455 Market Street, Suite 1200, San Francisco, CA 94103
Telephone: (415) 355-3700 • Fax: (415) 554-6393

Email: environment@sfgov.org • SFEenvironment.org

Printed on 100% post-consumer recycled paper

1 [Approval of 90-Day Extension for Urban Forestry Council Review of Landmark Tree
2 Designation - 46A Cook Street]

3 Resolution extending by 90 days the landmark tree designation review period by the
4 Urban Forestry Council for a Norfolk Island Pine at 46A Cook Street (Assessor's Block
5 No. 1067, Lot No. 032) in accordance with Public Works Code, Section 810(d), and
6 referring the matter back to the Urban Forestry Council for further review.

7
8 WHEREAS, The Board of Supervisors adopted Ordinance No. 17-06, which amended
9 the Urban Forestry Ordinance, Public Works Code, Sections 801, et seq., concerning
10 landmarks and significant trees; and

11 WHEREAS, A copy of said ordinance is on file with the Clerk of the Board of
12 Supervisors in File No. 051458 and is incorporated herein by reference; and

13 WHEREAS, As part of this implementation of Ordinance No. 17-06, the Urban Forestry
14 Council, after duly noticed public hearings, developed criteria and procedures for the
15 designation and removal of landmark trees and recommended that the Board of Supervisors
16 adopt such criteria and procedures; and

17 WHEREAS, Said criteria and procedures were subsequently adopted by Resolution
18 No. 440-06 which is on file with the Clerk of the Board of Supervisors in File No. 060487 and
19 is incorporated herein by reference; and

20 WHEREAS, On July 2, 2015, Planning Commission initiated landmark proceedings at
21 the request of Commissioner Dennis Richards by adopting Resolution No. 19404 for one
22 Norfolk Island Pine (*Araucaria heterophylla*), located at 46A Cook Street, Assessor's Block
23 1067, Lot 032 and; and

24 WHEREAS, The Planning Commission acknowledged the temporary designation of
25 such tree for landmark tree status pursuant to Public Works Code, Section 810(d), and

1 directed the Commission Secretary to forward the Resolution and accompanying documents
2 contained in the file to the Urban Forestry Council and urged the Urban Forestry Council to
3 expeditiously complete the landmark tree designation review for the subject tree; and

4 WHEREAS, On August 6, 2015, the Urban Forestry Council held a public hearing on
5 the landmark tree designation review for the subject tree but continued the matter to October
6 27, 2015, stating that they did not have enough information and needed further historical and
7 species clarification; and

8 WHEREAS, On October 27, 2015, the Urban Forestry Council held a public hearing on
9 the landmark tree designation review for the subject tree and after a motion was made to
10 nominate the tree for landmark status, the nomination failed in a 5-5 vote and instead was
11 referred to the Board of Supervisors without recommendation pursuant to criteria and
12 procedures for designation and removal of landmark trees adopted in Resolution No. 440-06;
13 and

14 WHEREAS, Public Works Code, Section 810(d), provides that once a tree is
15 nominated for landmark status the subject tree is temporarily designated as a landmark tree
16 for 215 days so that the tree is protected while the designation proceedings are pending; and

17 WHEREAS, Once this 215-day temporary designation terminates, the tree loses its
18 temporary landmark protection status; however Section 810(d) allows the Board of
19 Supervisors via resolution to extend the protections of temporary designation status for an
20 additional 90 days to allow adequate time to consider the pending landmark designation; and

21 WHEREAS, The temporary landmark status for the Norfolk Island Pine (*Araucaria*
22 *heterophylla*), located at 46A Cook Street, Assessor's Block 1067, Lot 032, expires on
23 February 1, 2016 and the Board of Supervisors does not have adequate information to
24 landmark said tree at this time; now, therefore, be it

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RESOLVED, That the Board, in accordance with Public Works Code, Section 810(d), extends temporary landmark designation status for the Norfolk Island Pine (*Araucaria heterophylla*), located at 46A Cook Street, Assessor's Block 1067, Lot 032, for an additional 90 days and refers the matter back to the Urban Forestry Council for further review; and, be it

FURTHER RESOLVED, That the Board directs the Department of Public Works to notify the owner of 46A Cook Street (Assessor's Block 1067, Lot 032) of this 90-day extension of temporary designation status and the special permit and approval requirements for maintenance and removal of a landmark tree pursuant to Public Works Code, Section 810.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19404

HEARING DATE JUNE 18, 2015

Date: June 18, 2015
Project Address: 46A COOK STREET
Zoning: RH-2 (Residential House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 1067/032

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION OF INTENT INITIATING THE NOMINATION OF THE NORFOLK ISLAND PINE (*ARAUCARIA HETEROPHYLLA*) TREE AT 46 COOK STREET FOR LANDMARK TREE STATUS PURSUANT TO PUBLIC WORKS CODE SECTION 810(B), ACKNOWLEDGING THE TEMPORARY DESIGNATION OF SUCH TREE PURSUANT TO PUBLIC WORKS CODE SECTION 810(D), AND AUTHORIZING OTHER OFFICIAL ACTS IN FURTHERANCE OF THIS RESOLUTION.

WHEREAS, The Board of Supervisors adopted Ordinance No. 17-06, which amended the Urban Forestry Ordinance, Public Works Code Sections 801 et seq. concerning landmark and significant trees. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 051458 and is incorporated herein by reference; and

WHEREAS, As part of this implementation of Ordinance No. 17-06, the Urban Forestry Council, after duly noticed public hearings, developed criteria and procedures for the designation and removal of landmark trees and recommended that this Board of Supervisors adopt such criteria and procedures. Said criteria and procedures were subsequently adopted by Resolution No. 0440-06 which is on file with the Clerk of the Board of Supervisors in File No. 060487 and is incorporated herein by reference; and

WHEREAS, Trees provide numerous environmental, social, and economic benefits such as reducing storm water runoff, reducing energy use, improving air quality, increasing property values, shading for tenants, and promoting wildlife habitat; and provide residents with a source of serenity in the inner city; and

WHEREAS, The purpose of this resolution shall be to initiate landmarking proceedings for one Norfolk Island Pine (*Araucaria heterophylla*), located on Assessor's Block 1067, Lot 032; and

WHEREAS, The tree that is the subject of this resolution satisfies many of the designation criteria in Public Works Code Section 810(f)(4)(A)-(E); now, therefore, be it



City and County of San Francisco

Tails

Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160053

Date Passed: January 26, 2016

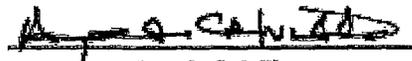
Resolution extending by 90 days the landmark tree designation review period by the Urban Forestry Council for a Norfolk Island Pine at 46A Cook Street (Assessor's Block No. 1067, Lot No. 032) in accordance with Public Works Code, Section 810(d), and referring the matter back to the Urban Forestry Council for further review.

January 26, 2016 Board of Supervisors - ADOPTED

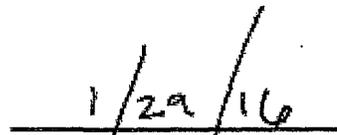
Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160053

I hereby certify that the foregoing Resolution was ADOPTED on 1/26/2016 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved



SAN FRANCISCO PLANNING DEPARTMENT

Landmark Tree Nomination Case Report

Hearing Date: July 2, 2015
Project Address: 46 Cook Street
Zoning: RH-2-Residential House, Two Family
Block/Lot: 1067/033
Property Owner: Dale T. Rogers Trust
P.O. Box 590814
San Francisco CA, 94159
Staff Contact: Jon Swae – (415) 575-9069
jon.swae@sfgov.org
Reviewed By: AnMarie Rodgers – Senior Policy Advisor
anmarie.rodgers@sfgov.org

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

BACKGROUND

On June 18th, the Commission considered whether to approve the nomination of a Norfolk Island Pine tree located in the rear yard of a private property (46 Cook Street) for landmark status. The Commission decided to continue the item until the July 2nd hearing. A neighboring resident has completed a landmark tree nomination application and requested the Commission to consider initiating the nomination and the landmark tree nomination process. On June 10th, the Director of Public Works issued an Emergency Protection Order (EPO) temporarily protecting the tree and requiring a permit and review by Public Works staff of any proposed removal of the tree. The EPO (attached) is currently protecting the tree during consideration by the Commission on whether to pursue the landmark nomination.

Commission approval of the landmark nomination will NOT grant landmark status to the tree. It will start the landmark tree nomination and evaluation process (described below). The action before the Commission is to consider approval of a resolution to nominate the tree on the subject property; thereby enabling further consideration of landmarking by the Urban Forestry Council (hereinafter "UFC") and, upon advice of the UFC, final landmark consideration by the Board of Supervisors.

LANDMARK TREE NOMINATION PROCESS

- Per the Public Works Code (Article 16, [Sec 810](#)), trees are capable of being nominated for landmark designation by the Board of Supervisors, Planning Commission, Historic Preservation Commission, city department heads or by property owners with a tree of exceptional quality or significance on their property. Additionally, members of the public may request one of the authorized nominators above to nominate a tree.
- Once nominated, a tree receives protected status throughout the landmark tree evaluation process. It should be noted that this particular tree has already received protection through an Emergency Protection Order issued by the Director of Public Works.

RESOLVED, The Planning Commission, pursuant to the Public Works Code Section 810(b), hereby adopts this Resolution of intent to initiate a landmark tree nomination for the Norfolk Island Pine (*Araucaria heterophylla*) located at 46A Cook Street, Assessor's Block 1067, Lot 032; and, be it

FURTHER RESOLVED, This Commission acknowledges the temporary designation of such tree for landmark tree status pursuant to Public Works Code Section 810(d); and, be it

FURTHER RESOLVED, The Commission directs the Commission Secretary to forward this Resolution and accompanying documents contained in the file to the Urban Forestry Council, and due to the urgent nature of the situation, to urge the Urban Forestry Council to expeditiously complete the landmark tree designation review for the subject tree; and, be it

FURTHER RESOLVED, The Commission urges the Director of Public Works to immediately notify the affected property owner of the nomination and inform said owner of the special permit and approval requirements for removal of landmark trees under Public Works Code Section 810(f) if such notification has not yet occurred.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 2, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Moore, and Richards
NOES: Fong, Wu, Antonini
ABSENT: None
ADOPTED: July 2, 2015

- Once a nomination is received, the UFC will conduct a formal evaluation of the tree for landmark status and make a recommendation to the Board of Supervisors. This process involves the following:
 1. A hearing at the Urban Forest Council's Landmark Tree Committee where both the property owner and nominating party will have the opportunity to testify and provide evidence about the characteristics of the tree that pertain to landmark decisions. The Landmark Tree Committee will vote on whether to forward the nomination to the full Urban Forestry Council with either a recommendation to landmark the tree, a recommendation NOT to landmark the tree, or with no recommendation.
 2. A hearing at the full Urban Forestry Council, where the UFC will vote on whether to forward the nomination to the Board of Supervisors with either a recommendation to landmark the tree, a recommendation NOT to landmark the tree, or with no recommendation.
 3. Three hearings at the Board of Supervisors including a Committee hearing and two hearings at the Full Board. The Full Board will vote to make the final decision on whether to grant landmark status to a tree or not.

TREE & PROPERTY INFORMATION

As of the writing of this case report, City staff have limited information on the tree proposed for nomination. The nomination application (attached) submitted by the neighboring property owner includes photos of a Norfolk Island Pine tree of large stature located in a rear yard with a stated estimated age of 100+ years.

The Planning Department's Property Information Map indicates that the building (built date of "1900"¹) located on the parcel is a Type A - Historic Resource. Featured in the book, *Here Today: San Francisco's Architectural Heritage*, the text related to the subject property reads, "46 Cook Street (c. 1870) George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house."² San Francisco's practice of historic preservation would traditionally protect landscaping on properties identified as known historic resources where the landscaping is determined to be a significant feature of the property or significant to the setting of the property. In this case, the property's designation of "Type A" indicates that property is a known historic resource but the reference to the significance of the "many trees obtained from the cemetery" in relationship to the tree proposed for nomination would need further research. Planning Department staff has determined that no current or proposed projects under the dripline of the tree would be affected by the nomination. The nomination would not result in any delay or interference with a pipeline development project.

If the nomination is approved by the Commission, Urban Forestry Council members and Department of the Environment staff will conduct a site visit to evaluate the tree and conduct a formal evaluation

¹ Properties recorded with a built date of 1900 may indicate the actual built date but more likely indicate an unknown, but early, date of construction.

² Roger Olmsted & T.H. Watkins, *Here Today: San Francisco's Architectural Heritage* (San Francisco: Chronicle Books, 1978).

including assessments of rarity, physical attributes, historical significance, environment and cultural relevance.

PLANNING DEPARTMENT RECOMMENDATION

Given the property's historic significance and the images provided in the nomination application, staff feels the tree is worthy for further evaluation for landmarking by the City's designated urban forestry advisory body, the Urban Forestry Council. The Department recommends the Commission initiate the nomination process for the tree located at 46 Cook Street by approving a resolution stating this.

ATTACHMENTS

- A. Landmark Tree Nomination Form (46 Cook Street)
- B. Public Works Tree Protection Order (46 Cook Street)

Dear San Francisco Planning Commission Member,

Thank you for taking the time to give this Landmark Tree Nomination Form for the Norfolk Island Pine residing at 46 Cook St. your attention.

This cover letter serves to reiterate the importance of timely and immediate action on this issue, should you choose to participate in the cause. You are the last hope of preserving this final remaining magnificent tree on the property so we hope your interest will align with that of the folks in this neighborhood, and city. This particular tree has provided health and well-being to our neighborhood for over the last century, and preserving it directly aligns with San Francisco's General Plan objective to maintain the desirable quality and unique character of the city.

The Norfolk Island Pine described in this Landmark Tree Nomination Form shares the property with two historically landmarked buildings, sharing a priceless piece of San Francisco history and continuously providing benefits to the local community as described in the form. Additionally, removal of the tree has been deemed unnecessary by several sources, also described in the attached form.

If you feel as strongly as numerous San Francisco residents about the unnecessary removal of this historic tree, an immediate nomination to propose landmark status for this tree is necessary. The crews were on-site all last week and could show up again any day to begin cutting down this tree. The urban forestry office explained that a nomination will result in the tree being temporarily protected while a decision is being made.

Additionally, a local television news channel has been alerted of the situation and is prepared to cover the issue and the organized protest should the tree removal process begin.

We are not asking you to make a decision to save or not save this tree. The city has an established process to determine what types of trees should be protected. All we ask of you is swift action to initiate the established process by nominating this tree for review. We trust the process will render the appropriate decision about whether or not the tree will be landmarked.

Thank you for your time and attention. We look forward to a response as soon as possible.

If any additional information is needed, feel free to reach out to any of the following individuals:

Richard Worn (neighbor and landmark tree form submitter): 415.307.9699

Levi Leavitt (property tenant): 808.635.7959

Jen Leavitt (property tenant): 661.373.6970

SAN FRANCISCO URBAN FORESTRY COUNCIL

Landmark Tree Nomination Form

Disclaimer: Any information you include on this form will be part of the public record. Anyone may request to see the information you submit for a landmark tree nomination. For more legal information, see the last page of this form.

Who can nominate a landmark tree?

- The Board of Supervisors, Planning Commission, and Landmarks Preservation Advisory Board may nominate a tree.
The head of a City department or agency may nominate a tree on property under their jurisdiction. City departments and agencies should conduct an internal approval process before nominating a tree.
A property owner may nominate a tree on his or her property.
A member of the public may ask an authorized nominator to nominate a tree.

Please note that a permit will be required for any future removal of a landmark tree.

Pursuant to Ordinance 0017-06 and Public Works Code 810, the Urban Forestry Council requests the following information.

I am one of the following authorized nominators

- Property owner
Board of Supervisor member
Head of a city department or agency
Planning Commission member
Landmarks Preservation Advisory Board member

Authorized nominator (Supervisor, Planning Commission, Landmarks Advisory Board, Head of City Department, Property Owner):

Member of the public who initiated nomination (if applicable):

Name
Address
Address
Phone (day)
Fax #
Email

RICHARD WORN
60 COOK STREET
SAN FRANCISCO, CA 94118
415.307.9699
w_chamb@yahoo.com

I am an authorized nominator and I support this nomination.

I am the property owner and I grant permission for city staff to evaluate the nominated tree on the property with advance notice.

Signature
Date

Signature
Date

SAN FRANCISCO URBAN FORESTRY COUNCIL

2

The Urban Forestry Council will use the following criteria to evaluate each potential landmark tree. If you need more space to describe the tree, please attach additional sheets.

TREE DESCRIPTION

Tree name (species and common name): ARAUCARIA HETEROPHYLLA (NORFOLK ISLAND PINE)

Number of trees: ONE

Street address: 410 COOK STREET, SAN FRANCISCO, CA 94118

- Location of Tree: Front yard Rear yard Side yard Corner-side yard
 Public right-of-way Public lands Not sure
 Other: _____

If the tree which extends beyond multiple properties:

Which part of the tree does so?

- Trunk Canopy

Where in the neighboring area?

- Front yard Rear yard Side yard Corner-side yard

GPS units (OPTIONAL): _____

Height ± 100 feet

Average canopy width 30 feet
Distance from one edge to opposite edge of tree canopy

Circumference at chest level 114 inches
Distance around trunk at 4.5 ft off the ground. <http://www.isa-arbor.com/publications/tree-ord/heritage.aspx>

Circumference at ground level 138 inches
Distance around trunk on the ground where the trunk meets the soil.

SAN FRANCISCO URBAN FORESTRY COUNCIL

3

Rarity

Rarity: Rare Uncommon Common Other
Unusual species in San Francisco or other geographic regions.

Comment: THE URBAN FOREST MAP OF SAN FRANCISCO SHOWS ONLY
10 NORFOLK PINES LISTED IN THE CITY.

Physical

Size: Large Medium Small
Notable size compared to other trees of the same species in San Francisco.

Comment: APPEARS TO BE AMONGST THE TALLEST IN SAN
FRANUSCO PER THE URBAN FOREST MAP AND PHYSICAL OBSERVATION

Age: Significantly advanced age for the species.

Comment: BASED ON A TREE RING COUNT OF THE NORFOLK PINE'S "SISTER"
TREE WHICH WAS RECENTLY REMOVED, THE TREE IS AROUND 120 YEARS OLD.
POSSIBLE DATING CAN ALSO BE DERIVED FROM EXHIBITS B.1-B.3.

Distinguished form: Yes No
Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: THIS NORFOLK PINE'S UNIQUE SYMMETRICAL STRUCTURE
AND SIZE DOMINATES THE NEIGHBORHOOD. SEE EXHIBITS A.1-A.7.

Tree condition: Good Poor Hazard
Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: THE TREE'S HEIGHT AND LOCATION ENABLES IT TO FREQUENTLY
COLLECT FOG FROM THE SKY AND CREATE A MICROCLIMATE, ENSURING
INDEFINITE WATER SUPPLY TO THE TREE AND SURROUNDING CANOPY.

Historical

Historical Association: Yes None apparent
Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: THE TREE IS IN BETWEEN TWO LANDMARKED
BUILDINGS ON THE PROPERTY - ONE OF THE OLDEST VICTORIAN AND
CARRIAGE HOUSES IN THE RICHMOND DISTRICT.

Profiled in a publication or other media: Yes Unknown
Tree has received coverage in print, internet, video media, etc. Attach documentation if appropriate.
Describe coverage: SEE EXHIBITS B.1-B.3.

Environmental

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: THIS STRIKING AND LARGE TREE CAN BE CLEARLY SEEN FROM MANY PARTS OF THE INNER RICHMOND. SEE EXHIBITS A.1-A.7.

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: IT IS THE TALLEST IN ITS NEIGHBORHOOD, AS WELL AS SEVERAL SURROUNDING NEIGHBORHOODS.

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe: _____

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe: DUE TO ITS HEIGHT, THE TREE IS VISIBLE FROM SEVERAL NEIGHBORHOODS NORTH, SOUTH, EAST, AND WEST. SEE EXHIBITS A.1-A.7.

High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: ALTHOUGH LOCATED ON A DEAD END STREET, THE TREE IS A 1/2 BLOCK FROM GERRY BLVD, AND A HIGH PEDESTRIAN THOROUGHFARE DUE TO THE PEDESTRIAN PASSAGE WAY TO EULLID ST. AT THE END OF COOK ST.

Important wildlife habitat: Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

Describe: FOR EIGHTEEN YEARS I HAVE SEEN MANY HAWKS, CROWS, OWLS, ETC UTILIZE THIS TREE FOR THEIR NEEDS.

Erosion control: Yes No

Tree prevents soil erosion.

Describe: _____

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: SINCE THE REMOVAL OF THIS NORFOLK PINE'S "SISTER" TREE ON 4-20-2015, THE PROPERTY TENANTS AND I HAVE NOTICED THE NEGATIVE EFFECTS OF ONE LESS TREE. DEFINITELY EXPERIENCING MORE WIND AND SOUND Page 4 FROM THE NEIGHBORING SCHOOL. SEE EXHIBITS C.1-C.3.

Cultural

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: WHEN THE "SISTER" TREE WAS REMOVED AND THIS ONE WAS SLATED FOR REMOVAL THE ENTIRE STREET WAS UP IN ARMS. A PETITION CAN BE PROVIDED UPON REQUEST.

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation: _____

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: THE TREE IS SO MAJESTICALLY PRESENTED IN THE NEIGHBORHOOD THAT IT ALMOST DEFINES THE NEIGHBORHOOD. SEE EXHIBITS C1.-C3.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. Attach documentation if appropriate.

Describe coverage: PERSONAL CONNECTIONS TO THE MEDIA CAN EASILY BE CALLED UPON.

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: SEE EXHIBITS A1-A7 AND C1-C3.

Additional comments

PRESERVING THIS TREE PROVES MORE IMPORTANT SINCE IT'S "SISTER" TREE, ANOTHER EQUALLY MAGNIFICENT NORFOLK PINE ON THE PROPERTY, WAS REMOVED ON APRIL 20TH, 2015. TWO ARBORISTS FROM THE SF DEPARTMENT OF URBAN FORESTRY CAME AND DEEMED REMOVAL UNNECESSARY. THE FOREMAN OF THE CREW WHO REMOVED TWO PALMS AS WELL AS THE "SISTER" NORFOLK FROM THE PROPERTY ALSO DEEMED REMOVAL UNNECESSARY, BUT WERE CONTRACTED TO DO THEIR JOB FROM THE PROPERTY OWNER AND SUSPICIONED REAL ESTATE INVESTOR, DALE ROGERS. IT WASN'T UNTIL DALE WAS PRESSURED BY US THAT HE HELD OFF ON CUTTING DOWN THIS LAST LARGE TREE ON THE PROPERTY. HOWEVER, WE ARE STILL UNCLEAR OF HIS INTENTIONS, WHICH MAKES AT LEAST TEMPORARY PROTECTION OF THIS TREE VITALLY IMPORTANT! HIS CREWS COULD SHOW UP ANY DAY FOR REMOVAL OF THIS PRECIOUS TREE. THIS NORFOLK ISLAND PINE PROVIDES HOMES, FRIENDSHIP, AND SOLACE TO MANY LIVING THINGS IN THE NEIGHBORHOOD - AND WE TRUST THE CITY'S PROCESS FOR PROTECTION.

SAN FRANCISCO URBAN FORESTRY COUNCIL

6

If you have any questions about this form, tree terms or tree concepts, please contact the Urban Forestry Council staff (below). It is acceptable if you cannot provide some of the information requested on this form.

A photograph of the tree must be submitted with this form.

Please attach **optional** supporting documents such as letters, arborist report, etc.

Send to: Urban Forestry Council, c/o Mel Ling Hui, 1455 Market Street, San Francisco, CA 94102
OR meiling.hui@sfgov.org

Any information you submit will be part of the public record.

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Application received date _____	Received by _____
Tree evaluation form _____	UFC recommendation date _____
Board of Supervisors Decision _____	_____
Landmark Tree # _____	Title recorded date _____

EXHIBIT A.1

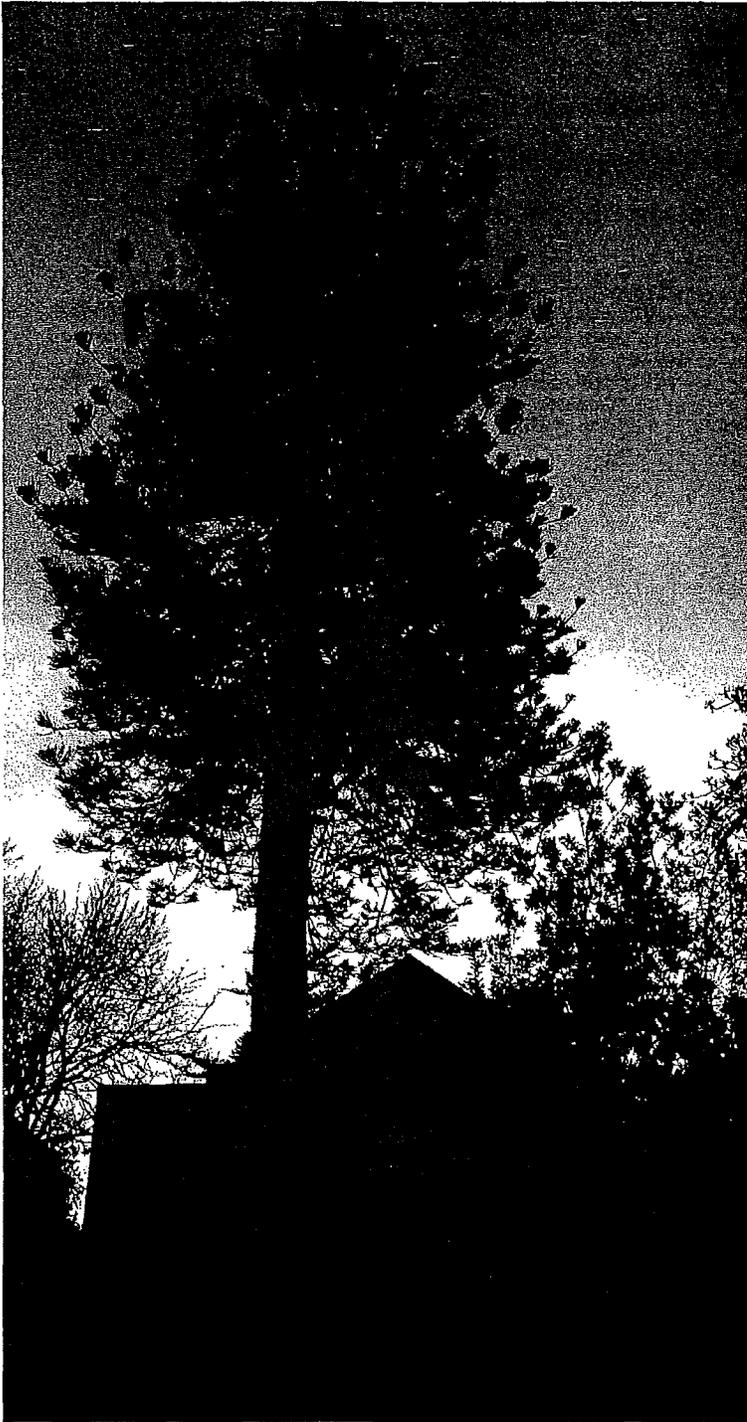


EXHIBIT A.2



EXHIBIT A.3

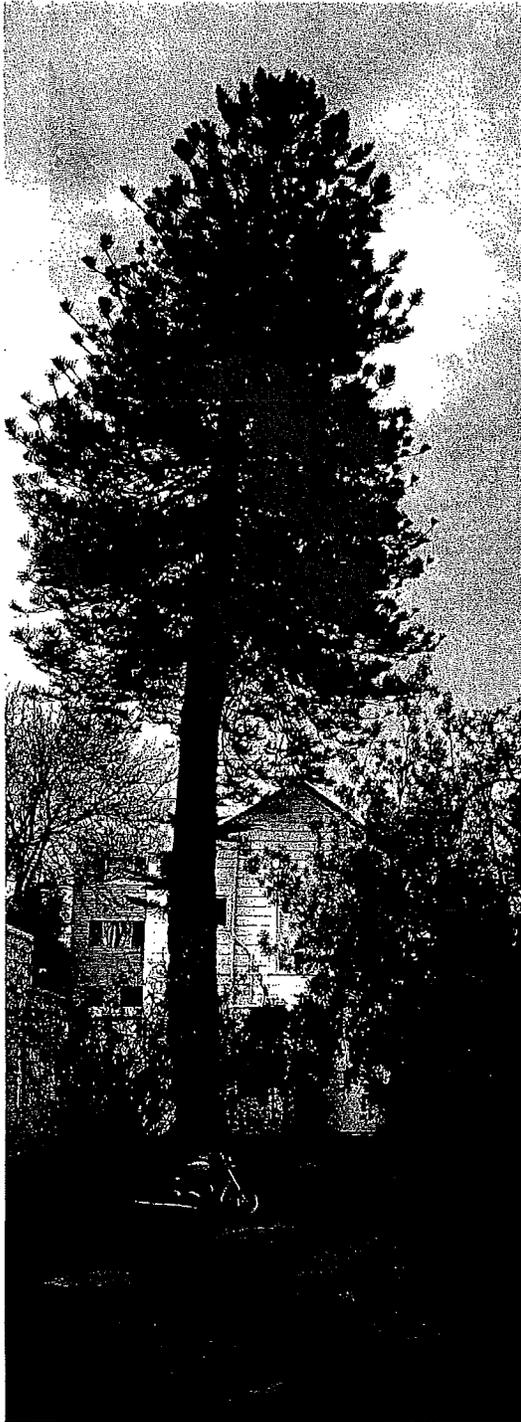


EXHIBIT A.4

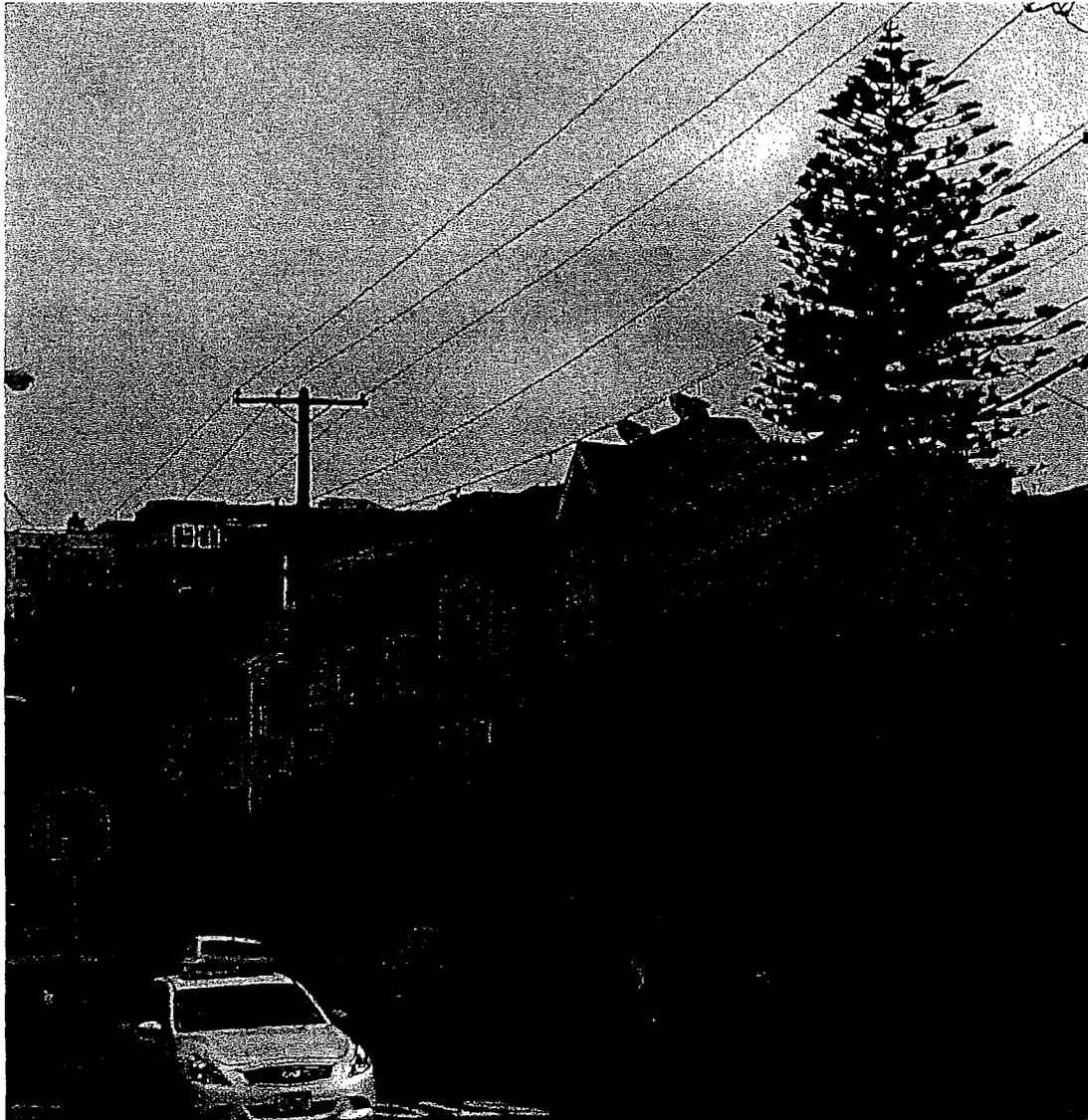


EXHIBIT A.5

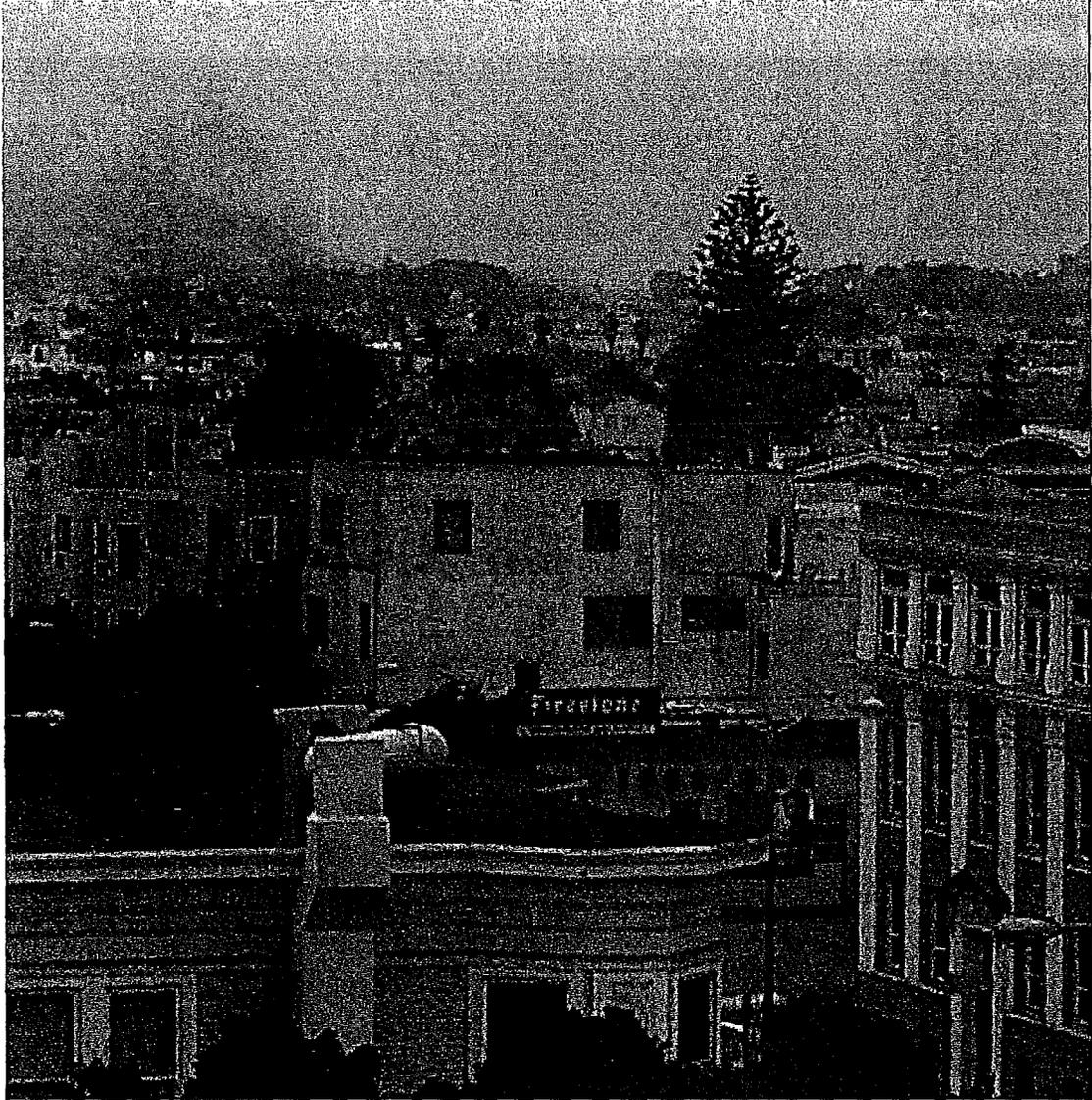


EXHIBIT A.6



EXHIBIT A.7

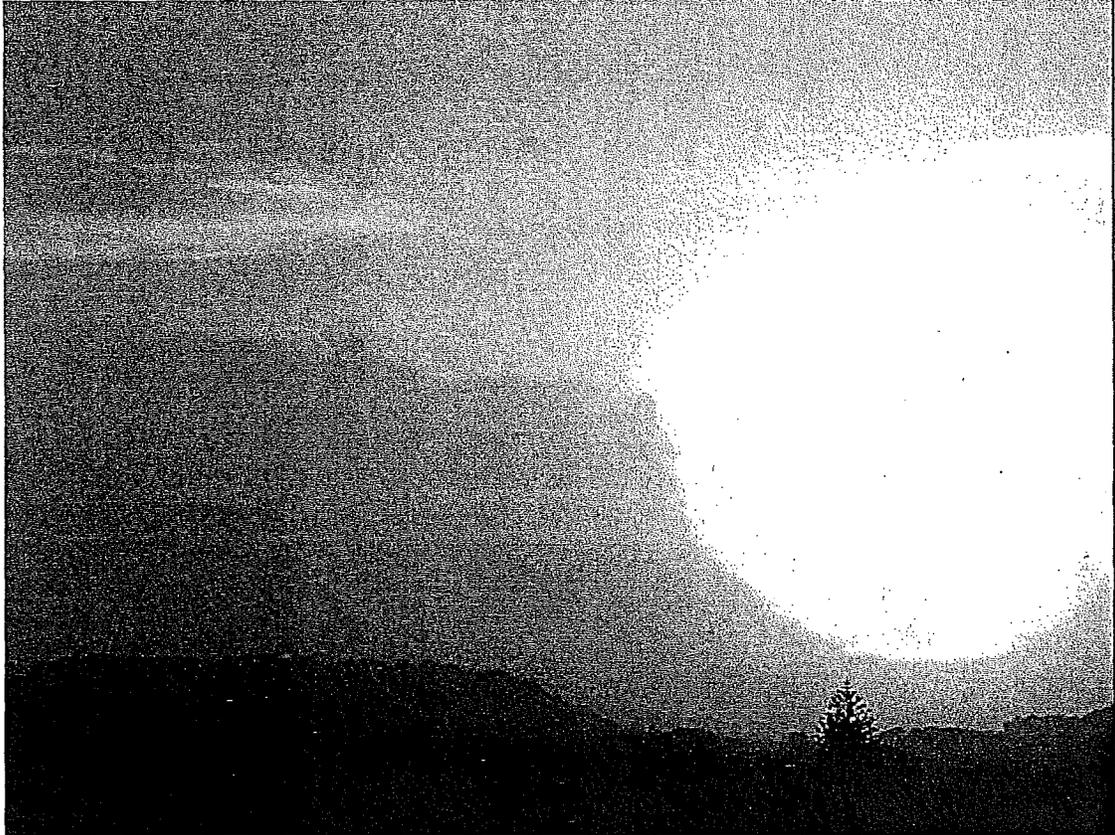
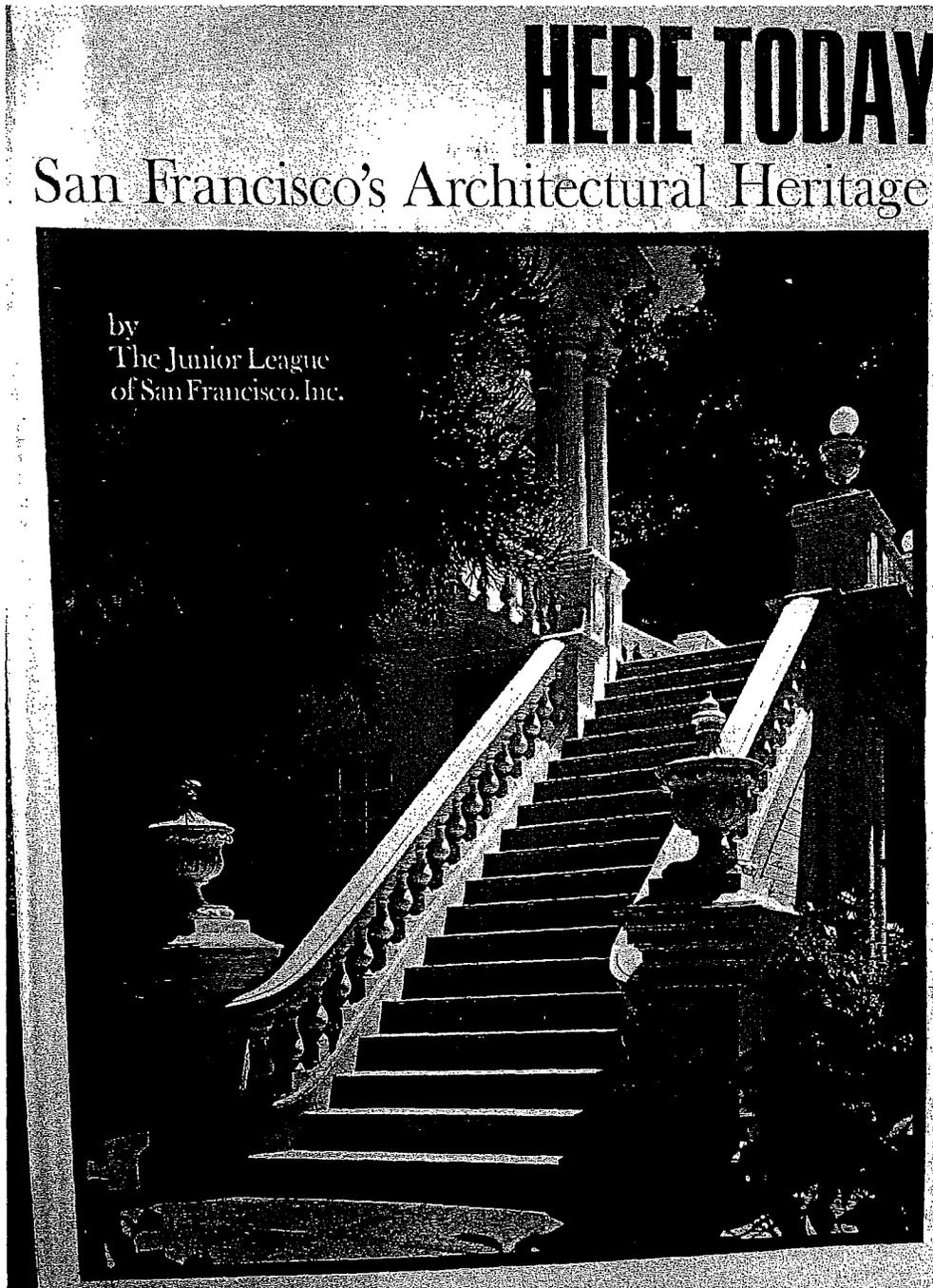


EXHIBIT B.1



Book Cover of *Here Today*

EXHIBIT B.2

\$14.95



HERE TODAY

are 2,500 buildings and residences built prior to 1920 in San Francisco, San Mateo and Marin counties which—hopefully—will not be Gone Tomorrow.

HERE TODAY

is a unique look at San Francisco's architectural heritage: a handbook and tour guide to the fabulous chateaux of the Peninsula, public buildings designed by noted architects and outstanding buildings by anonymous practitioners of "Carpenter's Gothic."

HERE TODAY

is the result of almost five years of research by 200 dedicated women—members of the Historic Sites Project of the Junior League of San Francisco—who conducted block-by-block surveys to compile the information never before available in one source.

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HERE TODAY

is a valuable guide to contemporary San Francisco and its environs which time will make a priceless reference work for historians, architects, city planners and all those who love this area.

EXHIBIT B.3

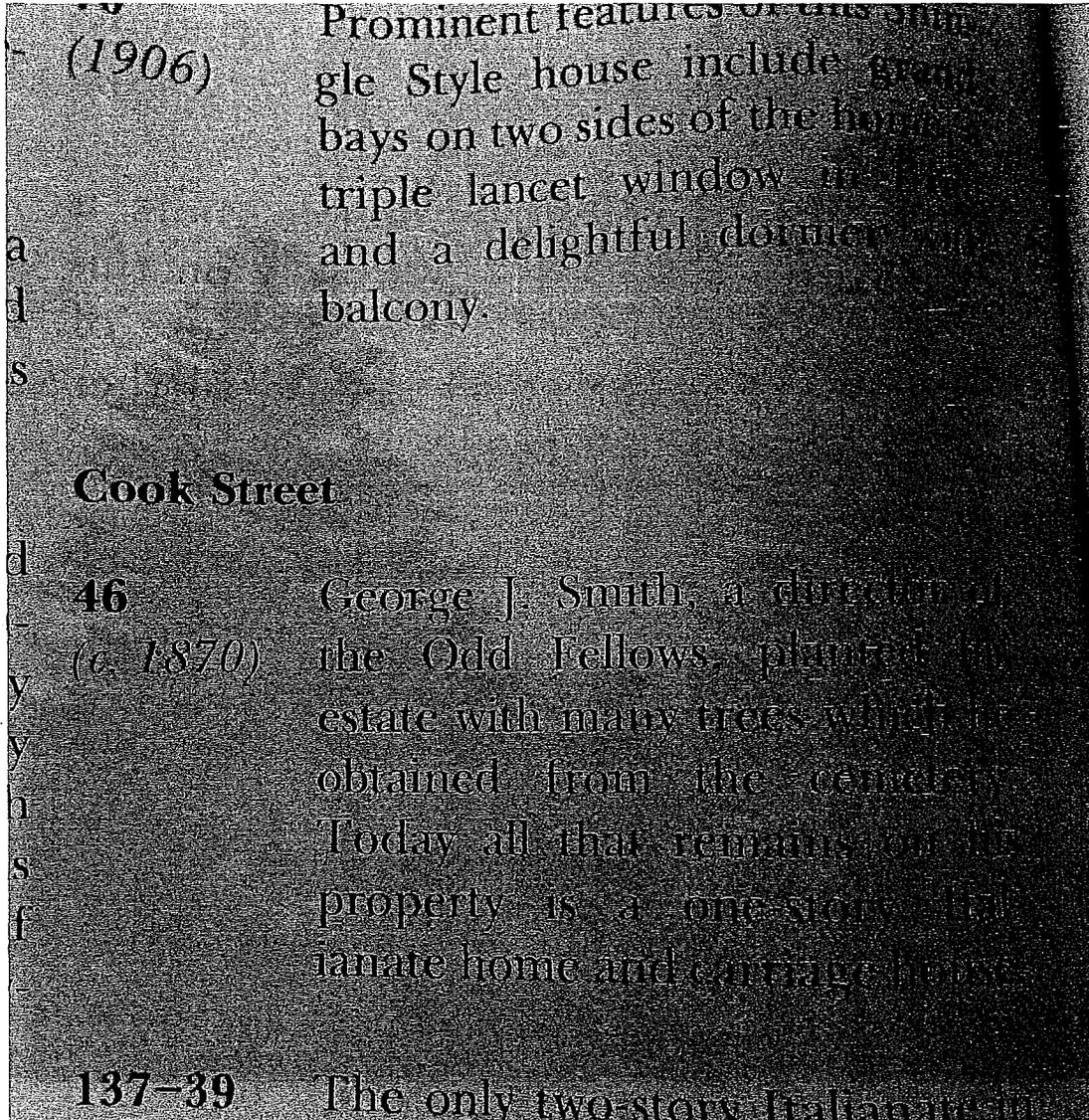


EXHIBIT C.1



Taken 4/20/2015

EXHIBIT C.2



Taken 4/21/2015

EXHIBIT C.3



Taken 4/23/2015



Edwin M. Lee
Mayor

Mohammed Nuru
Director

San Francisco Public Works
1 Dr. Carlton B. Goodlett Pl.
Room 348
San Francisco, CA 94102
tel 415-554-6920

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

June 10, 2015

DALE T ROGERS TRUST
c/o DALE T ROGERS TRUSTEE
P.O. BOX 590814
SAN FRANCISCO CA 94159

Via email to dalerogers@alumni.haas.org and US Mail

Re: Designation of Norfolk Pine Tree at 46 Cook St. under the jurisdiction of the Department of Public Works

Dear Property Owner,

This letter serves to inform you that a member of the Planning Commission has contacted the Department of the Environment to indicate his intention to nominate the Norfolk Island Pine Tree (*Araucaria heterophylla*) located in the yard of your property at 46 Cook Street (Assessor's Block 1067, Lot 032) in San Francisco for Landmark Tree Status. The process to nominate the tree must now go before the Planning Commission, and then will be referred to the Urban Forestry council, which will then forward the nomination to the Board of Supervisors for a hearing in the near future.

In accordance with Section 810 (d) of the Public Works Code, I am issuing an emergency order designating this tree under the jurisdiction of Public Works, and notifying you that the tree cannot be removed without permit:

Director of the Department shall have the authority to issue an emergency order that temporarily designates a tree on private property or on any property under the jurisdiction of the Department to prevent the immediate removal of a tree. Upon initiation of a nomination pursuant to this Section, the entity initiating nomination shall immediately inform the Director who shall immediately cause a notice to be provided to the relevant department or private property owner informing them of the special permit and approval requirements pursuant to Section 810(f).

Therefore, this tree may not be removed without going through the special permit process from the Department of Public Works that is set forth in Public Works Code Section 810(f). Additional rules also apply to maintenance of the tree and any construction work on the property that may affect the tree. We encourage you to review the landmark tree designation process, which involves public hearings at the Urban Forestry Council and Board of Supervisors, and other applicable requirements

that are found In the Public Works Code Section 810. This law can be found at any local library or on-line through the City's website at sfgov.org. Please contact the Urban Forester at (415) 554-5349 if you have any questions regarding this matter or if you would like us to send you the relevant portions of the Public Works Code.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Nuru', is written over a horizontal line. The signature is stylized and cursive.

Mohammed Nuru
Director

Dear San Francisco Planning Commission Member,

Thank you for taking the time to give this Landmark Tree Nomination Form for the Norfolk Island Pine residing at 46 Cook St. your attention.

This cover letter serves to reiterate the importance of timely and immediate action on this issue, should you choose to participate in the cause. You are the last hope of preserving this final remaining magnificent tree on the property so we hope your interest will align with that of the folks in this neighborhood, and city. This particular tree has provided health and well-being to our neighborhood for over the last century, and preserving it directly aligns with San Francisco's General Plan objective to maintain the desirable quality and unique character of the city.

The Norfolk Island Pine described in this Landmark Tree Nomination Form shares the property with two historically landmarked buildings, sharing a priceless piece of San Francisco history and continuously providing benefits to the local community as described in the form. Additionally, removal of the tree has been deemed unnecessary by several sources, also described in the attached form.

If you feel as strongly as numerous San Francisco residents about the unnecessary removal of this historic tree, an immediate nomination to propose landmark status for this tree is necessary. The crews were on-site all last week and could show up again any day to begin cutting down this tree. The urban forestry office explained that a nomination will result in the tree being temporarily protected while a decision is being made.

Additionally, a local television news channel has been alerted of the situation and is prepared to cover the issue and the organized protest should the tree removal process begin.

We are not asking you to make a decision to save or not save this tree. The city has an established process to determine what types of trees should be protected. All we ask of you is swift action to initiate the established process by nominating this tree for review. We trust the process will render the appropriate decision about whether or not the tree will be landmarked.

Thank you for your time and attention. We look forward to a response as soon as possible.

If any additional information is needed, feel free to reach out to any of the following individuals:

Richard Worn (neighbor and landmark tree form submitter): 415.307.9699

Levi Leavitt (property tenant): 808.635.7959

Jen Leavitt (property tenant): 661.373.6970

SAN FRANCISCO URBAN FORESTRY COUNCIL

Landmark Tree Nomination Form

Disclaimer: Any information you include on this form will be part of the public record. Anyone may request to see the information you submit for a landmark tree nomination. For more legal information, see the last page of this form.

Who can nominate a landmark tree?

- The Board of Supervisors, Planning Commission, and Landmarks Preservation Advisory Board may nominate a tree.
The head of a City department or agency may nominate a tree on property under their jurisdiction. City departments and agencies should conduct an internal approval process before nominating a tree.
A property owner may nominate a tree on his or her property.
A member of the public may ask an authorized nominator to nominate a tree.

Please note that a permit will be required for any future removal of a landmark tree.

Pursuant to Ordinance 0017-06 and Public Works Code 810, the Urban Forestry Council requests the following information.

I am one of the following authorized nominators

- Property owner
Board of Supervisor member
Head of a city department or agency
Planning Commission member
Landmarks Preservation Advisory Board member

Authorized nominator (Supervisor, Planning Commission, Landmarks Advisory Board, Head of City Department, Property Owner):

Member of the public who initiated nomination (if applicable):

Name
Address
Address
Phone (day)
Fax #
Email

RICHARD WORN
Name
60 COOK STREET
Address
SAN FRANCISCO, CA 94118
Address
415.307.9699
Phone (day)
Fax #
w-chamb@yahoo.com
Email

I am an authorized nominator and I support this nomination.

I am the property owner and I grant permission for city staff to evaluate the nominated tree on the property with advance notice.

Signature
Date

Signature
Date

SAN FRANCISCO URBAN FORESTRY COUNCIL

2

The Urban Forestry Council will use the following criteria to evaluate each potential landmark tree. If you need more space to describe the tree, please attach additional sheets.

TREE DESCRIPTION

Tree name (species and common name): ARAUCARIA HETEROPHYLLA (NORFOLK ISLAND PINE)

Number of trees: ONE

Street address: 410 COOK STREET, SAN FRANCISCO, CA 94118

- Location of Tree: Front yard Rear yard Side yard Corner-side yard
 Public right-of-way Public lands Not sure
 Other: _____

If the tree which extends beyond multiple properties:

Which part of the tree does so?

- Trunk Canopy

Where in the neighboring area?

- Front yard Rear yard Side yard Corner-side yard

GPS units (OPTIONAL): _____

Height ± 100 feet

Average canopy width 30 feet
Distance from one edge to opposite edge of tree canopy

Circumference at chest level 114 inches
Distance around trunk at 4.5 ft off the ground. <http://www.isa-arbor.com/publications/tree-ord/heritage.aspx>

Circumference at ground level 138 inches
Distance around trunk on the ground where the trunk meets the soil.

Rarity

Rarity: Rare Uncommon Common Other
 Unusual species in San Francisco or other geographic regions.

Comment: THE URBAN FOREST MAP OF SAN FRANCISCO SHOWS ONLY
10 NORFOLK PINES LISTED IN THE CITY.

Physical

Size: Large Medium Small
 Notable size compared to other trees of the same species in San Francisco.

Comment: APPEARS TO BE AMONGST THE TALLEST IN SAN
FRANCISCO PER THE URBAN FOREST MAP AND PHYSICAL OBSERVATION

Age: Significantly advanced age for the species.

Comment: BASED ON A TREE RING COUNT OF THE NORFOLK PINE'S "SISTER"
TREE WHICH WAS RECENTLY REMOVED, THE TREE IS AROUND 120 YEARS OLD.
POSSIBLE DATING CAN ALSO BE DERIVED FROM EXHIBITS B.1-B.3.

Distinguished form: Yes No
 Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: THIS NORFOLK PINE'S UNIQUE SYMMETRICAL STRUCTURE
AND SIZE DOMINATES THE NEIGHBORHOOD. SEE EXHIBITS A.1-A.7.

Tree condition: Good Poor Hazard
 Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: THE TREE'S HEIGHT AND LOCATION ENABLES IT TO FREQUENTLY
COLLECT FOG FROM THE SKY AND CREATE A MICROCLIMATE, ENSURING
INDEFINITE WATER SUPPLY TO THE TREE AND SURROUNDING CANOPY.

Historical

Historical Association: Yes None apparent
 Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: THE TREE IS IN BETWEEN TWO LANDMARKED
BUILDINGS ON THE PROPERTY - ONE OF THE OLDEST VICTORIAN AND
CARRIAGE HOUSES IN THE RICHMOND DISTRICT.

Profiled in a publication or other media: Yes Unknown
 Tree has received coverage in print, internet, video media, etc. Attach documentation if appropriate.
 Describe coverage: SEE EXHIBITS B.1-B.3.

Environmental

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: THIS STRIKING AND LARGE TREE CAN BE CLEARLY SEEN FROM MANY PARTS OF THE INNER RICHMOND. SEE EXHIBITS A.1-A.7.

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: IT IS THE TALLEST IN ITS NEIGHBORHOOD, AS WELL AS SEVERAL SURROUNDING NEIGHBORHOODS.

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe: _____

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe: DUE TO ITS HEIGHT, THE TREE IS VISIBLE FROM SEVERAL NEIGHBORHOODS NORTH, SOUTH, EAST, AND WEST. SEE EXHIBITS A.1-A.7.

High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: ALTHOUGH LOCATED ON A DEAD END STREET, THE TREE IS A 1/2 BLOCK FROM GERRY BLVD, AND A HIGH PEDESTRIAN THOROUGHFARE DUE TO THE PEDESTRIAN PASSAGE WAY TO EULLID ST. AT THE END OF COOK ST.

Important wildlife habitat: Yes No

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Describe: FOR EIGHTEEN YEARS I HAVE SEEN MANY HAWKS, CROWS, OWLS, ETC UTILIZE THIS TREE FOR THEIR NEEDS.

Erosion control: Yes No

Tree prevents soil erosion.

Describe: _____

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: SINCE THE REMOVAL OF THIS NORFOLK PINE'S "SISTER" TREE ON 4-20-2015, THE PROPERTY TENANTS AND I HAVE NOTICED THE NEGATIVE EFFECTS OF ONE LESS TREE. DEFINITELY EXPERIENCING MORE WIND AND SOUND Page 4 FROM THE NEIGHBORING SCHOOL. SEE EXHIBITS C.1-C.3.

SAN FRANCISCO URBAN FORESTRY COUNCIL

Cultural

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: WHEN THE "SISTER" TREE WAS REMOVED AND THIS ONE WAS SLATED FOR REMOVAL THE ENTIRE STREET WAS UP IN ARMS. A PETITION CAN BE PROVIDED UPON REQUEST.

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation: _____

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: THE TREE IS SO MAJESTICALLY PRESENED IN THE NEIGHBORHOOD THAT IT ALMOST DEFINES THE NEIGHBORHOOD. SEE EXHIBITS C.1.-C.3.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: PERSONAL CONNECTIONS TO THE MEDIA CAN EASILY BE CALLED UPON.

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: SEE EXHIBITS A.1-A.7 AND C.1-C.3.

Additional comments

PRESERVING THIS TREE PROVES MORE IMPORTANT SINCE IT'S "SISTER" TREE, ANOTHER EQUALLY MAGNIFICENT NORFOLK PINE ON THE PROPERTY, WAS REMOVED ON APRIL 20TH, 2015. TWO ARBORISTS FROM THE SF DEPARTMENT OF URBAN FORESTRY CAME AND DEEMED REMOVAL UNNECESSARY. THE FOREMAN OF THE CREW WHO REMOVED TWO PALMS AS WELL AS THE "SISTER" NORFOLK FROM THE PROPERTY ALSO DEEMED REMOVAL UNNECESSARY, BUT WERE CONTRACTED TO DO THEIR JOB FROM THE PROPERTY OWNER AND SUSPICIONED REAL ESTATE INVESTOR, DALE ROGERS. IT WASN'T UNTIL DALE WAS PRESSURED BY US THAT HE HELD OFF ON CUTTING DOWN THIS LAST LARGE TREE ON THE PROPERTY. HOWEVER, WE ARE STILL UNCLEAR OF HIS INTENTIONS, WHICH MAKES AT LEAST TEMPORARY PROTECTION OF THIS TREE VITALLY IMPORTANT!
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SAN FRANCISCO URBAN FORESTRY COUNCIL

6

If you have any questions about this form, tree terms or tree concepts, please contact the Urban Forestry Council staff (below). It is acceptable if you cannot provide some of the information requested on this form.

A photograph of the tree must be submitted with this form.

Please attach **optional** supporting documents such as letters, arborist report, etc.

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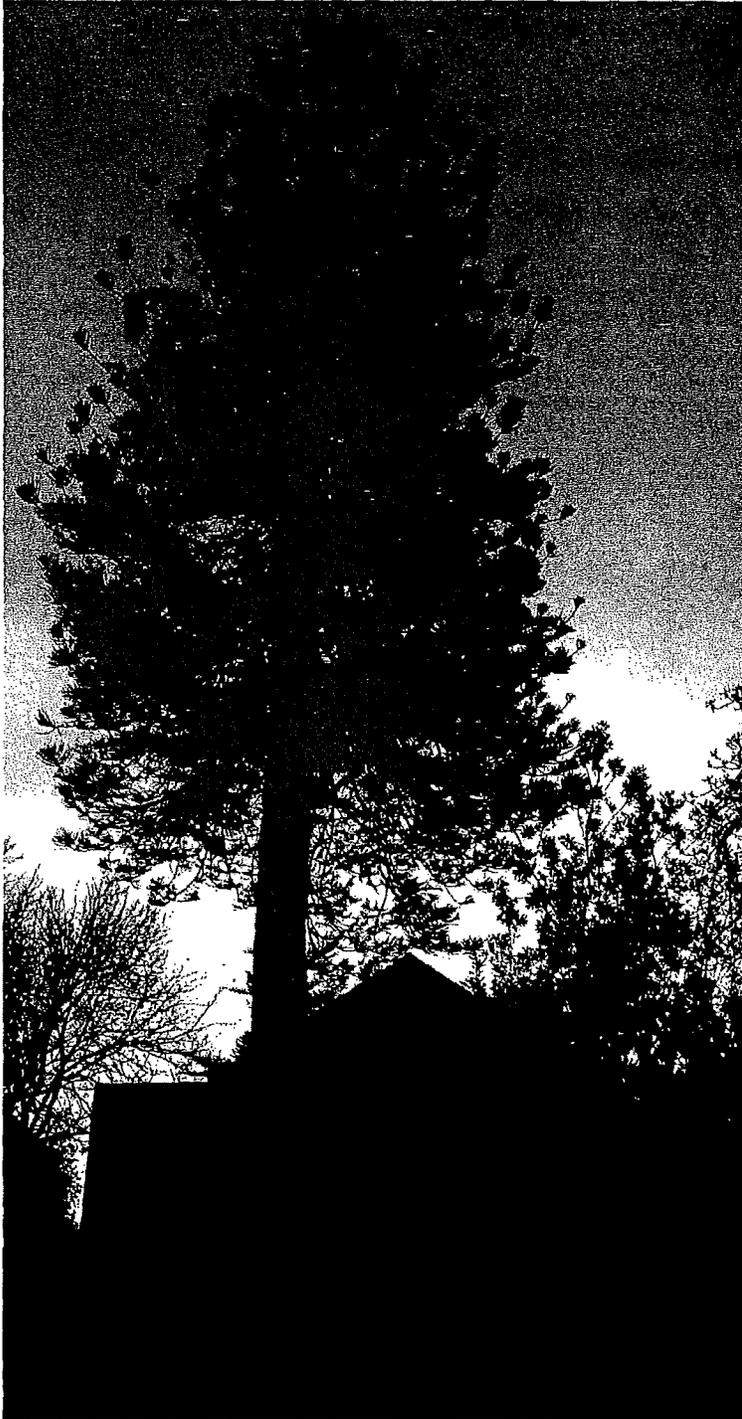


EXHIBIT A.2



EXHIBIT A.3

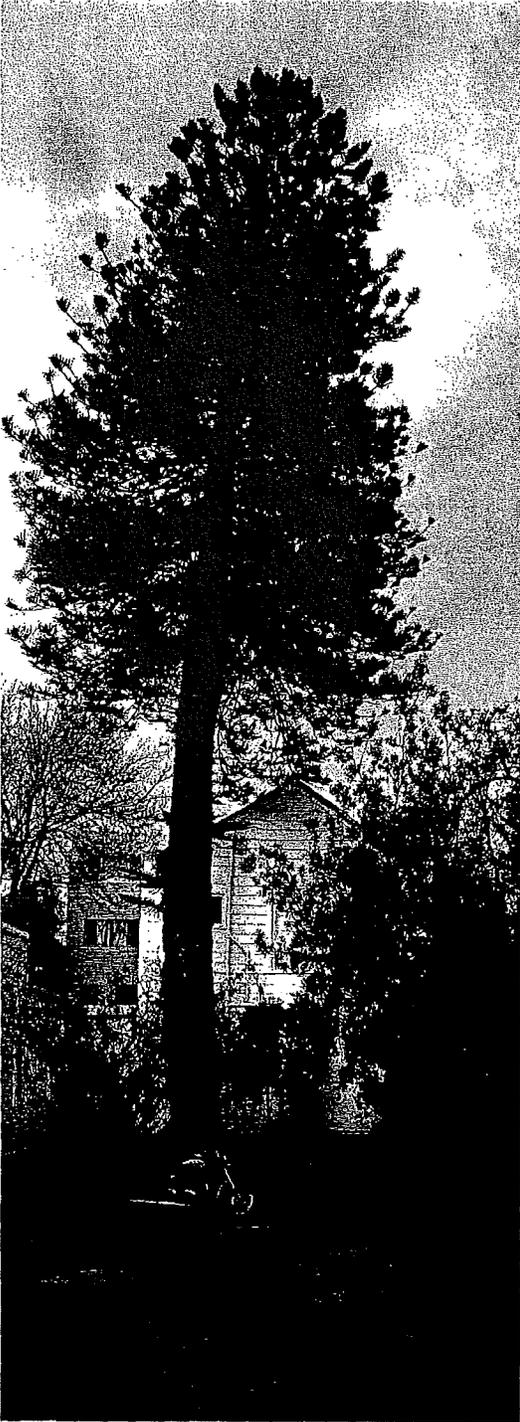


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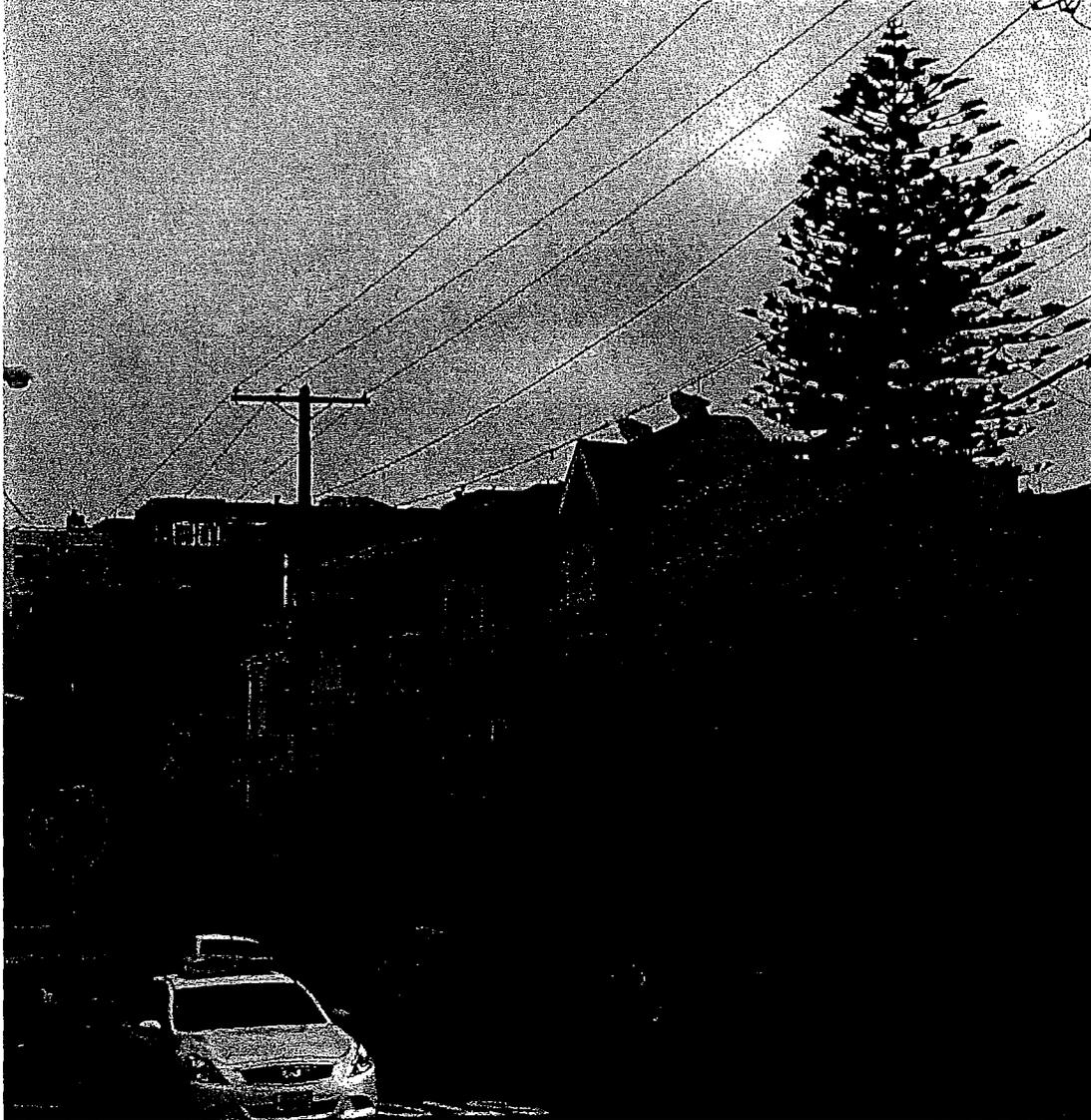


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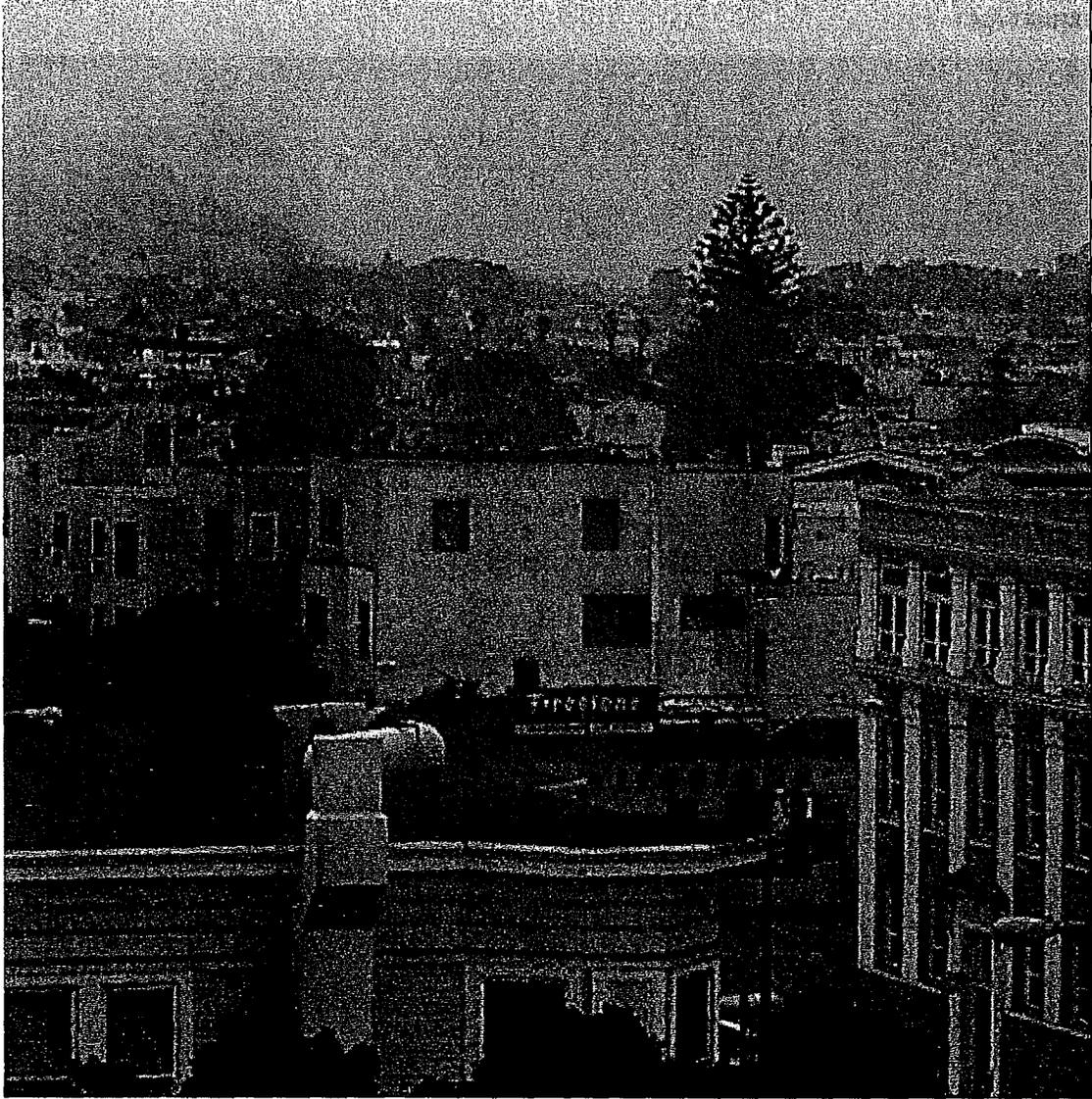


EXHIBIT A.6



EXHIBIT A.7

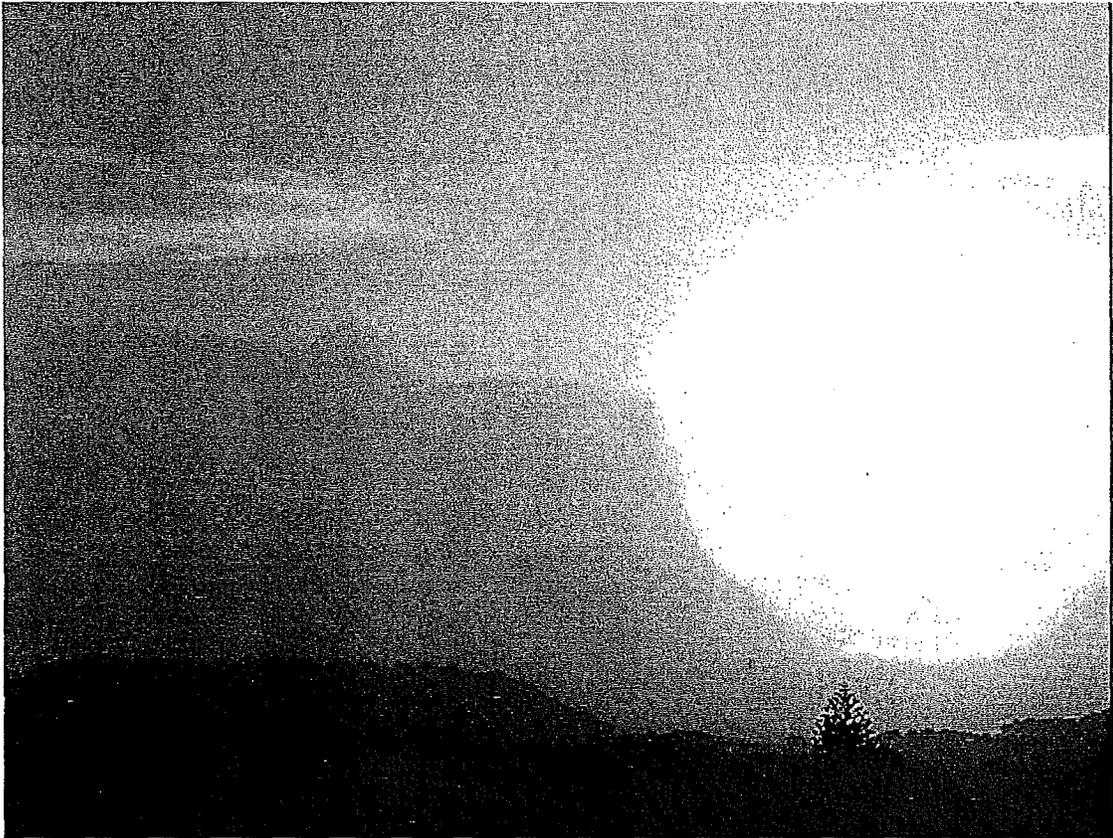
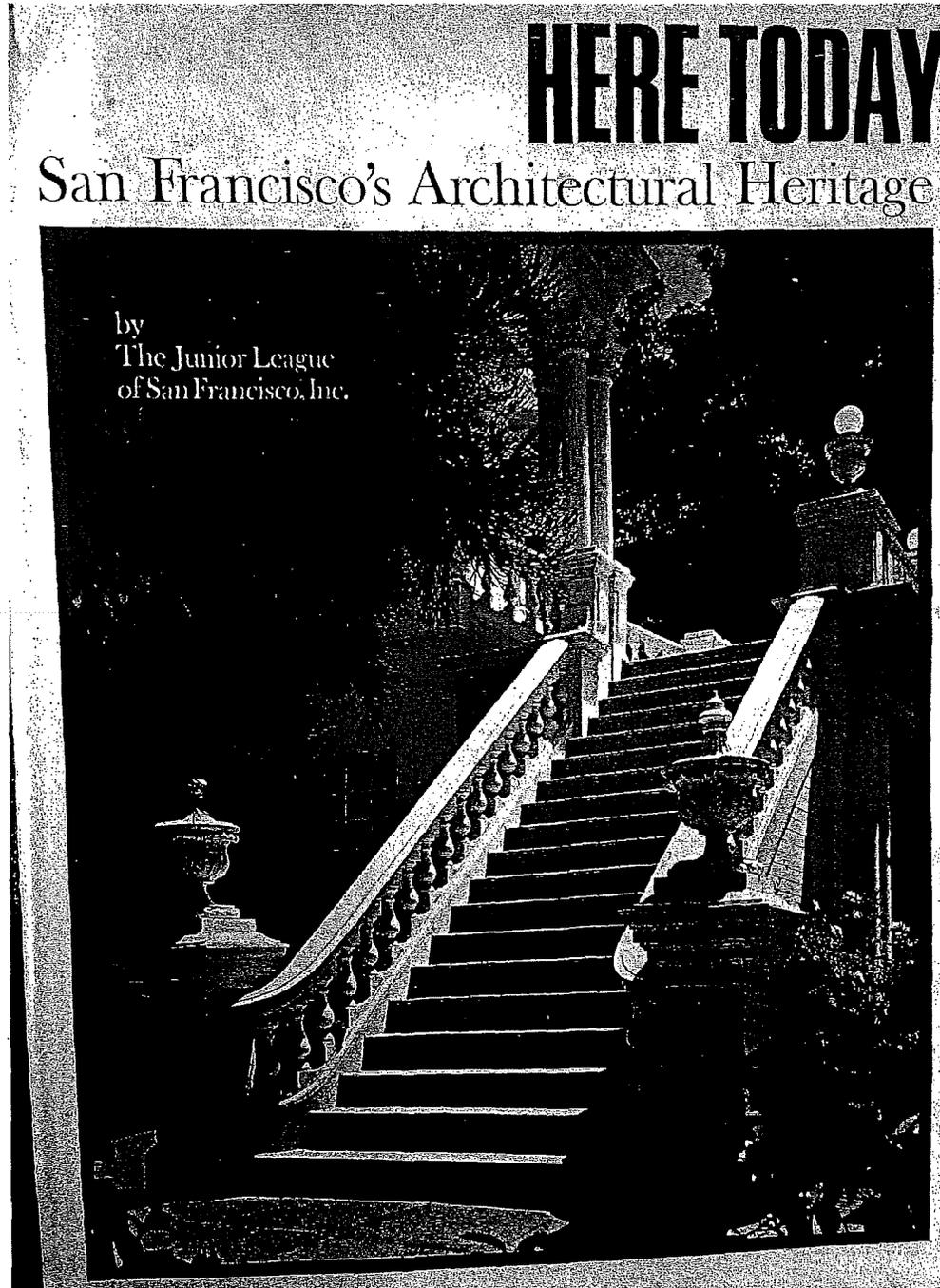


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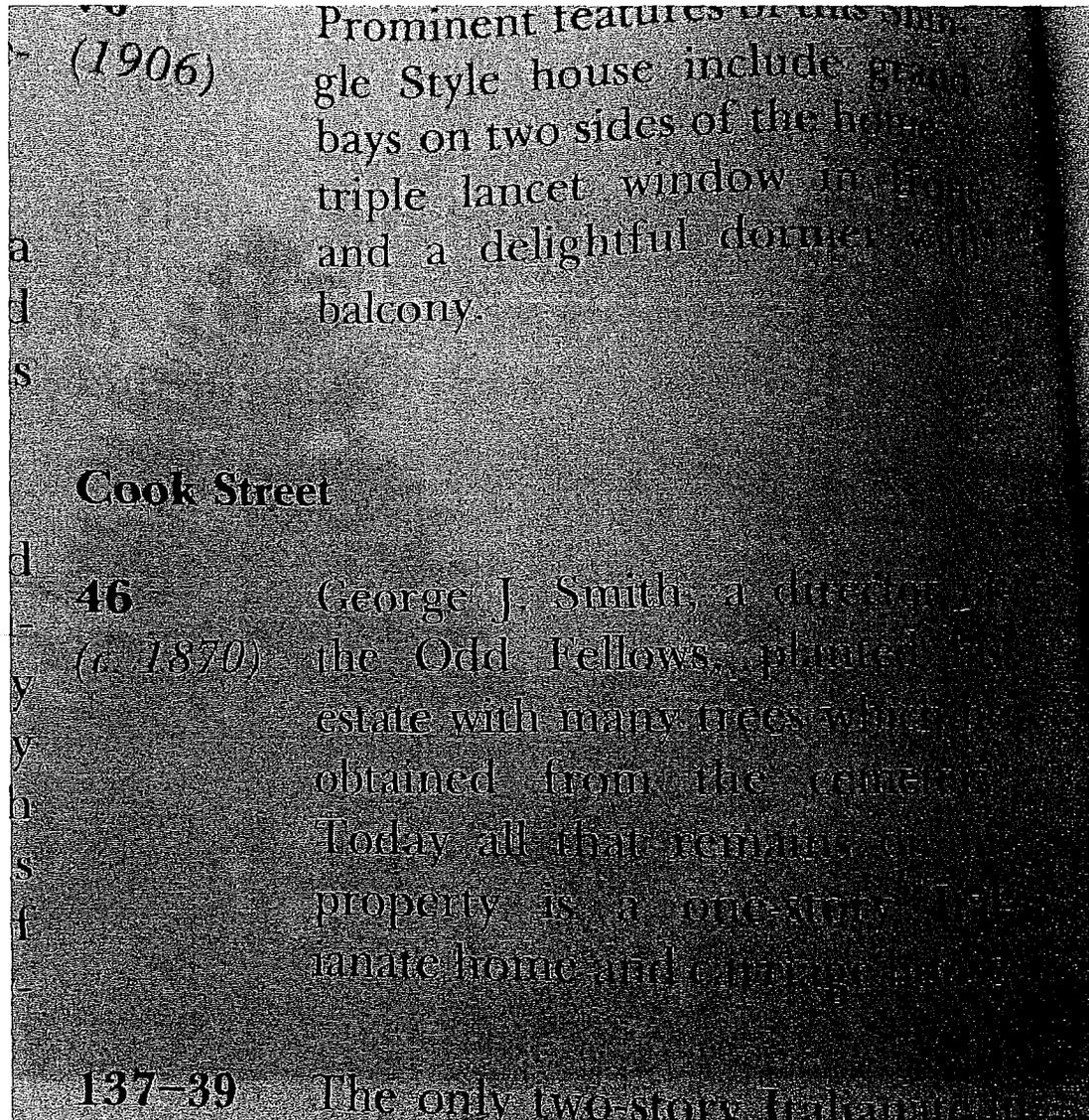
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(1906)

Prominent features of the single Style house include gable bays on two sides of the house, a triple lancet window in the front and a delightful domed balcony.

Cook Street

46

(c. 1870)

George J. Smith, a director of the Odd Fellows, purchased the estate with many trees which were obtained from the cemetery. Today all that remains of the property is a one-story Italianate home and carriage house.

137-39

The only two-story Italianate

EXHIBIT C.1



Taken 4/20/2015

EXHIBIT C.2.



Taken 4/21/2015

EXHIBIT C.3



Taken 4/23/2015

46A Cook St Landmark Tree Nomination

Additional Exhibits:

- 1 Arborist Report
- 2 Letter from Svane family member- property owners of 46 Cook St. from 1908-2012
- 3.1-3.2 Photographs from the SF Assessors Office archives of 46 Cook St. including a view of the height of the tree, taken between 1946 and 1951 (found in the SF Public Library's History Center)
- 4.1-4.5 Notes from SF Public Library's History Center dated March 1966 compiled for *Here Today: San Francisco's Architectural Heritage* (adopted by the Board of Supervisors; Resolution No. 268-70). See highlighted sections which state:
 - George J. Smith had access to get "marvelous trees etc. on property and did"
 - Peter Svane lived on property beginning in 1908
 - Some of the trees and shrubs George J. Smith planted still surrounded the house in 1966, and the "trees are large and old"
- 5 Email from SF Heritage Senior Project Manager supporting historic preservation of both buildings and landscape of 46 Cook St.
- 6.1-6.9 150 petition signatures from neighborhood residents and others who have a connection to the neighborhood
- 7.1-7.4 Additional 40 online petition signatures
- 8 Letter from SFSU professor/Dr. of Biology detailing this tree's environmental importance
- 9.1-9.2 Photographed sample of birds frequently seen using the tree as a resource (peregrine falcon & mockingbird)
- 10 Email from SF Botanical Gardens Plant Collections Registrar showing rarity by stating they only have one Cook Pine, and it was acquired only 14 years ago



Lic # 961415
77 Blake St Apt D
San Francisco Ca 94118
415 310 7781
guillaume@arboristnow.com
remy@arboristnow.com

Friday, July 31st 2015

Arborist report on one Araucaria columnaris (Cook Pine) at 46 Cook Street, San Francisco

Prepared for Richard Worn

Tree species: Araucaria columnaris (Cook Pine)
Location: 46 Cook st. San Francisco Ca, 94118
Assessed on: 7/28/15
Assessed by Certified Arborist: Remy Hummer WE-10741A

Visual assessment of the Araucaria columnaris on the property of 46 Cook st. notes that the tree exemplifies exceptional health and stature. The base of the tree has a well defined root flare free of any visible decay. The base of tree has adequate spacing from any building foundations or objects that might compromise its health. The excurrent stem before reaching the bottom of the crown has been raised about 20 feet from the ground by past pruning. Two recent pruning cuts are visible on the stem from the ground. The stem is free of any noticeable scars, deadwood, and stubs, indicating a strong tree with no history of limb failure. The tree has a good crown ratio 70/30.

Normal leaf litter is present on the ground. A normal bend/lean is present in the tree. While the lean with an Araucaria c. can be quite obvious it is also a natural, prevalent characteristic which under normal conditions should not be considered a risk (Armstrong, 2010*).

Remy Hummer
Foreman Supervisor
Arborist Now, Inc.

*{Armstrong, W.P. (2010) . The Araucaria Family: Past & Present. *Pacific Horticulture*. Issue: January 2010.
Retrieved from
<http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/>}

2

Christina Svane
254 Spring St.
Florence, MA 01062

August 3, 2015 Re: Cook (or Norfolk) Pine at 46 Cook Street

To Whom it May Concern:

My grandparents, Jørgen Christian Svane and Carolina Rasmussen Svane purchased the house, farm, and barn at 46 Cook Street in 1908, when my father, Peter Victor Svane, was one year old. Geary Blvd. was a dirt road called Point Lobos then, and the property was outside the city proper, known for its sand dunes, farms, cemeteries and grand trees.

Many trees such as fruit trees and the pine trees, were already growing on the property when my grandparents bought it, but they planted the ornamental trees such as the holly tree and lemon tree to flank the entrance, and the four date palms. Their property extended all the way to Euclid and to Blake Streets, but most of it - their orchard and farm - was taken by the City under 'eminent domain' in order to build a school and playground. (When I went to Denmark to find relatives, I was shown a photograph of my father and a baby palm tree, in front of the house, both about a year old.) My grandfather was known for keeping the property 'groomed like a park,' I was told by all the relatives.

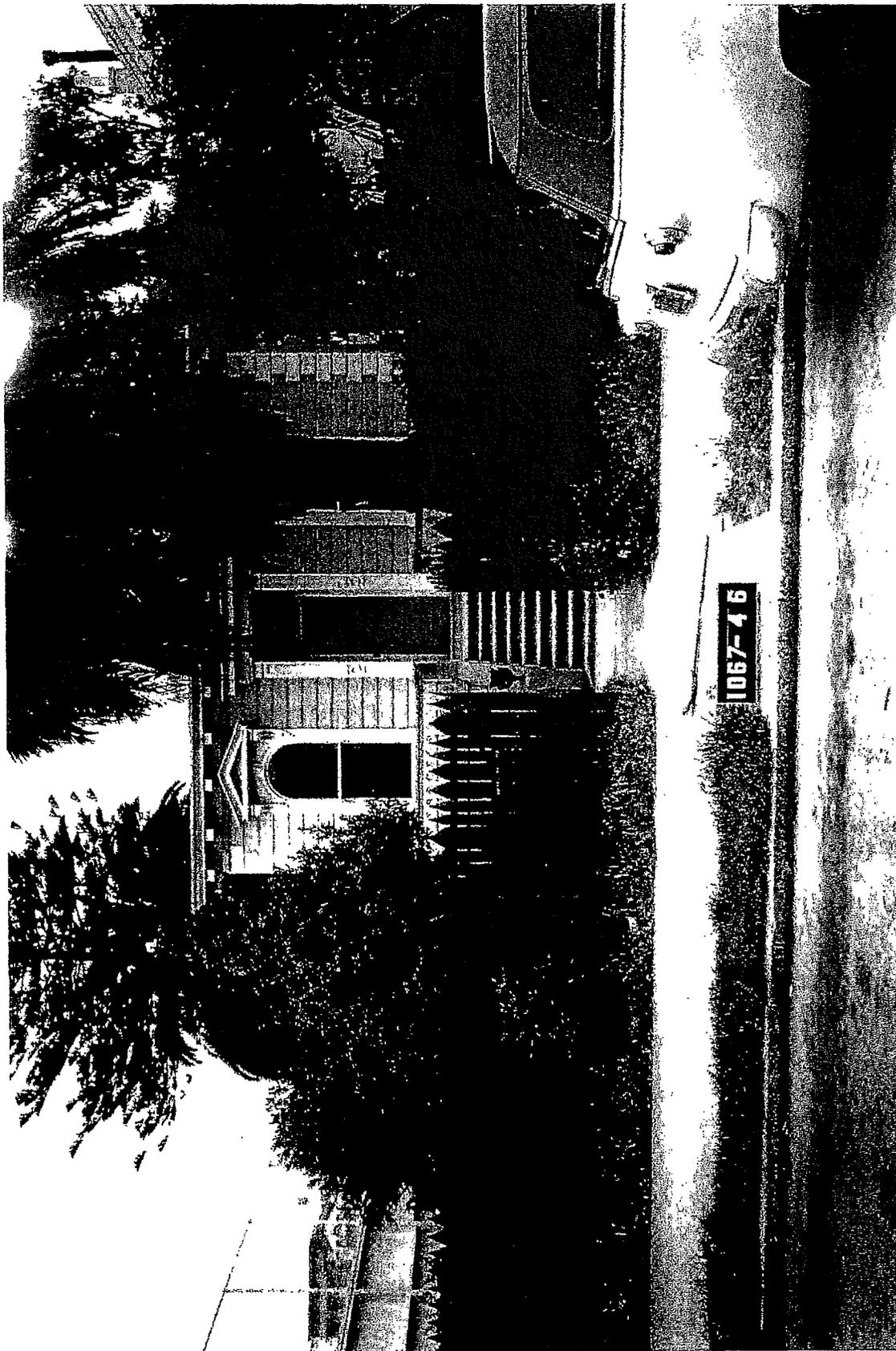
My father especially adored the giant pine in front of the carriage barn, which he always called the 'Monkey Tail tree.' I have since discovered it is not a Monkey Tail tree, but most likely a Captain Cook Pine, which would make sense, as the street is named after Captain Cook, as well. George J. Smith, who had the house built around 1865, was known to have planted it with many trees. (We had his granite carriage step carved with his name on it.) I am not a tree expert, and perhaps it is not a Captain Cook Pine, but a Norfolk Pine. I do know they are often mistaken for each other.

My father prized this tree above all the others around the house, and now and then hired arborists to attend to it, and trim its lower branches. He would often remind us that this tree was so big it was visible from Euclid Avenue. It was also on occasion home to a large family of raccoons. Growing up there, we were raised to treasure the trees on the property as the living legacy not only of our grandparents, who died before we could meet them, but of a glorious period in San Francisco's history, when people would ride in their carriages past Cook Street, heading to the Cliff House for a Sunday outing in the country. The country eventually turned into city, but the glorious trees remained.

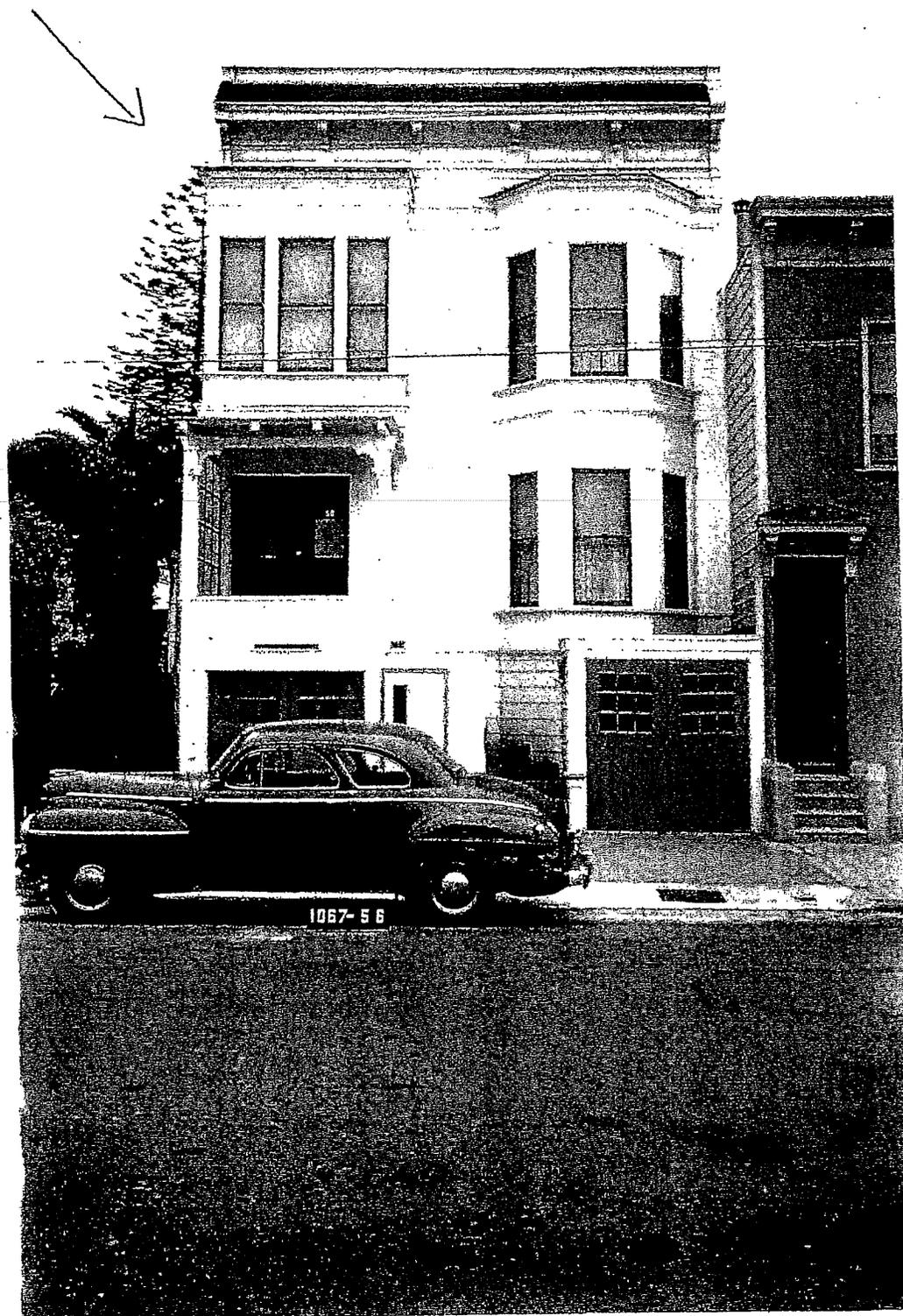
Sincerely,

Christina Svane

3.1



3.2



4.1

Cook Street, 46
HERE TODAY
Junior League of San Francisco, Inc.

(over)

PRINTED IN U.S.A.

4.2

Call to A+B from Mrs. Peter Swane owner
46 Cook St. 3/15/66

Has lived there since wife of
(he is 54, b. 1907) Came from Denmark
~~for 10 years~~ remembers how enormous
the place looked from his baby
buggy! Jerry was Mt. Lobos Rd. when he
a boy

Mr. Smith, former owner, left tall
huge ladders on property, which Smith
a big S.F. painter in Starb King Bldg.
now standard bit on someone (C. U.S.)

III More from Mrs. Peter Swane re 46 Cook St.

The house is all redwood was
on a concrete foundation - since
sand inert + without bugs it
stood - He recently put new
foundation under.

Mr. Smith AND Mr. Swane's parents
are in Oddfellows Columbarium,
(cremation burial place?) although the
latter not Oddfellows. Old cemetery

4.3

He was ^{II} an Odd Fellow & Director of the
Odd Fellow's Cemetery, where he is buried.
As such he could get marvelous
trees etc. on property & did. He committed

In back of parents' carriage house
were sliding floors to stables. Formerly
when Mr. Swane was boy there were
5 lots going back to Blake St.

Mr. Swane's 1st wife was an
Escamilla. He runs a trucking co.
parcel delivery (Was @ Berkeley Bk.)

Oddfellows - went from Geary
to Turk. The columbarium
is still there behind the
market near Coronet Theater.
Mr. Smith had large monument.
I saw inside of former carriage
house - marvelous old solid hand
made table & chairs etc. ^{apparently}
by Mr. Swane. Says he: "My telegraph
employees would sit in chairs &
they'd fall apart, so I made some
strong ones!"

4.4

46 Cook St. (circa 1870)

George G. Smith, a house and sign painter^{and painter} and contractor with offices in the Starr King Building and at 329 Sutter (were they same?) lived here from 1870 until around 1903. He was prominent in the Odd Fellows Lodge and a director of their cemetery, which extended from Ft. Lobos Rd. (now Geary) to Turk St. This gave him access to the trees and shrubs with which he planted his estate, some of which still surround the house. He left large ladders on the place with the name of his firm, G. J. Smith, and its address.

In 1903 he built the carriage house, now used for a rental dwelling, and put a granite stile on the curb inscribed with his name and the year. ^(This has since been moved to the garden.) Shortly thereafter he is said to have committed suicide.

In 1908 Mr. Smith's widow sold the house to a Danish family, the Svanes. Their son remembers that the carriage house had sliding rear doors opening into the stable; there was also a greenhouse, an old outhouse and fine trees and gardens. He believes that there was a well before a Mrs. Swan (oddly enough no relation to the later Svanes) signed for the first water meter in 1886. At that time the Water Dept. reported 1630 sq. feet of irrigation.

In 1908 the Water Dept. noted 275 Sq. Yds, with signs of horses having been turned out and a trough, but no evidence of horses having been in the stable. In 1914 they still reported 275 sq. yds. of irrigation, with a standing irrigator.

The Fred W. Geary School now occupies most of the former area, except for the present small cottage and carriage house with their gardens

4.5

The basement floor was on a concrete slab flat on sand; since the sand was inert and insect free it survived over the many years. Work on the foundation has been done recently but otherwise the house, of solid redwood, is as it was.

It is a 1-story cottage with arched windows and Italianate pediments, over arched windows, and an Italianate cornice over the door, which is flanked by simple pilasters. The door features a circle of glass and a transom above. Steps are of stone, with stone jardinières. A carved wood rail encloses the porch. Trees are large and old.

A driveway, dirt, leads through a gate to the carriage house.

Gm 11 5

Fwd: 46 Cook Street

vanessa ruotolo <vanessa123@earthlink.net>
To: Jen Leavitt <jenr.leavitt@gmail.com>

Tue, Jul 21, 2015 at 3:45 PM

Begin forwarded message:

From: Desiree Smith <DSmith@sfheritage.org>
Date: July 21, 2015 2:53:23 PM PDT
To: vanessa ruotolo <vanessa123@earthlink.net>
Subject: FW: 46 Cook Street

Hi Vanessa,

I'm forwarding you some information that our research assistant shared with me about 46 Cook. He and I just spoke and we think this property is definitely worthy of more research and is potentially significant as a historic resource. We encourage your group to consider the entire property as historic, including the building and the landscape. Also, we don't think it would be worth your time to come to our office to do research. Instead, places you might consider doing research include the Water Department and newspaper index (available at the SF Public Library). We have a historical research guide available on our website in case that is helpful: <http://www.sfheritage.org/resources-links/researchguide/>. We do think this property has the potential to be designated as a landmark. If time and funding permitted, we would suggest hiring a professional architectural historian to produce a nomination or historic resource evaluation. Perhaps this is something you could discuss with the Planning Department – they might be able to place the property on their Landmark Designation Work Program. You could always attend a Historic Preservation Commission hearing and speak during public comment about this property. If you make a good case for its significance, they may be amenable to placing the property on the Landmark Designation Work Program, which would require Planning Department staff to produce a nomination. Let me know if you have any questions.

Thanks!
Desiree



Desiree Smith
Senior Project Manager

6.1

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

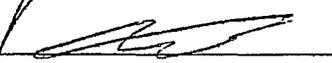
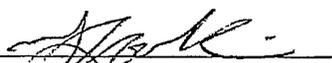
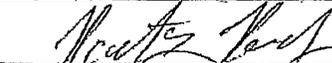
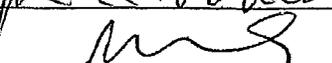
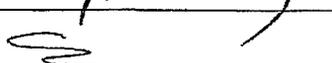
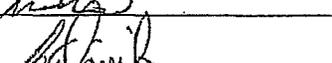
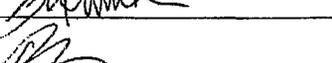
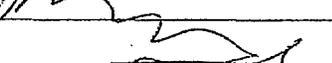
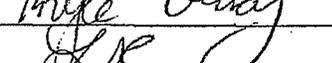
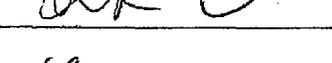
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Carlos Avila	845 29th Ave	
Peter Williams	70 Cook	
Katherine Piersanti	72 Cook	
Sarah Smith	190 Edgewood Ave.	
Elizabeth Meeks	1771-33rd Ave	
ATRICK JOHNSON-WHITEY	401 43RD AVE	
AND SKID	45 COOK ST	
Roxanne Webster	39A Cook St	
NICK SMITH	19 COOK ST	
Richard Duke	2315 4th Ave	
TARA TRICK	2315 4th Ave	
Venessa Ruotolo	60 Cook Ave	
Genie Nie	4028 23rd St	
SACHIKO MATSUMOTO	59-A COOK ST. S.F.	
DONALD WORW	95 WADSWORTH Ave. L.G. CA 95030	ENVIRONMENTALIST D.P. Worw
ETHEL S. WORW	95 WADSWORTH AV., L.G. 95030	former Historical Commission ETHEL WORW
Marcia M. Ruotolo	951 Meats Ct, Stanford, CA	Marcia M. Ruotolo
Katherine Worn	590 Alvarado Ave Redwood City CA	
RIHARD WILD	85 CARL ST #9 94117	
Chelsea Michaels	1815 40th Ave	

6.2

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

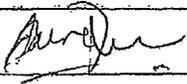
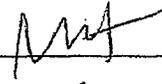
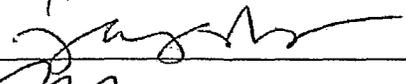
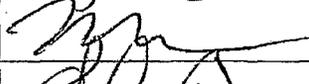
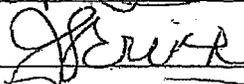
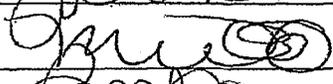
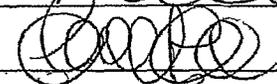
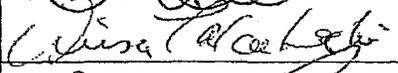
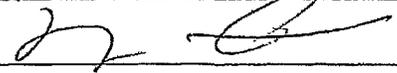
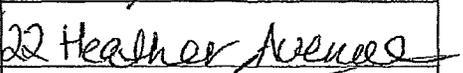
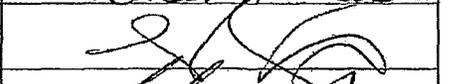
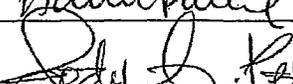
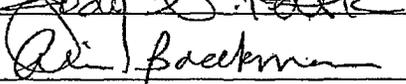
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
DANIEL SPRIGGS	400 ANZA ST. 9	
JAMES MACRON	205 COLLINS ST	
Joseph Lama	3101 Geary BLVD	
MYUNG KIM	3135 GEARY BLVD	
JEFF WATSON	3019 Geary BLVD	
Tina Inoué	69 Blake St	
Hector Herndtz	59 BLAKE ST	
Katherine Bruce	395 Euclid AVE	
Abbie Blair	741 Spruce St. #1	
JOHN C. ROBINSON	140 Cook St. #2	
Alex Volker	Commonwealth Ave	
Eric Sore	3138 Geary Blvd	
THOMAS WONG	2807 GEARY BLVD	
Bruno Bruno Davila	3105 Geary Blvd.	
Robert Sanchez	17 Cook St	
GAY ARBIV	18 Cook St	
Kyle Oracoy	65 A Cook St.	
Lauren Ratzlaff	2346 FULTON	
Barbara Christolm	20 Cook St SFCA 94118	
PAUL CHINN	3715 California St SFCA 94118	

6.3

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Elaine New	20 COOK ST. SF, CA 94118	
MIRIAM HYUN	27 14th Ave. SF, CA 94118	
Jenn.fer Justis	442 21st Ave	
Richard W. Riv	60 COOK SF 94118	
Eiril Finne	250 Ney St. SF, CA 94112	
JULIE ERICH	67 COOK Street SF, CA 94118	
Maria Chew	401 EUCLID SF 94118	
SALLY SILVA	461 EUCLID SF 94118	
ARISA TAKAHASHI	401 Euclid SF 94118	
Mike D. By	945 Panama #240	
Molly Trezevant	Molly Trezevant 94118 22 Heather Avenue	
Sunnylyn W. bedecox	1326A McAllister St SF 94115	
Lauren Kungu	4040 24th St	
R. Schultz	750 PRESIDIO Ave SF, CA	
Demetrios Demetriades	3145 Geary blvd #406 S.F. CA 94118	
Chris Rodriguez	3109 Geary Blvd 94118	
Chase Eiseeman	2314 Spaulding Ave Berkeley, CA 94703	
Hannan Paul	656 Spruce St San Francisco	
Jody Pettle	2687 McAllister St SF, CA 94118	
Alison Boeckmann	1536 Willard St. 94117	

6.4

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Sam Telch	125 Tapla Dr. SF CA, 94132	<i>Sam Telch</i>
Maxine Zaragosa	2634 Post St. SF 94115	<i>Maxine Zaragosa</i>
Clif Klemens	318 26th Ave SF 94121	<i>Clif Klemens</i>
Veronica Velvet	2581 Post St. #2 94115	<i>Veronica Velvet</i>
Tim Guinan	205 Collins St.	<i>Tim Guinan</i>
Mabel Brown	2761 Wallis St	<i>Mabel Brown</i>
Crest Heeren	118 Wood St. 206	<i>Crest Heeren</i>
Alan Finney	4005 California St. #6	<i>Alan Finney</i>
Rebecca Sorrell	707 Arroyo St #303 94118	<i>Rebecca Sorrell</i>
Ken Fuk	56 Blake St SF, Ca 94118	<i>Ken Fuk</i>
ALEXANDRA BROWN	150 COOK ST.	<i>Alexandra Brown</i>
Jessie Cordray	79 Blake Street	<i>Jessie Cordray</i>

6.5

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
John DeCastro	2634 Post St. ^{SF} 94115	
Lisa Rich	2360 15th AVE ^{SF} 94116	
CHRIS LEMAR	2729 LOMBARD ST ^{SE} 94103	
Brynn Bacon	1177 California St ^{SF} 94108	
Michael Bacon	707 Stockton #401, ^{SE} 94108	
Peter Wynne	2729 Lombard #794123	
Adrian	DONT BE ADICT	
Adrian Laker	127 Blah St	
Ken Welch	2679 Anza St.	
Victoria Gonzalez	2035-17th AVE	
Tom Jobe	2038 17th AVE	
Bill Teeling	78 Heather Ave	
John Teeling	235 Collins #1A	
GURINDER CHHOKAR	155 ASHBERY ST. SF	
ADAM SANDOVAL	2560 GEARY BLVD	
Jon Leavitt	46A Cook St. SF 94118	
Karoly Gyulbrecht	2543 Bryant St. SF 94110	

6.6

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Bernadette Frubatsky	1231 York San Fran. 94110	
Gerald O. Oliver	426 Pierce St SF. 94117	
Tami Nordstrom	1811 Leavenworth	
ZACK FAAN	2088 BROADWAY 94110	
SANITA KUDZOV	445 ASHLEY ST 14	
Fergal Poole	2529 MCKEE ST	
Sabine Reyhaud	2484 39th Ave	
Simon Morgan	553 4th AVE	
Kalast Ka	154 WOOD STREET #1	
Warren Facke	208 San Bento #2 San Bruno	
RAY DARBYSHIRE	1978 4th Ave SF	
PATRICK DOWERY	207 20TH AVENUE	
Amy McJeannet	420 Carl St.	
Charlotte McJeannet	420 CARL STREET	
Sarah Hegarty	52 Newton St	
Anne Kenney	52 Newton St.	
STEVE LARKIN	1644 WASHINGTON ST #11	
Seonille Geow	4th Carl	
Heidi Geiger	2120 24th St. S FCA	
LEVI LEAVITT	46A COOK ST. SF. CA 94113	

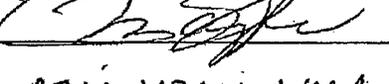
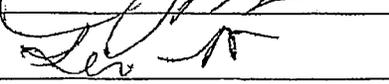
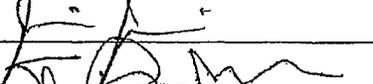
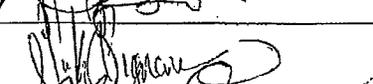
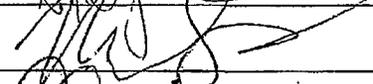
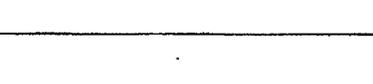
6.7

**HELP SAVE HISTORIC NORFOLK ISLAND PINE:
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL
AND HISTORIC LANDMARK**

Name (printed)	Address (printed)	Signature
Corrie Dedrick	2390 Chestnut St.	
LYNETTE BECHARD	2390 CHESTNUT ST	
ROGER NETTLE	2310 Chestnut #1	
W. W. Terry	2837 Baker St	
Kiana Lee	3112 Olive St	
Samantha Wong	3714 Broadway St	
Theresa Cameron	378 Waller St	
VASSI KOUSAFTH	625 C PORTOLA ST	
ARMELLE HELLOUIN	765 C PORTOLA ST	
maria Kartofoi	765 C Portola St	
Sabine Labrecque	765 C Portola St	
Cristina Pachano-Lauderdale	716 24th Ave	
Belsh Michel	2300 Chestnut	
ANTONIA R. HOVING	1030 CHESTNUT ST	
Francis Wraith	11807 Green St	Francis
Charlotte	11807 Green St	Charlotte
GARY WRAITH	1187 GREEN SF CA 94109	
Kerry Ricards	1187 green street SF CA 94109	
SCOTT Berkhouse	355 19th AVE S.F. CA	
Olivia Shafer	1444 7th Ave, SF, CA	

6.8

**HELP SAVE HISTORIC NORFOLK ISLAND PINE:
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL
AND HISTORIC LANDMARK**

Name (printed)	Address (printed)	Signature
MARC LEONE	175 LUNADO WAY	
Jared Nangle	4372 Montgomery St	
Mayra Arreguin	2837 Baker St	
Erin Williams	1238 Page St	erin williams
Erin Williams Garden Triggs	2837 Baker	Garden
Brenda Godskin	2490 Chestnut St	
Joseph Leonidou	1224 Taylor	
Jonathan Ruiz	34 Richardson Ave	
Lindsey Weiberg	3090 Chestnut	
Stu Weiberg	3090 Chestnut	Stu Weiberg
JAMES JEROME	2337 Chestnut St #41	
Tom Patalz	1674 Washington St #3	
Nicki Stano	1208 Union	
Mark Smiler	919 Mandela Pkwy	
Olivia Gidner	371 Broadway	

change.org

7.1

San Francisco Urban Forestry Council and Board of Supervisors

Greetings,

HELP SAVE HISTORIC NORFOLK ISLAND PINE TREE: A Laurel Heights/Richmond District Landmark

Signatures

7.2

Name	Location	Date
Jen Leavitt	, United States	2015-07-23
Vanessa Ruotolo	San Francisco, CA, United States	2015-07-23
Peter Ruotolo	Dublin, Ireland	2015-07-23
Cristina Ruotolo	San Francisco, CA, United States	2015-07-23
Nina Fojaco Reed	San Francisco, CA, United States	2015-07-23
Jeremy Konick	Newark, CA, United States	2015-07-23
Adelle Kearns	San Francisco, CA, United States	2015-07-23
Bridget MacRae	Germany	2015-07-23
Patricia Mitchell	San Jose, CA, United States	2015-07-23
KRIS YENNEY	Los Gatos, CA, United States	2015-07-23
Rachel Goldeen	Mountain View, CA, United States	2015-07-23
Jenny Amador	Carmel-by-the-Sea, CA, United States	2015-07-23
Rita Lee	San Francisco, CA, United States	2015-07-23
Ashley Wolfson	privatenottellingyou, NJ, United States	2015-07-24
Dennis Kaplan	Mayfield Heights, OH, United States	2015-07-24
Jessica Boelter	Millbrae, CA, United States	2015-07-24
Jamie Rogers	San Francisco, CA, United States	2015-07-24
Anne Fetter	New York, NY, United States	2015-07-24
Valerie Tisdell	San Francisco, CA, United States	2015-07-24
Patricia Drury	Pleasanton, CA, United States	2015-07-24
Randy Wiederhold	San Francisco, CA, United States	2015-07-25
Corrie Dedrick	San Francisco, CA, United States	2015-07-25
Ross Thompson	Southborough, MA, United States	2015-07-25
Jessie Smith	boulder, CO, United States	2015-07-25
Lynnette bechard	Boulder, CO, United States	2015-07-25
Caitlin Bush	San Francisco, CA, United States	2015-07-25
Marie Flexer	Tracy, CA, United States	2015-07-27
Sergi Goldman-Hull	Oakland, CA, United States	2015-07-27
Zulema Rubalcava	Oakland, CA, United States	2015-07-27
Ivo Bokulic	San Francisco, CA, United States	2015-07-27

7.3

Name	Location	Date
Stacey Pelinka	Berkeley, CA, United States	2015-07-27
Kelley Maulbetsch	San Francisco, CA, United States	2015-07-27
emanuela nikiforova	alameda, CA, United States	2015-07-27
Maria Christoff	San Francisco, CA, United States	2015-07-27
Katy Juranty	San Francisco, CA, United States	2015-07-27
Barbara Rogers	Cotati, CA, United States	2015-07-28
Susan Shalit	San Francisco, CA, United States	2015-07-28
Kale Cumings	Pittsburg, CA, United States	2015-07-28
kate stenberg	San Francisco, CA, United States	2015-07-28
emily Onderdonk	Oakland, CA, United States	2015-07-29

7.4

Susan Shalit

Trees are important to everyone in the neighborhood

Barbara Rogers

Please stop and think long and hard before cutting down this treasure. Let this tree live and thrive where it is.

emanuela nikiforova

It would be a shame and a crime to kill this beautiful tree, that has been standing for this incredible amount of time!

Stacey Pelinka

I have always loved this tree. I used to live next door and always admired its majestic branches. I hope that San Francisco can demonstrate how it values history by preserving this tree.

Sergi Goldman-Hull

These trees are/were just as much important landmarks as the property they sunk their roots into. You've already allowed 3 magnificent trees to be cut down (SHAME ON YOU FOR THAT!), please don't let this last one go and preserve what little original natural beauty SF has left! If you don't vote to keep this beautiful tree, you have no heart and I will lose complete confidence in this Council...I urge you to do the right thing here!

marie flexer

Removing the tree will significantly impact the historic, aesthetic, and environmental value of the property and its surroundings.

Lynette bechard

its a shame people are allowed to do so much unnecessary damage to our earth!

Rachal Goldeen

Trees make the houses look good, not the other way around.

KRIS YENNEY

The Tree is More Valuable than any "Improvements" we could make here...

Patricia Mitchell

It's a beautiful tree and we NEED the beauty.

Nina Fojaco Reed

Keep San Francisco green! These trees are old and provide good homes for birds and clean the air and shade and help the neighborhood feel less urban.

Views in last 6 days

Share on Facebook

Share on Facebook



San Francisco Public Employees Association
San Francisco Public Employees Association
HELP SAN FRANCISCO PRESERVE THE
LANDMARKS THAT MAKE US
SPECIAL

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Send a message to friends

Tweet to your followers

<https://www.change.org/p/san> Copy link

Support an art to show this petition to more potential supporters

Emulate this petition

8



Ravinder N. M. Sehgal, Ph.D.
Associate Professor

Department of Biology
1600 Holloway Avenue
San Francisco State University
San Francisco, CA 94132-1722
Tel: 415/405-0329
Fax: 415/338-2295
sehgal@sfsu.edu
<http://userwww.sfsu.edu/~sehgal>

25. July. 2015

I would like to give my support to the efforts to save an old tree on Cook Street in San Francisco. I am a professor at San Francisco State University and my research focuses on how deforestation affects birds and biodiversity. Large old trees are critical ecological structures because, relative to their size, they are disproportionate providers of resources crucial to wildlife. A recent study has reported that the loss of large old trees leads to an overall loss of urban biodiversity¹. These trees are home to numerous bird species and other wildlife, and in particular, I believe that the tree on Cook Street, serves as a stopover point for raptors and other birds flying between the Presidio and Golden Gate Park. In order to preserve the urban wildlife of San Francisco, it is essential to add new trees to city blocks, and it would certainly be detrimental to remove existing ones. Given the scientific evidence regarding the importance of old urban trees to wildlife, I would encourage all efforts to preserve this unusual tree in the Richmond District.

Sincerely,

Ravinder Sehgal, Ph.D.

¹ Le Roux, Darren S., et al. "The future of large old trees in urban landscapes." (2014)
Plos One: e99403.

9.1



9.2



10

From: Mona Bourell <MBourell@sfbg.org>
Date: July 30, 2015 1:03:49 PM PDT
To: vanessa ruotolo <vanessa123@earthlink.net>
Subject: RE: Araucaria columnaris

We have one tree on our Conifer Lawn Bed 45B [central part of bed W of large Nothofagus] , bed map of the Garden attached.

It was acquired in 2001 from David Deutsch, of Gondwana Gardens, Livingston (Vallejo) California. This is all the information we have in our records.

Mona

Mona Bourell
Plant Collections Registrar
San Francisco Botanical Garden Society
1199 Ninth Avenue at Lincoln Way
San Francisco, CA 94122

Monday - Thursday 8am - 4:30pm

415-661-1316, ext. 405
415-661-3539 FAX

From: vanessa ruotolo [mailto:vanessa123@earthlink.net]
Sent: Thursday, July 30, 2015 12:12 PM
To: Mona Bourell
Subject: re: Araucaria columnaris

Dear Mona,

I was given your name and contact by Frank Almeda at California Academy.

I was wondering whether you may have any records of the species Araucaria columnaris at the Botanical Gardens.

If so, is it possible to find out where they got it and how long they have been there?

Urban Forestry Council Landmark Tree Evaluation Form and Criteria

Pursuant to Ordinance 0017-06 and Public Works Code Section 810, the UFC has developed these criteria for evaluating potential landmark trees in San Francisco. When evaluating or considering potential landmark trees, please consider the context of the tree within its site location. For example, a tree on PUC land may not have the same community importance that a street or park tree would. Use comment sections, as appropriate, to explain or support evaluation. Attach sheets if more space is needed.

Evaluator's name: Mei Ling Hui

Date of evaluation: July 14, 2015

Scientific name: *Araucaria columnaris* / *Araucaria cookii*

Common name: Cook Pine

Street address: 46a Cook Street, San Francisco, CA 94118

Cross streets: Geary Blvd.

Rarity Yes Partially No

Rarity: Rare Uncommon Common Other

Unusual species in San Francisco or other geographic regions.

Comment: This tree was originally reported to be a Norfolk Island Pine, but new info was received identifying the tree as a Cook Pine. Two key distinguishing characteristics of the Cook Pine species are the bark and the canopy shape. Cook Pines have flakey peeling bark. The canopy shape can be described as a "rocket" shape, with a narrower spread than Norfolk Island Pines. In the images I took from next door and the street view on July 14th, flakey, peeling characteristics to the bark are evident as is the narrow, "rocket" shaped canopy.

These two species can be difficult to tell apart. The columnar form of this specimen may be caused by wind or by the proximity of buildings and trees that were recently removed. I am unfamiliar with this species and understand that is frequently misidentified as Norfolk Island Pine.

The rarity rating noted here assumes that the tree is a Cook Pine. If the tree is a Norfolk Island Pine, these trees are not especially common nor uncommon and I would amend my rating to "partially" for this section.

Physical Attributes Yes Partially No

Size: Large Medium Small

Notable size compared to other trees of the same species in San Francisco.

Comment: We weren't able to get close enough to the tree to perform measurements. The tree is visible from the street and appears to be the tallest tree in the neighborhood.

Age: Yes No

Significantly advanced age for the species.

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

2

Comment: We have received several estimates for the tree's age, placing it between 70-120 years old. At the low end, this is still a very mature tree.

Distinguished form: Yes No

Tree is an example of good form for its species, has a majestic quality or otherwise unique structure. Describe: Norfolk Island and Cook Pines are difficult to distinguish; as such I will provide comments for either species. As a Cook Pine, it appears to be an ideal form for the species. As a Norfolk Island Pine, the crown is narrower than would be typical. The tree appears healthy and robust and is a prominent visual feature from neighboring lots and the public street.

Tree condition: Good Poor Hazard

Consider overall tree health and structure, and whether or not tree poses a hazard Describe: Both arborists reports that have been submitted have identified the tree as healthy. It appears that lower limbs were recently pruned away, raising the overall tree canopy. The canopy is as full as would be typically for a Cook Pine and has more density than would be expected with a Norfolk Island Pine.

Historical Yes Partially No

Historical Association: Yes None apparent

Related to a historic or cultural building, site, street, person, event, etc. Describe nature of appreciation: The tree is located adjacent to a carriage house that is a "Type A - Historic Resource." George J. Smith, the individual who built the house and who may planted the tree, was the Director of the Odd Fellows and was well know figure whose untimely death was reported in several papers.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate. Describe coverage: There is a reference which may refer to this tree in the book *Here Today: San Francisco's Architectural Heritage*, the text related to the subject property reads, "46 Cook Street (c. 1870) George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house."

Environmental Yes Partially No

Prominent landscape feature: Yes No

A striking and outstanding natural feature. Describe, attach photo if possible: This is the tallest tree and is visible from the public right of way.

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

3

Describe: The tree is the tallest tree in the area and is clearly visible from the roadway.

High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: Cook is a short street that dead ends. There doesn't appear to be a high amount of vehicle or pedestrian traffic on the small street.

Important wildlife habitat: Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

Describe: Because it is the tallest tree around, it is likely that birds use the tree for a perch and for shelter.

Erosion control: Yes No

Tree prevents soil erosion.

Describe: The area is flat.

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: Neighbor report an increase in wind and noise with the recent changes to the landscape.

Cultural Yes Partially No

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: The nomination was initiated by a neighbor. Petitions to support the nomination have been supplied as part of the meeting documents, which include comments from individuals on the value that the tree has for them.

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: It is a lovely tree.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: Describe coverage: There is a reference which may refer to this tree in the *book Here Today: San Francisco's Architectural Heritage*, the text related to the subject property reads, "46 Cook Street (c. 1870) George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house."

Prominent landscape feature: Yes No

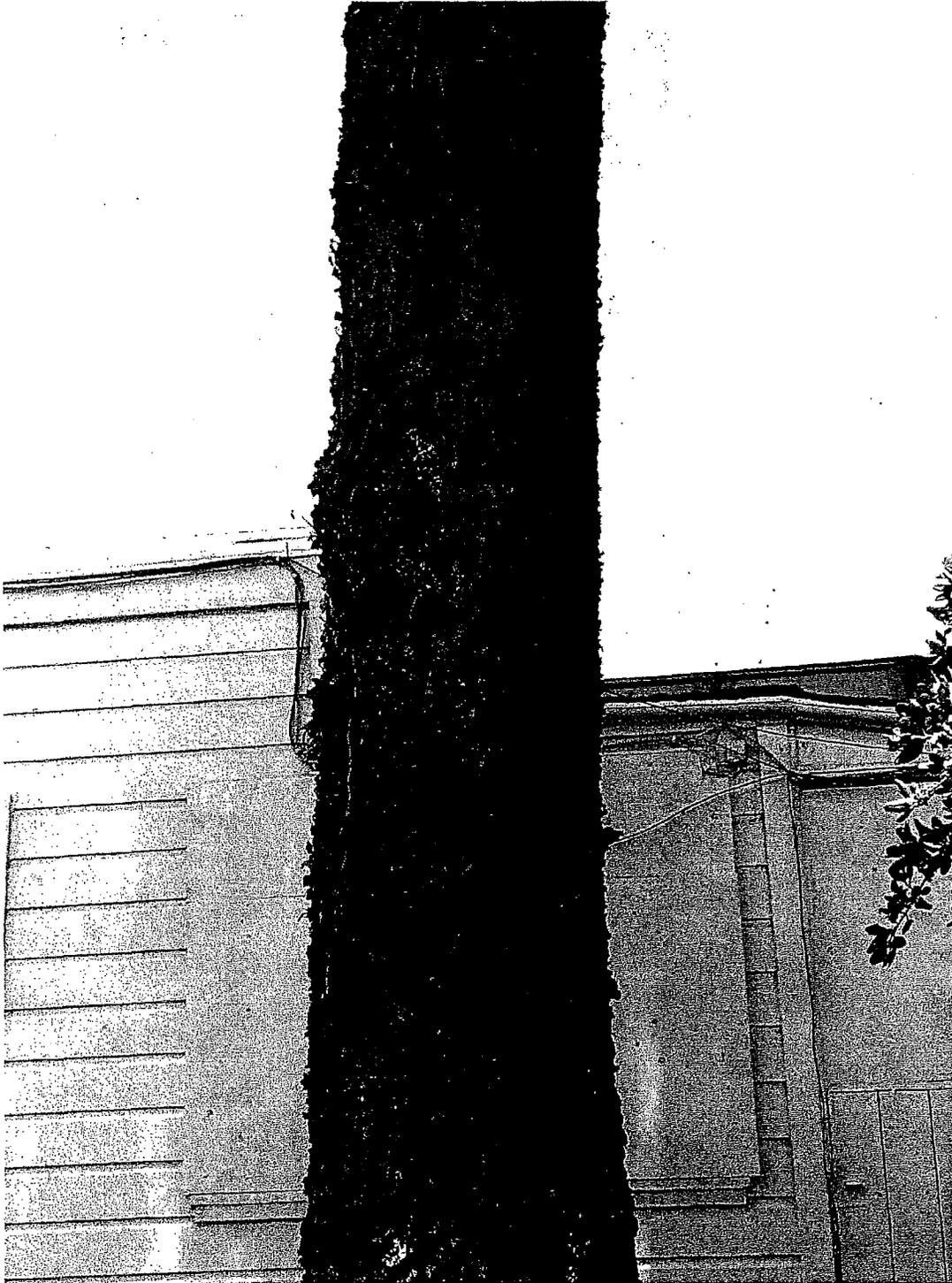
A striking and outstanding natural feature.

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

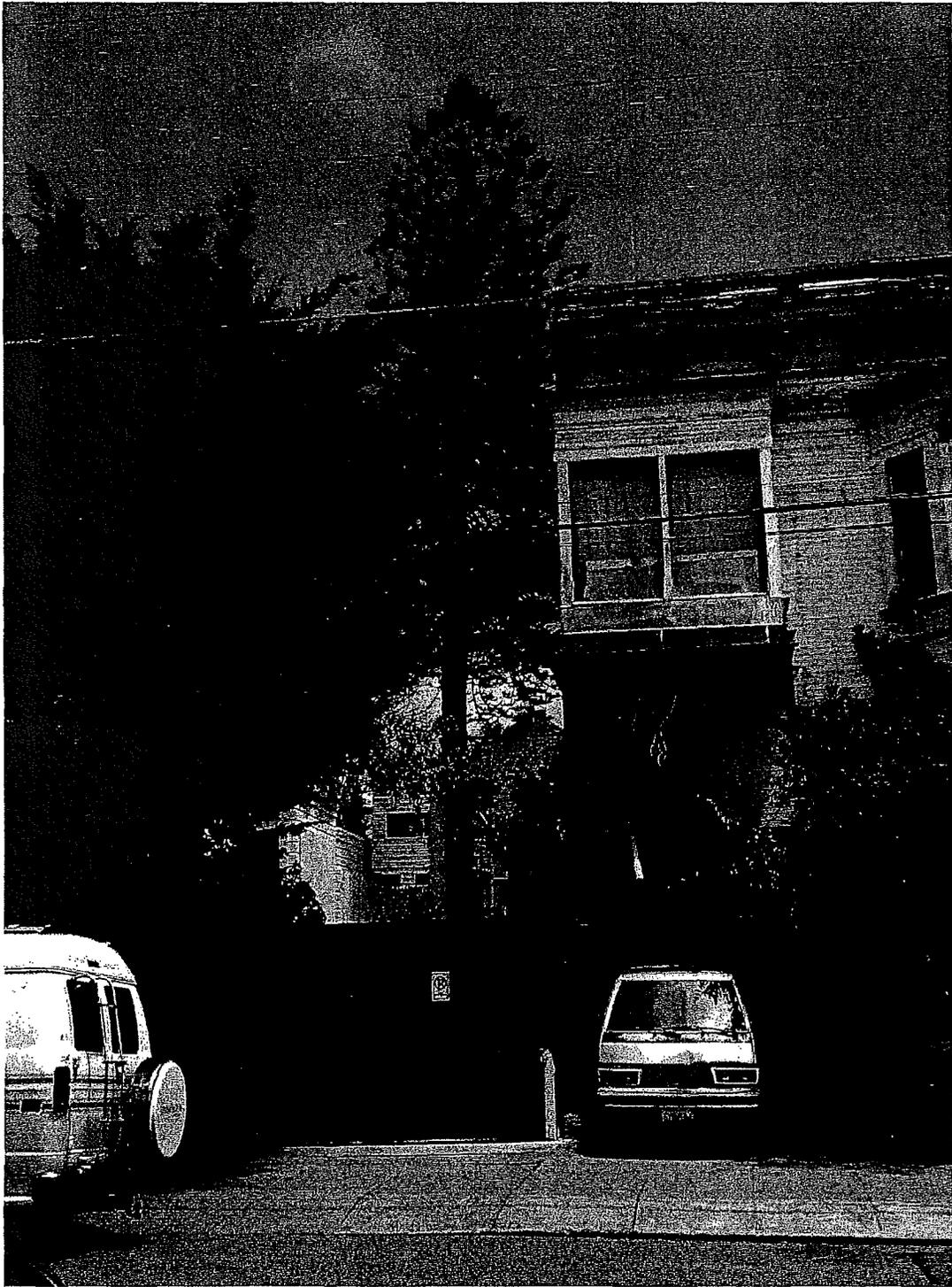
4

Describe, attach photo if possible: As described above, the tree is visible from public areas, is the tallest tree around, and is an attractive and healthy tree.









Tree Management Experts

Consulting Arborists

3109 Sacramento Street
San Francisco, CA 94115

Member, American Society of Consulting Arborists
Certified Arborists, Tree Risk Assessment Qualified

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office 415.921.3610

fax 415.921.7711

email RCL3@mindspring.com



Prepared for Richard Worn
60 Cook Street
San Francisco, CA 94118

RE: Landmark Tree Nomination
46 Cook Street, San Francisco

Date: 8/6/15

ARBORIST REPORT

Assignment

- Review two conflicting Arborist Reports regarding the nominated tree:
 - Report by Remy Hummer dated 7/31/15
 - Report by James MacNair dated 8/3/15
- Provide an analysis of conflicting statements.
- Evaluate tree and site characteristics and offer opinions based on observations.
- Provide an Arborist Report of my analysis, findings and recommendations.

Analysis of Arborist Reports

Two Arborist Reports have been created, and each report is quite different. Certain fundamental facts such as the proper identification of the tree are even in conflict. After having read both of these reports in great detail, and having visited the site and surrounding neighborhood to view the tree, I have determined the following:

Species Identification

The correct species for this tree is Cook pine (*Araucaria columnaris*). This is a well-documented species that is often confused with Norfolk Island pine (*Araucaria columnaris*) by inexperienced retailers and consumers. I am in shock that Mr. MacNair cannot tell these two species apart. Without having a fundamental ability to identify this tree correctly as a Cook pine, it is my professional opinion that the tree cannot be properly evaluated for purposes of a Landmark Tree Nomination and that Mr. MacNair is not qualified for this task.

Documents are attached that conclusively identify this species:

<http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/>

www.nationalregisterofbigtrees.com.au/listing/52.pdf<http://tree->

species.blogspot.com/2007/12/norfolk-island-pine-vs-cook-pine.html

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Bailey, Liberty Hyde and Ethel Zoe Bailey. *Hortus Third*. Revised and Expanded by the Staff of the Liberty Hyde Bailey Hortorium. New York: MacMillan Publishing Company, 1976

Grace, Julie, ed. *Know Your Garden Series Ornamental Conifers*. Portland, Oregon: Timber Press, 1983

Barwick, Margaret. *Tropical & Subtropical Trees; An Encyclopedia*. 2nd printing. Portland, Oregon: Timber Press, 2004.

Apparently Mr. MacNair did not fully read the Pacific Horticulture article he cites, nor did he view the photograph depicting the Cook pine and Norfolk Island pine that are side by side. This article clearly shows the Cook pine, and in a manner that compares closely to the subject tree.

The botanical descriptions from *Hortus Third* are fundamental, but are more scientific than most people would understand. Distinctive and characteristic features are summarized in various web sources and other reference books, as cited above. The following table summarizes several of these distinctive features:

Cook Pine	Norfolk Island Pine
Columnar (narrow) crown form	Spreading (triangular) crown form
Shorter internodes of 1 to 2 feet (closer branches)	Longer internodes of 4 to 6 feet (thinner and more open branches)
Bark with larger peeling sheets	Bark with small peeling flakes
Downward angled branch attachments	Upward angled branch attachments
Sweep in trunk	Straight trunk

Rarity

Common species are found by the thousands in San Francisco and include species such as Monterey cypress and Tasmanian blue gum eucalyptus. Uncommon tree species may be found here or there, but are only seen if you know where to look. A rare species may only have a few examples.

Mr. MacNair has characterized this tree as fairly common. Based upon my 25 years of working throughout San Francisco, I would estimate that there are perhaps 20 or 30 examples of mature Cook pines in San Francisco. Some of these trees might be a bit larger than this one, but not by much if at all. I think the a more accurate statement would be that these trees are fairly commonly noted or are obvious due to their prominence in the landscape. There is no way that a Cook pine would go unnoticed. Prominence is not equivalent to common. These trees are certainly uncommon.

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Size

The height of the tree cannot be accurately determined with a laser range finder. The laser must reflect off of a surface and such devices cannot reliably do so from the top of a tree. As a part of a test group of 5 Consulting Arborists during a "Tool Day", we each found laser range finders to be unreliable when compared to an optical clinometer, our industry standard measuring device. Each of the Consulting Arborists in the test group consistently measured shorter heights with the laser range finders with tree heights typically being 10 to 20 feet taller.

Despite the unreliable method of measurement used by Mr. MacNair, tree height is not of critical importance in evaluation of this tree. The tree has a normal, mature form for the species as found in our environment. Based on my estimate from adjacent buildings and the use of a clinometer, the height is approximately 100 feet tall.

Age

This is a mature tree for this species, and is at a mid-point for attainable age. Although Landmark designated trees could be the oldest example of their species, age is largely unknown or uncertain. It is pure conjecture that this tree has produced annual growth rings of $\frac{1}{2}$ inch diameter increase each year. Every year produces a different ring thickness depending on water availability, and a growth ring is not necessarily produced at all during certain years. The last 4 years have been a drought, and we had a drought of several years back in the 1980's. With even a slightly thinner average annual ring, a few missing rings and the 10 or 12 drought year rings this tree is likely much older than Mr. MacNair claims. The tree may or may not be 120 years old, but it certainly could be that old.

Distinguished Form

The form of this tree is characteristic and represents a distinguishing form for the species. This tree is an excellent example of a distinguished form for the Cook pine.

Tree Condition

This tree is in good condition and is sustainable for many decades to come. There were no broken branches or stubs from broken branches found. It is unlikely that there would be a limb failure, and if one occurred it is unlikely that it would cause anything more than minor damage or harm. This is a low risk and healthy tree.

Prominence and Visibility

This tree is very prominent and can be seen from most locations throughout this neighborhood and even from adjacent neighborhoods. Parts of Laurel Village area, the Geary Boulevard corridor and parts of Lone Mountain all see and enjoy this tree.

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Conclusions and Recommendation

This is a characteristic, structurally sound and healthy mature example of Cook pine. Although this tree and the species of tree is prominent when mature, it is an uncommon species to encounter.

Based on my evaluation of the tree and its setting, it is my opinion that this tree meets sufficient criteria and is important enough to be granted Landmark Tree status.

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Assumptions and Limiting Conditions

1. Any legal description provided to the consultant is assumed to be correct. Title and ownership of all property considered are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible. The consultant can neither guarantee nor be responsible for the accuracy of information provided by others.
4. Various diagrams, sketches and photographs in this report are intended as visual aids and are not to scale, unless specifically stated as such on the drawing. These communication tools in no way substitute for nor should be construed as surveys, architectural or engineering drawings.
5. Loss or alteration of any part of this report invalidates the entire report.
6. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior written or verbal consent of the consultant.
7. This report is confidential and to be distributed only to the individual or entity to whom it is addressed. Any or all of the contents of this report may be conveyed to another party only with the express prior written or verbal consent of the consultant. Such limitations apply to the original report, a copy, facsimile, scanned image or digital version thereof.
8. This report represents the opinion of the consultant. In no way is the consultant's fee contingent upon a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
9. The consultant shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule, an agreement or a contract.
10. Information contained in this report reflects observations made only to those items described and only reflects the condition of those items at the time of the site visit. Furthermore, the inspection is limited to visual examination of items and elements at the site, unless expressly stated otherwise. There is no expressed or implied warranty or guarantee that problems or deficiencies of the plants or property inspected may not arise in the future.

Disclosure Statement

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed.

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Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. An arborist cannot take such considerations into account unless complete and accurate information is disclosed to the arborist. An arborist should then be expected to reasonably rely upon the completeness and accuracy of the information provided.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate the trees.

Certification of Performance

I, Roy C. Leggitt, III, Certify:

- That we have inspected the trees and/or property evaluated in this report. We have stated findings accurately, insofar as the limitations of the Assignment and within the extent and context identified by this report;
- That we have no current or prospective interest in the vegetation or any real estate that is the subject of this report, and have no personal interest or bias with respect to the parties involved;
- That the analysis, opinions and conclusions stated herein are original and are based on current scientific procedures and facts and according to commonly accepted arboricultural practices;
- That no significant professional assistance was provided, except as indicated by the inclusion of another professional report within this report;
- That compensation is not contingent upon the reporting of a predetermined conclusion that favors the cause of the client or any other party.

I am a member in good standing of the American Society of Consulting Arborists and a member and Certified Arborist with the International Society of Arboriculture.

I have attained professional training in all areas of knowledge asserted through this report by completion of a Bachelor of Science degree in Plant Science, by routinely attending pertinent professional conferences and by reading current research from professional journals, books and other media.

I have rendered professional services in a full time capacity in the field of horticulture and arboriculture for more than 25 years.

Signed: _____

Date: 8/6/15 _____

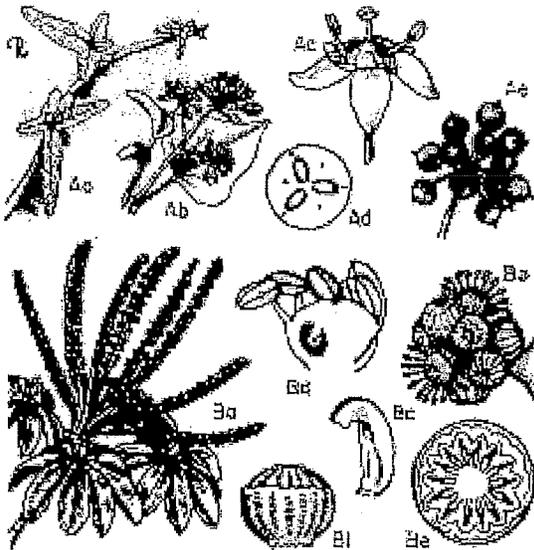
Hortus Third

A Concise Dictionary of
Plants Cultivated in
the United States and Canada

Initially Compiled by
LIBERTY HYDE BAILEY
and ETHEL ZOE BAILEY

Revised and Expanded by
THE STAFF OF THE
LIBERTY HYDE BAILEY HORTORIUM
A Unit of the
New York State College of Agriculture and Life Sciences
a Statutory College of the
State University at Cornell University

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ARALIACEAE. *A. Hedera helix*. "Ficus" Aa, stem leafy stem with renal nodes, $\times \frac{1}{2}$; Ab, adult foliage with young inflorescence, $\times \frac{1}{2}$; Ac, flower, $\times 2$; Ad, ovary, cross section, $\times 4$; Ae, fruit, $\times \frac{1}{2}$. *B. Swainea actinophylla*: Ba, flowering branch, $\times \frac{1}{2}$; Bb, umbel of buds and flowers, $\times \frac{1}{2}$; Bc, petal, $\times 2$; Bd, flower, vertical section (corolla largely absent), $\times 2$; Be, ovary, cross section, $\times 3$; Bf, fruit, $\times 2$. (Aa-Ac from Bailey, *Manual of Cultivated Plants*, ed. 2.)

Dioscorea, *Disanthus*, *Fatsioides*, *Rutata*, *Hedera*, *Kalepanax*, *Meryta*, *Neopanax*, *Pulopanax*, *Oreopanax*, *Pinnax*, *Palmetax*, *Pseudopanax*, *Schefflera*, *Stylbocarpa*, *Tetrapanax*, *Tetrapanax*, *Tetrapanax*, *Tetrapanax*, and *Tetrapanax*.

Economically the family is of minor importance. Besides those species grown as ornamentals, *Tetrapanax papyrifera* is the source of Chinese rice-paper, and *Panax ginsengifolius* provides ginseng roots, used in medicinal preparations. When grown as pot plants in the home, many species remain in annual juvenile stages and are difficult to identify.

ARAUCARIA Juss. *Aracariaceae*. About 15 spp. of tall, evergreen, usually dioecious, coniferous trees, native in S. Hemisphere from a S. Amer. to Australia and Pacific Is.; branches symmetrically whorled; lvs. stiff, awl-shaped or flat, usually closely overlapping; male cones solitary or in clusters, female cones large, woody; seeds 1 to a scale, mostly winged on each edge and united to the scales, maturing in 2 or 3 years. Young trees of different spp. may be closely similar and the juvenile form persists until trees are large, often to 30-50 ft. Old trees usually have flat, ragged heads above essentially naked trunks. Juvenile lvs. of all spp. are larger than adult lvs. and may differ from them also in form and arrangement.

Most species produce useful timber and one an edible seed. *Aracaria* are grown as ornamentals in warm regions and as pot plants in juvenile form. They can be planted in the open only in the warmer parts of the country, as in Fla. and Calif. (Zone 10), except *A. araucana*, which is much hardier. For culture see *Timbers*.

angustifolia (Harvey) D. Kuntze [f. *brasiliana* A. Rich.; *A. brasiliana* Lindl. var. *goualieri* Hort. ex Charles A. Griseb. Hort.], **PANAMA PINE**. **BRAZILIAN P. Lvs.** closely overlapping, oblong-lanceolate, sharp-pointed, glaucous-green, to 2 1/2 in. long as adult lvs., shorter and denser on juvenile tree; male cones 3-4 in. long, 1/2-3/4 in. diam. S. Brazil and adjacent Argentina, where an important timber tree. Zone 10.

monstrosa (Mol.) C. Koch [A. *ambrosia* Pav.], **MONKEY-FUZZLE**, **MONKEY-FUZZLE TREE**, **CHILEAN PINE**. Lvs. closely overlapping, ovate-lanceolate, 1-2 in. long, leathery, sharp-pointed; male cones erect, 3-5 in. long, 2 in. wide, female cones 4-7 in. long, 3-5 in. diam. Chile, where it is the most important coniferous timber tree. Zone 7.

nitida Hook. **WINYA-WINYA**, **BUNYA-WINYA PINE**. Juvenile lvs. spreading, mostly in 2 rows, ovate to oblong-lanceolate, to 2 1/2 in. long,

sharp-pointed, firm and glossy, adult lvs. overlapping, spiral, ovate, to 1/2 in. long, acute, rigid, woody; male cones 3-5 in. long, 1/2-1 in. diam., female cones 7-9 in. long, 3-5 in. diam. No. Australia. Zone 8.

brasiliana *A. angustifolia*.

brasiliana var. *gracilis* *A. angustifolia*.

columnaris (G. Forst.) Hook. [A. *Cookii* R. Br. ex Endl.; *A. excelsa* (Lamb.) R. Br.], **NEW CALEDONIA PINE**. To 200 ft., shedding lower branches and developing short secondary branches, mature trees appearing columnar below an abruptly spreading short crown, juvenile lvs. awl-shaped, sharp-pointed, firm, to 1/2 in. long; adult lvs. overlapping, lanceolate-ovate to triangular, to 1/2 in. long, obtuse, rigid, with blunt incurved apex and prominent midrib; male cones 1 1/2-2 1/2 in. long, 1/4-1/2 in. diam., female cones ovoid to ellipsoid, 4-5 in. long, the scales at tip of scales elongate, recurved. New Caledonia, New Hebrides. Zone 10. Young trees, up to 25 ft. with only juvenile foliage, are difficult to separate from *A. heterophylla*, but the habit of retaining lower branches is distinctive; *A. columnaris* has deeper green foliage and clearer lines of lvs. and makes a better ornamental tree except in age. The name *A. excelsa* was long used incorrectly for *A. heterophylla*.

Cookii *A. columnaris*.

Cunningham D. Don. **HOOVER PINE**, **MORISON BAY P.** Mature tree with naked twig clusters at ends of naked lvs., juvenile lvs. needle-like, laterally compressed, to 1/2 in. long, sharp-pointed, often recurved, adult lvs. awl-shaped to lanceolate, incurved, overlapping, male cones 2-3 1/2 in. long, 1/2 in. diam., female cones ovoid, 2 1/2-3 1/2 in. long, 1 1/2-2 1/2 in. diam. E. Australia, where an important timber tree. Zone 11.

excelsa *A. columnaris*, but most material cult. as *A. excelsa* is *A. heterophylla*.

heterophylla (Salisb.) Pringle. **NEWCASTLE ISLAND PINE**, **ALBERTIAN P.**, **WILSON P.** Mature trees to 200 ft., pyramidal; juvenile lvs. awl-shaped, incurved, laterally flattened, decurrent, light green, soft, to 1/2 in. long; adult lvs. closely overlapping, lanceolate to ovate-triangular with blunt incurved apex and obscure midrib; male cones 1 1/2-2 in. long, female cones subglobose, 3-5 in. long, 1 1/2-2 in. diam., the scales at tip of scales short, not recurved. Norfolk Is. Zone 10. Long known incorrectly as *A. excelsa*. The usual sp. grown by horticult. for indoor pot plants. Prop. by cuttings of vigorous, erect shoots only.

imbecilis *A. araucaria*.

ARAUCARIACEAE Henkel & Hochst. **ARAUCARIA** FAMILY. Gymnosperms; 2 genera of resinous, evergreen, coniferous trees, native to the S. Hemisphere; lvs. stiff, awl-shaped to broadly ovate, often leathery; male cones cylindrical, female cones usually large, subglobose, scales woody, falling when seeds are ripe; differing from the *Pinaceae* in the lvs. and in having cone scales without distinct bracts and with only 1 ovule. The family includes some of the most important timber trees of the S. Hemisphere as well as species supplying hard resins for industry. *Agathis* and *Araucaria* are grown in conservatories or outdoors where climatic conditions permit.

ARAUCARIA Hook. *Asplenaceae*. About 5 spp. of glabrous or mealy-pubescent, climbing shrubs, native to Argentina and Brazil; lvs. opp., simple; fls. in few-fl., peduncled, axillary cymes, calyx large and leafy, without glands, corolla sub-worm or campanulate, tube inflated at base, corolla lobes attached to corolla tube, anthers terminated by small inflexed projections; fr. a follicle, leathery, sometimes inflated.

argentea Hook. Lvs. oblong to triangular-oblong, to 4 in. long, broadly cuneate to somewhat sagittate, mucronate, dark green above, white-pubescent beneath; corolla white, often streaked with maroon inside, 1/2-1 in. across; follicles inflated, deeply grooved, to 5 in. long, 2 in. broad. S. Brazil. Material offered as *Schubertia albifera* may be this sp.

ARBORETUM. Literally, an arboretum is a collection of living trees; as now used, the term denotes a plantation of many kinds of woody plants permanently maintained for purposes of study, research, and education, as distinct from a grove, forest, nursery, or park. It is often part of a botanical garden.

Issue: January 2010 **ARCHIVE**

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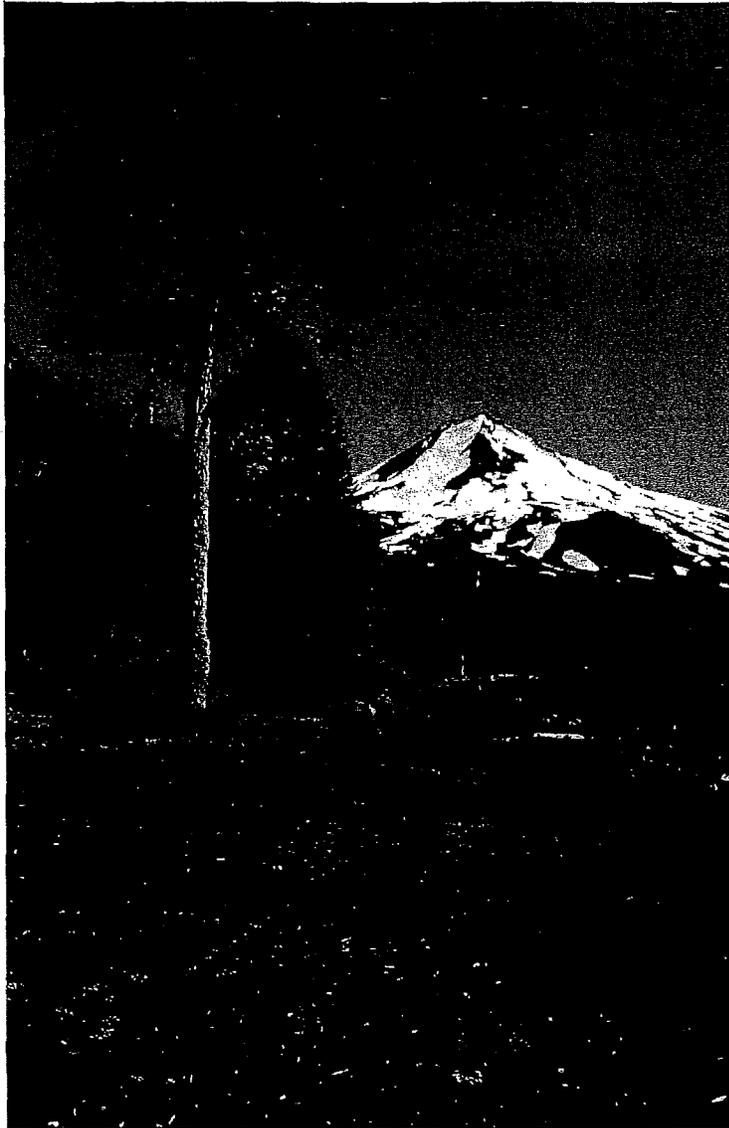
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The Araucaria Family: Past & Present

By: Wayne P Armstrong

Topics: Perspectives

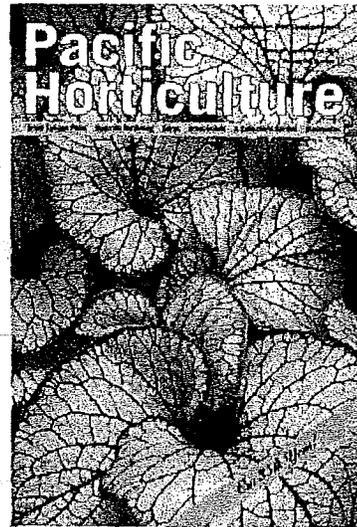
Regions: Northern California, Oregon, Southern California, Washington/British Columbia



Monkey puzzle trees (*Araucaria araucana*) in habitat on volcanic slopes in Chile. Photograph by RGT

The ancient araucaria family (Araucariaceae) contains three genera (*Araucaria*, *Agathis*, and *Wollemia*) and forty-one species of cone-bearing trees native to forested regions of the Southern Hemisphere, including South America, Malaysia, Australia, New Zealand, and New Caledonia. During the Jurassic Period, the family had an extensive distribution in both hemispheres, extending as far north as England, Greenland, and

This Issue



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Garden for the

Sweden. In majestic size and beauty, araucariads rival the grander members of the pine family (Pinaceae); both families are conifers (Pinophyta). Fossil evidence indicates that ancient araucaria forests resembling present-day species date back to the age of dinosaurs. Today, araucaria forests are limited to the Southern Hemisphere and are considered a counterpart to the pine and spruce forests of the Northern Hemisphere.

Although sometimes referred to as “pines,” members of the araucaria family have seed cones and foliage that are distinctly different from those of the pine family. Trees in the pine family have cone scales with a pair of winged ovules (seeds) on the upper surface; members of the araucaria family have only one ovule per scale. The seed of *Araucaria* is fused to the scale and falls with the scale when the cone disintegrates. In *Agathis*, the seed is winged and free from the scale. Unlike the typical, slender, needlelike leaves of the pine family, the sharply pointed leaves of the araucaria family are quite variable; depending upon the species, they range from scale-like or awl-shaped to linear or oblong. Some species have broad leaves that superficially resemble the leaves of flowering plants.



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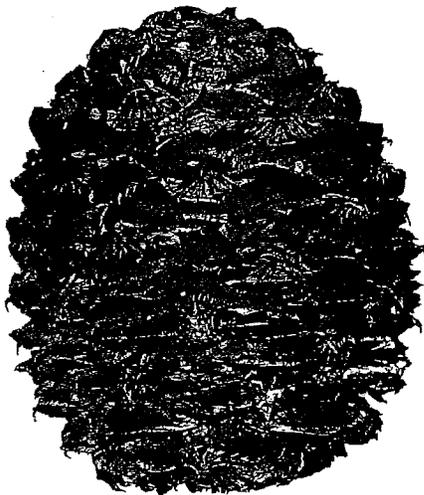


Patchy exfoliating bark characterizes kauri pine (*Agathis australis*) in a second growth forest near the northern tip of New Zealand. Photograph by RGT

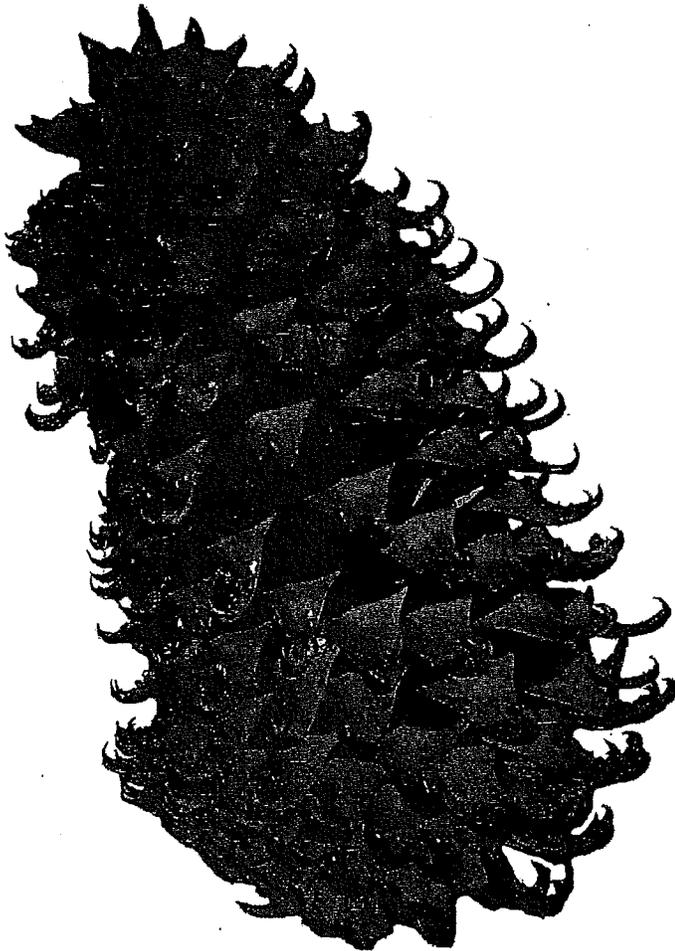
Wollemia—a Surprising Discovery

Of the three genera of Araucariaceae, the most primitive is *Wollemia*. In 1994, David Noble discovered an unknown cone-bearing tree in the rugged Blue Mountains of Wollemi National Park, northwest of Sydney, Australia. The generic name commemorates this park and is derived from an Australian aboriginal word meaning “watch out, look around you”—an appropriate warning for anyone hiking the complex canyons and precipitous sandstone escarpments characteristic of the tree’s habitat. About forty trees in a deep narrow canyon turned out to be an undescribed species. They were named Wollemi pine (*Wollemia nobilis*), a remarkable “new” member of the family. Fossils resembling *Wollemia* and possibly related to it are widespread in Australia, New Zealand, and Antarctica, but *W. nobilis* is the sole living member of its genus. This rare conifer was thought to be extinct; its last fossil record was dated about two million years ago. Typical of genetic bottlenecks in small populations, chloroplast DNA studies show no discernable genetic variation among the wild trees. Like the Torrey pine (*Pinus torreyi*) of San Diego County, which also has little genetic variability, this is truly a relict population that was more widespread millions of years ago. The Wollemi pine is a great botanical discovery—a “living fossil.”

Dinosaur skeletons and fossils of juvenile and mature foliage of a supposedly extinct conifer have been found together throughout western Queensland in rocks dating back 120 million years. Foliage of the just-discovered Wollemi pines closely matches these fossils. Further evidence comes from live and fossilized pollen. Pollen grains of extinct plants are well preserved in ancient strata because of their durable exine coating made from a substance called sporopollenin. Although it contains only carbon, hydrogen, and oxygen, sporopollenin is one of the most stable organic compounds known. Throughout Australia and New Zealand, fossil pollen called *Dilwynites* has been collected from Jurassic age sediments. It has also been collected in fifty-million-year-old sediments from Antarctica’s continental shelf. Similar to araucariad pollen, it differed in its coarse, grainy coating. When compared with pollen from living Wollemi pines, there was a perfect match.



Bunya-bunya (*Araucaria bidwillii*) seed cone (left) and Coulter pine (*Pinus coulteri*) cone (right), two of the most massive cones among the conifers; both cones can weigh up to ten pounds or more. Author's photographs, except as noted



Records from paleobotanists now prove that Wollemi pines were common in moist forests on the Australian continent for countless millions of years, growing with ferns, other gymnosperms such as cycads and ginkgos, and early flowering plants. According to McLoughlin and Vajada, Wollemi pines have survived raging forest fires and the asteroid collision on Mexico's Yucatan Peninsula that drove the dinosaurs extinct and ended the Cretaceous. Hidden away in narrow sandstone ravines for millions of years, the Wollemi pine receives the humidity and moisture necessary for its vital symbiotic mycorrhizal fungi. These habitats provided shelter from firestorms that raged in the eucalyptus forests atop the sandstone plateaus. The tree's habit of resprouting from the base (coppicing) probably helped it recover from occasional fires within the deep, generally moist ravines.

Wollemi pines are now being propagated from both seeds and through tissue culture, and are already being cultivated in a few botanical gardens on the Pacific Coast. Time will tell if this intriguing conifer enters the commercial trade, following in the horticultural path of maidenhair tree (*Ginkgo biloba*) and dawn redwood (*Metasequoia glyptostroboides*)—both considered to be living fossils.

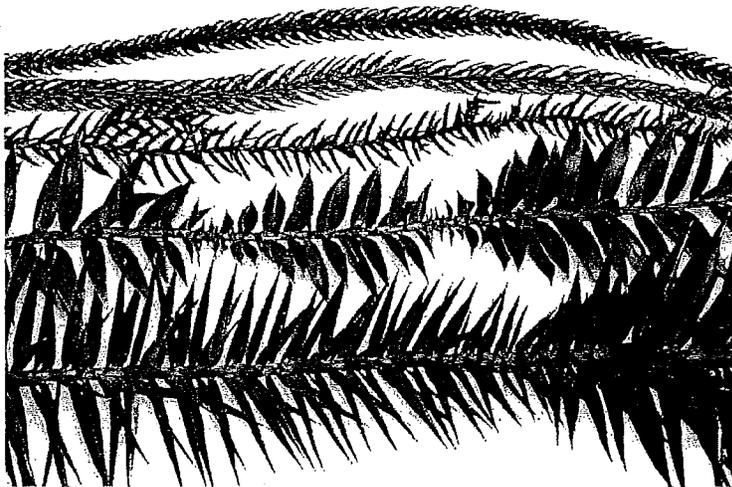
Wollemi pines have beautiful light green foliage composed of flattened, linear leaves. In the juvenile stage, leaves are twisted at the base to form a flattened, two-ranked arrangement similar to those of a coast redwood (*Sequoia sempervirens*). Adult leaves are four-ranked and spirally arranged around the stem. In their native habitat, the trees have multiple

trunks; younger stems emerge from the base of the tree and gradually replace older trunks. Because of this strong coppicing habit, tree-ring dating will never reveal the actual age of an old tree. The trees are frost and shade tolerant and can also grow in full sun.



Cook pine (*Araucaria columnaris*), on left, showing a dense, slender crown; cultivated trees often lean in one direction. Norfolk Island pine (*A. heterophylla*), on right, showing widely-spaced, horizontal branches

One caveat to the cultivation of this rare conifer is its susceptibility to various pathogenic soil fungi (water molds). In November 2005, wild Wollemi pines were discovered infected with a root rot fungus (*Phytophthora cinnamomi*); this fungus is the cause of avocado root rot, the scourge of avocado growers in San Diego County. Park rangers in Australia believe spores of this virulent water mold were introduced on the shoes of unauthorized visitors to the site; for this reason, the location of the groves has been undisclosed to the public. This vulnerability is typical of small populations with little genetic diversity. The survival of Wollemi pines in the wild could be seriously threatened, not only by such exotic diseases, but also by environmental and climatic changes.



Branchlets of five species of *Araucaria*, from the top: Cook pine (*Araucaria columnaris*), Norfolk Island pine (*A. heterophylla*), hoop pine (*A. cunninghamii*), bunya-bunya (*A. bidwillii*), and paraná pine (*A. angustifolia*)

The Araucarias

The genus *Araucaria* includes approximately nineteen species, all confined to the Southern Hemisphere in markedly disjunct distributions. Most of the extant araucarian taxa have evolved since early Tertiary time; extensive evolution and adaptive radiation have occurred in the islands of Australasia, where most of the species are found. Two species occur in South America and two in New Guinea (one of which also occurs in Australia), one is endemic to mainland Australia, and another is found only on Norfolk Island in the Tasman Sea. The remaining thirteen species are endemic to New Caledonia, where they occur from sea level to 3,000 feet elevation. This is a striking pattern, according to biologist Timothy Waters, because it means that this family of conifers has been successful in a tropical rain forest environment where angiosperms (flowering plants) are generally thought to have replaced conifers. He suggests that the Australasian success of araucarians may be governed more by their ability to adapt to conditions of their physical environment (including precipitation, fire, and edaphic factors), rather than their ability to compete effectively with angiosperms.

The type genus *Araucaria* is derived from the Arauco region of central Chile, where the Araucani Indians live. This is the land of the monkey puzzle tree (*A. araucana*), so named because the prickly, tangled branches would be difficult for a monkey to climb. It has been suggested that an armor of dagger-like leaves on ancient araucariads might have discouraged hungry South American herbivorous dinosaurs, such as the enormous *Argentinosaurus* that weighed an estimated eighty to a hundred tons! Monkey puzzle trees do not grow well in Southern California, but are occasionally planted in parks and gardens of Northern California. They grow much better in the colder, wetter climates of Oregon, Washington, and British Columbia. Another ancient South American species called pino paran  or paran  pine (*A. angustifolia*), native to southern Brazil and Argentina, is occasionally grown in coastal California.

Australian members of the Araucariaceae commonly grown in California include the tall, prickly-leaved bunya-bunya (*A. bidwillii*) of Queensland, with huge pineapple-shaped cones, hoop pine (*A. cunninghamii*), an important Australian timber tree, and Norfolk Island pine (*A. heterophylla*), native to Norfolk Island. The latter species is commonly grown in parks and gardens in the San Francisco Bay Area, and in containers in Southern California; it is often sold as star pine, because of its horizontal tiers of radiating branches. Norfolk Island pine was discovered by Captain James Cook on his second voyage to Australia and New Zealand aboard the *HMS Resolution* (1772-1775). Bunyabunya also has an unmistakable silhouette, with barren, horizontal limbs tufted at the ends with spiny leaves. Its huge seed cones pose a serious threat to unsuspecting persons standing beneath the canopy. Unlike most conifer species, wild populations of *Araucaria* are typically dioecious, with pollen-bearing and seedbearing cones on separate male and female trees. Trees are occasionally monoecious, and there are remarkable but unsubstantiated reports of trees that change sex with time.

In Southern California, there are also trees that resemble Norfolk Island pines, but with more closely spaced limbs and a narrow, columnar, crown that resemble Cook pines (*Araucaria columnaris*). According to Angela Keplar's *Trees of Hawaii*, most of the trees called Norfolk Island pine in Hawaii are actually Cook pines. They have naturalized throughout the Hawaiian Islands and have been exported as lumber and container-grown "Christmas trees" to the US mainland. Both species were introduced to Hawaii in the late 1800s. Some botanists consider the narrow-growing trees in Southern California to be hybrids of the two species, while others insist they are the true Cook pine.

In general, the interval between tiers of limbs is greater on Norfolk Island pines, particularly on younger trees, and the horizontal limbs are longer than those of Cook pines; the latter has a slender, spire-like crown with shorter, more closely spaced horizontal branches. When the two species are compared side-by-side, the differences between them are striking; however, there are also trees with intermediate branching patterns. Leaf shape and size is variable and not particularly useful in separating these two species. Although *A. columnaris* is not listed in the latest *Sunset Western Garden Book*, there are confirmed specimens of this tree in Southern California at Quail Botanical Gardens, Huntington Botanical Gardens, and the Palomar College Arboretum.

Phylogenetic studies comparing chloroplast DNA have shown that the Norfolk Island pine's closest relatives are a group of thirteen species of *Araucaria* endemic to New Caledonia, including Cook pine. Although New Caledonia is a relatively small island of only 19,000 square kilometers, it contains a rich conifer flora of forty-three endemic species, including two-thirds of the world's *Araucaria* species and five of the twenty-one species of *Agathis*. The New Caledonian species are seldom cultivated in California, except by the occasional passionate collector.



The rare Wollemi pine (*Wollemia nobilis*) has flattened, linear leaves arranged spirally on the stem, but twisted at the base to appear two-ranked. They are quite distinct from species of *Araucaria* and *Agathis*

The Resinous *Agathis*

The genus *Agathis* includes thirteen species of large, resinous, broad-leaved conifers scattered throughout Australia, New Zealand, and the Malay Archipelago. Several species are the source of timber and valuable copal varnish, including kauri pine (*A. australis*) of New Zealand, Amboina pine (*A. dammara*) of Malaysia, and Queensland kauri (*A. robusta*) of eastern Australia. One of the largest kauri pines found on New Zealand's North Island was documented at 169 feet tall with a trunk forty-five feet in circumference; it is thought to be a little more than 2,000 years old. The Maori name for this individual is Tane Mahuta, which means "god of the forest."

Kauri pines and Queensland kauri are occasionally found in the collections of various botanical gardens in both Northern and Southern California. Their extremely slow growth rate and ultimate great size may limit their use in private gardens. Both are notable for their relatively smooth trunks with bark that exfoliates in irregular patches.

Copals are a group of resins that form particularly hard varnishes.

Dammars are another group of hard, durable varnishes that turn shiny and transparent when dry. Although some species of *Agathis* are named dammar, most dammar resins come from tropical Asian trees of the genus *Shorea* in the Diptocarpaceae. Copal and dammar resins improve the drying qualities and provide the luminous depth and brilliance for which oil paintings are known.



Diorama of an *araucariad* forest from 200 million years ago, when all the continents were united into the vast supercontinent Pangaea. Whether any logs at Petrified Forest National Park came from trees such as these is unknown at this time. From all the thousands of petrified logs, one can only imagine the extent and diversity of this ancient forest of giant trees. (Diorama on display at the Rainbow Forest Museum, Petrified Forest National Park)

The Fossil Story

Fossil evidence indicates that the araucaria family reached its maximum diversity during the Jurassic and Cretaceous periods, between 200 and 65 million years ago, with worldwide distributions. At the end of the Cretaceous, when dinosaurs became extinct, so did the Araucariaceae in the Northern Hemisphere. Until about 135 million years ago, trees of the Araucariaceae grew in forests of the ancient southern supercontinent called Gondwana, which combined the land masses now known as South America, Africa, Antarctica, India, and Australia. By sixty-five million years ago, the continents had drifted into positions resembling their present-day configuration.

Petrified Forest National Park in Arizona protects hundreds of acres of perfectly preserved logs from an ancient conifer forest dating back to the late Triassic Period (approximately 225 million years ago). Streams carried fallen logs into this once swampy lowland region where they were buried in sediments rich in volcanic ash. Over countless centuries, the woody tissue of the logs was replaced with minerals and gradually turned into stone. Many of the reddish, agatized logs do not show any cellular detail; however, there are some permineralized specimens in which minerals permeated the porous cell walls and filled the cell cavities (lumens). Thin sections of these samples, when viewed under a microscope, reveal remarkable cellular detail.

The trees of this extinct forest coexisted with dinosaurs. Most of the petrified logs were previously assigned to the extinct *Araucarioxylon arizonicum*, a presumed distant relative of *Araucaria*. Although that binomial has been used in botanical literature for more than a century, Rodney A Savidge of the University of New Brunswick has concluded that it is superfluous and therefore an illegitimate name. He examined thin sections of the original three specimens housed at the Smithsonian

Institution upon which the species was first described by FH Knowlton in 1889 and found that they represented three different species within two new genera of extinct trees. Only one of the three specimens was retained as the new type *Pullisilvaxylon arizonicum*. Savidge examined several other logs previously identified as *A. arizonicum* and concluded that they represented additional new genera and species. His extensive anatomical studies indicate that the majority of logs in the Petrified Forest National Park do not belong to a single species but rather to a complex of extinct conifers. Based solely on the xylem structure of permineralized wood (including resin canals, rays, and tracheid pitting), and without seed cones or DNA evidence, it is difficult to be certain which trees (if any) in this complex are ancestral relatives of the araucaria family.

Trees in this diverse forest grew to a height of 200 feet with a trunk diameter of from four to nine feet. According to paleobotanists Sidney R. Ash and Geoffrey T. Creber, the living trees did not closely resemble any of the present-day *Araucaria* species of the southern hemisphere. The branches did not occur in whorls as they do in most conifers but grew irregularly along the trunk, nor did the bark resemble that of living species. These ancient trees flourished during a time when all of the continents were united into the vast supercontinent Pangaea, which broke up in the middle of the Jurassic period. The area of Petrified National Park was, at that time, located near the equator, at approximately the latitude of present-day Central America. The trees grew in a tropical rain forest with marshes, rivers, and lakes—an environment totally unlike today's Arizona landscape.

Another rich fossil area for Jurassic age araucarian forests is Cerro Cuadrado Petrified Forest National Monument in Patagonia, Argentina. Some of the largest logs in this arid desert region are ten feet in diameter, the remnants of trees that were over 200 feet tall. Seed cones of *Araucaria mirabilis* from this site are remarkably preserved in every detail. The cones clearly show one seed per scale and resemble modern cones of Norfolk Island and Cook pines. The oldest documented record for resin canals comes from cone scales of this extinct conifer.



Broad leathery leaves and spherical cones of kauri pine (*Agathis australis*). Photograph by RGT

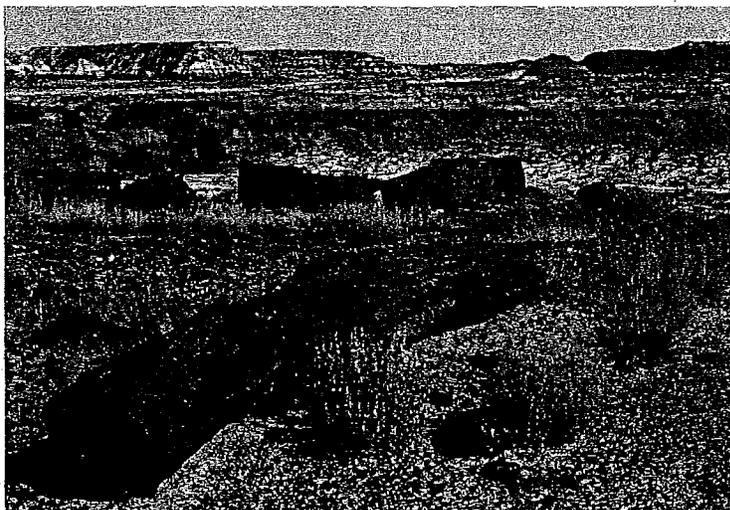
Resins: Beautiful and Useful

Amber is ancient plant resin that has metamorphosed into a hard, plastic-like polymer over millions of years. Insects often become trapped in the sticky sap and are perfectly preserved in a transparent tomb of fossilized resin. Baltic amber dates back to the early Tertiary Period, approximately fifty million years ago. Ninety percent of this amber appears to be from a single plant source. For decades, Baltic amber (succinite) had been arbitrarily assigned to an extinct pine (*Pinus succinifera*) because of the presence of succinic acid; however, infrared spectroscopy studies now show that Baltic amber may be more closely related to resins of broad-leaved conifers of the Araucariaceae. According to biologist Jean H Langenheim, an authority on resins, Baltic amber contains pinaceous inclusions (wood fragments and cones) but with araucarian chemical characteristics, so the origin of these vast deposits remains an enigma.

In New Zealand, living araucariad forests of kauri pine produce copious amounts of resin that once formed a thriving industry for hard, durable varnishes and linoleum. Large lumps of hardened resin (up to one hundred pounds in size) were dug out of the ground in extensive forested areas of the North Island. Forests such as this may have once flourished

in the Baltic region sixty million years ago. Throughout the world, the most copious resin-producing trees occur in tropical regions. These complex mixtures of terpene resins may have evolved to serve as a chemical defense against the high diversity of plant-eating insects and parasitic fungi found in the tropics.

Relevant today for their practical uses and their distinctive character in the landscape, members of the araucaria family resonate for us through time. A walk along shaded pathways lined with araucariads reveals a view deep into the geologic past. Having changed little during the past 180 million years, these living fossils are resilient, successful, cone-bearing trees that link us to a time when dinosaurs ruled the earth.



Petrified Forest National Park in Arizona contains hundreds of acres of perfectly preserved logs from an ancient tropical flood plain, over 200 million years ago

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Norfolk Island Pine vs. Cook Pine

A. heterophylla

A. columnaris



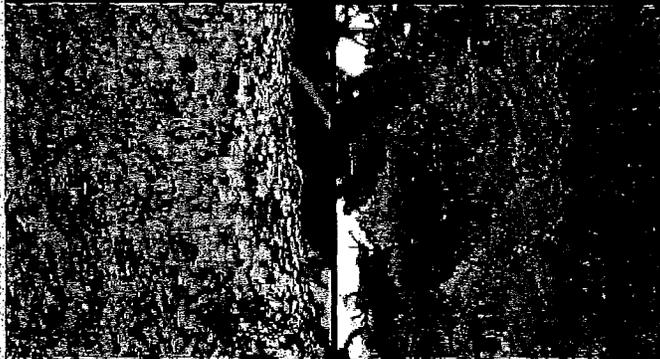
The two trees side by side in "Finca de San Jose" - Malaga

Photographs by Dan for www.tree-species.blogspot.com

This is a series of images comparing the *Araucaria heterophylla* (Norfolk Island Pine) and the *Araucaria columnaris* (Cook Pine). I've been studying four different species in the *Araucaria* genus for about three years now. These two in particular are often mistaken one for the other and in fact I did not realize they were two tree species until I started getting a good look at them. The image above is about a half mile from my house on a historic peace of property called the "Finca of San Jose". It used to be a wealthy persons large estate with a mansion but now it is an insane asylum. The original family owned a shipping company and had many exotic species of plants brought back which they planted on their estate. The reason the Cook Pine (on the right) is bent is that the top part of the tree died and a new top formed from below the dead portion. Norfolks are a lot less pointy at the top than Cooks.

A. heterophylla

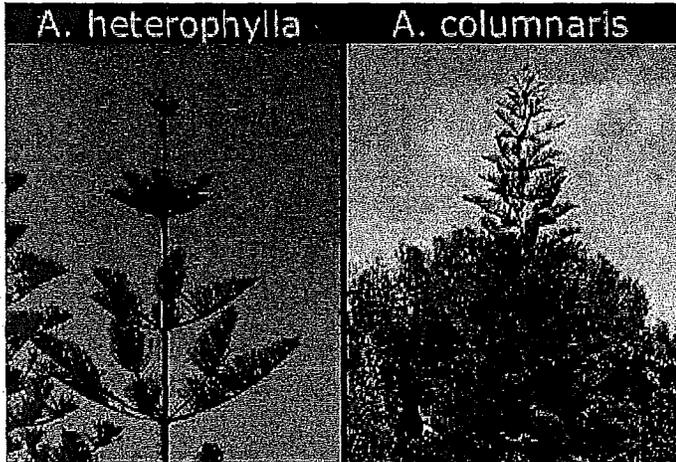
A. columnaris



Comparison of bark detail

Photographs by Dan for www.tree-species.blogspot.com

The bark is one of the key differences in these two trees. The Cook pine has flaky bark that peels off in small rolls. The Norfolk only has a slight amount of flaking on a much smaller scale.

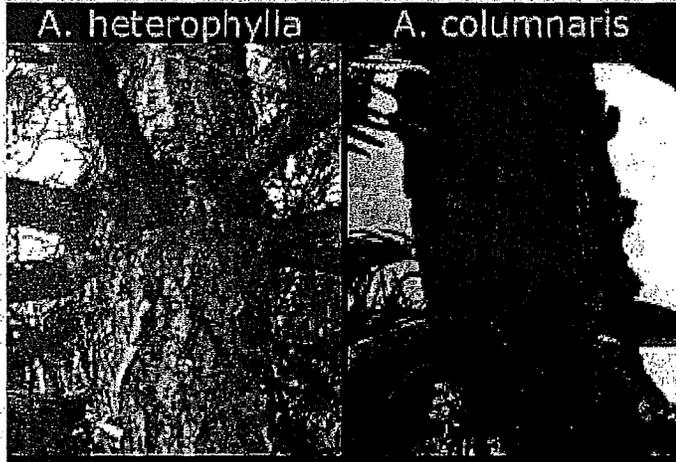


A. heterophylla

A. columnaris

Comparison of young trees

Photographes by Dan for www.tree-species.blogspot.com Young Norfolks are much less filled out than Cooks with more distace between the rings of branches. I've also notices that the branches of the cooks have more "leaves" than the Norfolks. Also Cooks almost always have a characteristic lean and their trunk is often slightly bent. Norfolks on the other hand are very straight and upright.

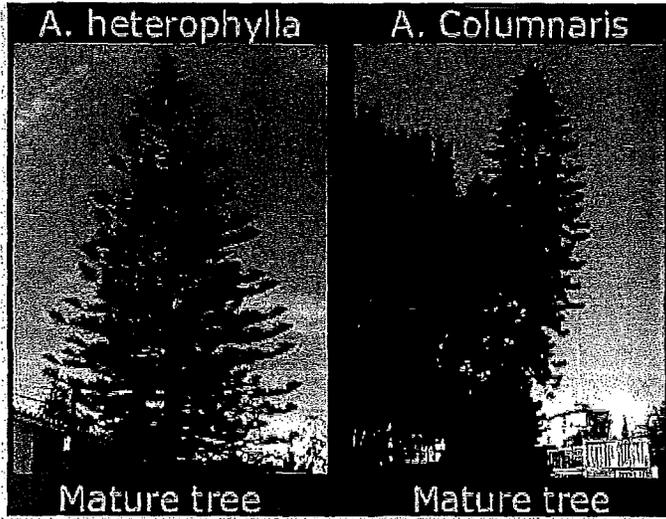


A. heterophylla

A. columnaris

Comparison of bark and branches

Photographes by Dan for www.tree-species.blogspot.com I've noticed that the branches of the Cooks slope down and then curl up on the ends. The Norfolk tend to be straight out or sloped slightly up. The branches of the Norfolk also tend to be a lot longer than the Cooks (see the top image).



The image above shows the characteristic lean of the Cook pine. I've seen similar female cones on both of these trees but much more frequently on the Norfolks.

I recently came across the image below at:

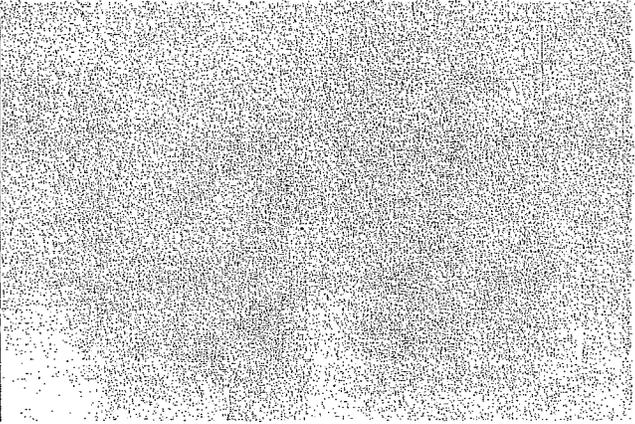
<http://merricks-merricks.blogspot.com/2007/12/norfolk-island-pine-in-bloom.html>

The author had it listed as a Norfolk Pine. It looks to me more like a Cook pine however as I have seen these same "blossoms" on other Cooks.



Araucaria Columnaris.

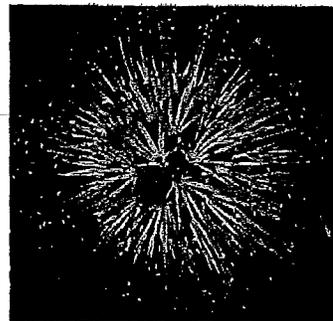
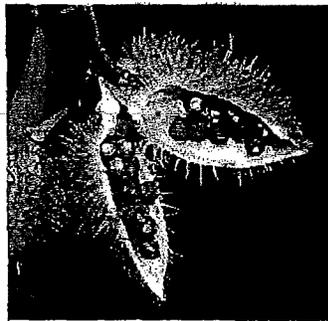
Below is a picture that I took from a



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Araucaria heterophylla

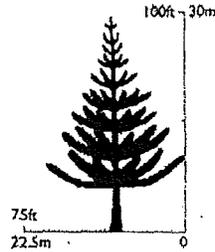
NORFOLK PINE

(Salisb.) Franco

18-19 spp

A. excelsa

ARAUCARIACEAE



ARAUCARIA HETEROPHYLLA is a popular columnar tree endemic to the small island of Norfolk, which lies between New Zealand and the island of New Caledonia in the South Pacific. *A. heterophylla* is a superbly structured species, with stout limbs whorled in horizontal planes around a mast-like axis. The stiff, leathery leaves are held spirally on the main axis and oppositely or alternately on lateral shoots. *A. heterophylla* is a gymnosperm, closely related to the *Agathis* genus, and bears both male and female cones. In some regions, this stately, coastal tree has earned a bad reputation, particularly in some parts of Trop. America, where it is often planted singly as an accent in small, suburban gardens and, decorated with lights, used as a Christmas tree during the festive season. In urban areas, however, *A. heterophylla* suffers from pollution, which strips its protective wax coating, making the foliage susceptible to salt damage. Nevertheless, this magnificent, seaworthy giant is extensively planted in Hawaii and Australia along coastal regions and is the signature of many of Australia's celebrated surfing beaches, where it provides shade and stabilizes the sandy shoreline. *A. heterophylla* has been cultivated commercially on Ascension Island, in the S Atlantic, to make masts for sailing ships. Contrary to popular theory, it is not necessary for this *Araucaria* to be left to grow with a single trunk: an excellent shape may be formed if the leader is cut away when it is young, causing the tree to develop a multiple crown, which encourages sturdier, fuller and shorter growth. *Araucaria* species may be propagated by layering lateral limbs, but the resulting young plant will never produce a leader, but continue a plagiotropic growth. Several cultivars of *A. heterophylla* are available, including those with variegated, striped or glaucous foliage, and others with compact or dwarf forms.

ORIGIN Norfolk Is, endemic

HEIGHT up to 60 m (197 ft)

TYPE evergreen, dioecious, very large foliage tree

STATUS threatened

HABITAT coastal lowlands; along strand

GROWTH fast

FLOWG spring

DRY TOL high

SALT TOL high

LIGHT full sun

SOIL tolerant, very well-drained

NUTRI high-nitrogen fertilizer, annually

HAZARDS spiny

PROBLEMS scale; fungus

INVASION seeds for birds

PROPAG seeds; layers

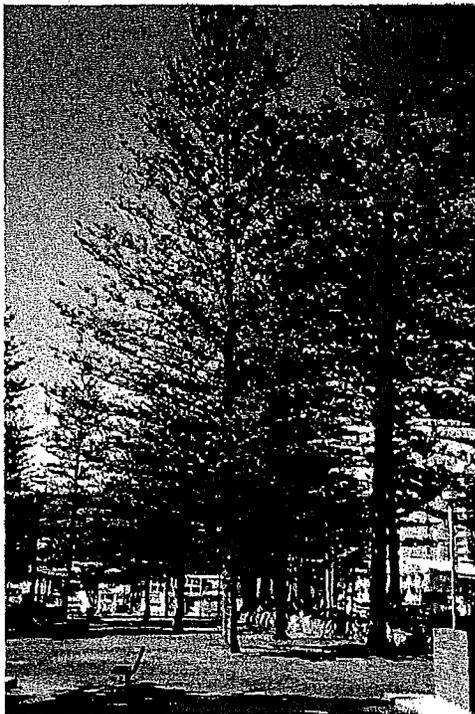
LEAVES linear; dark green; stiff, leathery; spiralled around stems

FLOWERS male cones, catkin-like, dense, cylindrical; female cones, much larger, with spiralled scales

FRUIT female cones to 8.5 cm (3.5 in.); solitary; seeds winged for dispersal

USE seaside; accent; wind barrier; public open space; large container; conservatory; xerophytic

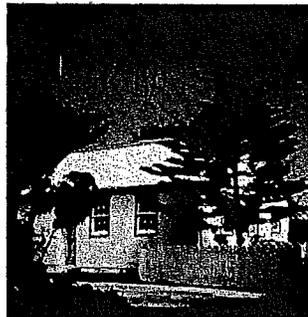
ZONE 9-11



A. heterophylla: Norfolk Island Pine is popular for seaside shade along the coasts of Australia. Apart from providing shade, this sp. binds and stabilizes the beach sand.



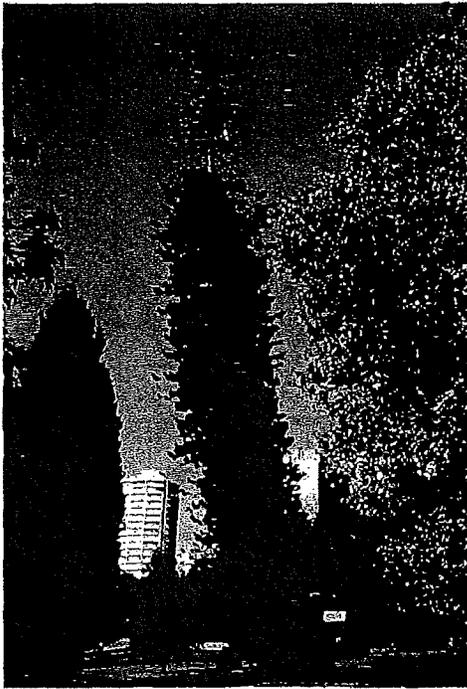
A. heterophylla: when the leader is cut, the tree develops a multiple crown.



A. heterophylla: often planted as a living Christmas tree in the W Indies. Here it adorns a small cottage by the sea.



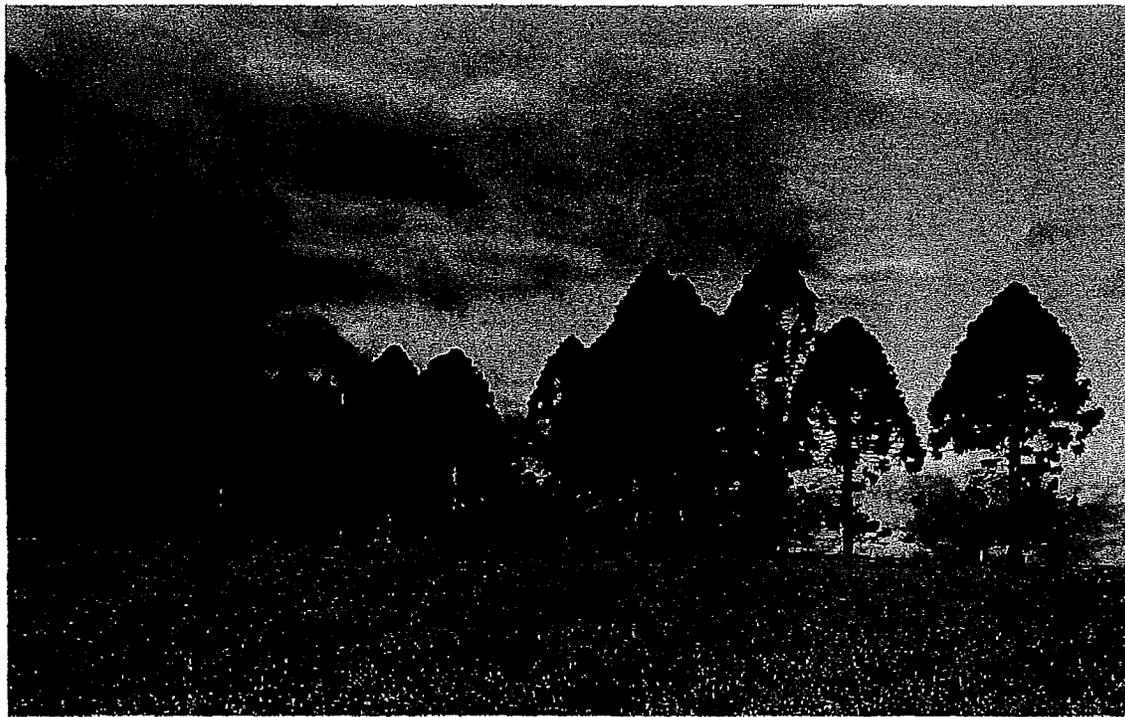
A. bidwillii: huge, pineapple-like cones with edible seeds; cones have a tendency to drop without warning.



Araucaria columnaris (Forst.) Hook. f., syn. *A. cookii*, New Caledonia, up to 60 m (197 ft.). Known as Cook Pist, as Capt. Cook discovered it on the famous Isle of Pines, New Caledonia. In its natural habitat, this sp. often masses in monocultural forests. Distinguished by its very narrow, column-like crown, the numerous, scale-like, narrowly triangular lvs are sharp-pointed, to 1.5 cm (0.59 in.). Female cones are ovoid, to 10 cm (4 in.). Photographed at the Royal Botanic Gardens in Sydney, Australia. (9-11)



Araucaria cunninghamii (D. Don.) endemic of E. Australia, up to 60 m (197 ft.). Hoop Pist, is found on mountain slopes, river banks and coast forests of E. Australia. *A. cunninghamii* has stiffly erect, sturdy limbs with an asymmetrically rounded crown. Foliage is compact at the tips of its limbs; it is dense and lvs are needle-like, not scaly. Fr. are smaller than *A. bidwillii*, up to 10 cm (4 in.). Shown here in Qld, where this sp. is popular for highway and seaside planting. (9-11)



Araucaria bidwillii (Hook.) Qld, Australia endemic, to 40 m (131 ft.). BUSYBA-BUSYBA Pist, native of coast, and upland rainforests, loses its conical apex with maturity, forming a rounded crown. Its shiny, prickly foliage is tasselled towards

the ends of slender, descending limbs. The fr. has overlapping scales of up to 30 cm (12 in.) long, pineapple-like cones weighing up to 4.5 kg (10 lbs) with edible sds. Timber is very desirable, being hard and lightweight. (9-11)

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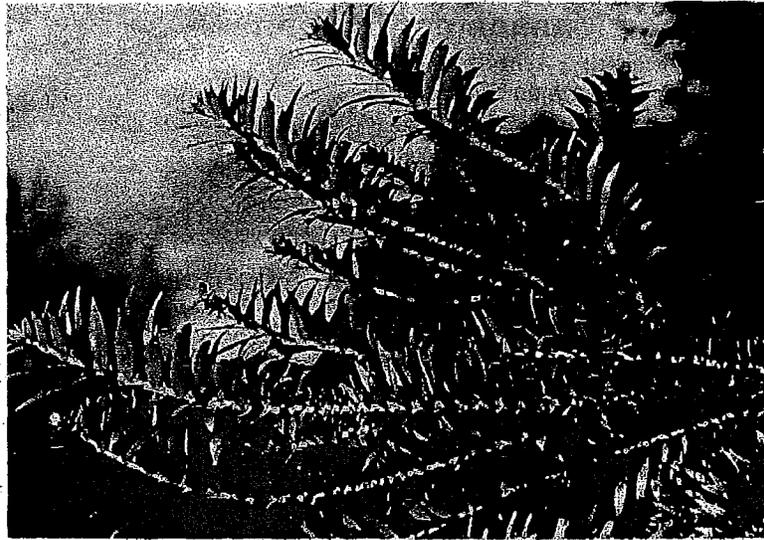
General Editor
Julie Grace



TIMBER PRESS
Portland, Oregon
1983



28 *Araucaria bidwillii*. Winter. Toowoomba, Queensland.

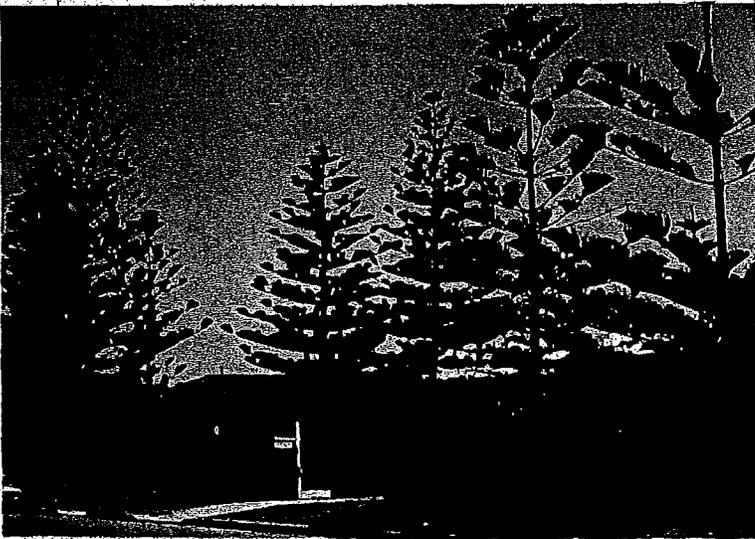


29 *Araucaria bidwillii*. Foliage.

Araucaria bidwillii

Bunya-Bunya.

28, 29 This native of the coastal regions of Queensland, Australia, has found its way as an ornamental into many parts of the world where the climate is sufficiently mild to allow its establishment. It makes a broad, uniformly pyramidal tree of up to 50m (165ft) in favourable climates, and lower and more rounded in marginal areas, the rich glossy green, prickly foliage seemingly held in large bunches at the ends of the branches. The large, edible seeds are borne in cones weighing up to 4.5kg (10lb) each, and are much prized by the Aborigines for food. In ten years' growing one may expect a tree of 4-5m (13-16ft) in height. It produces a good-quality softwood timber, and could well be forested more in areas unsuitable to other pines. Hardiness 7.



30 *Araucaria heterophylla*. Spring. Queensland, Australia.

Araucaria heterophylla

Norfolk Island Pine.

30 A beautiful symmetrical tree, found originally only on Norfolk Island, which is now a popular ornamental in warm temperate zones throughout the world, as well as being an indoor pot-plant in less temperate countries. It has a height potential of 60m (200ft), grows incredibly straight, the branches originating in whorls from the trunk and spaced in almost perfect regularity up the trunk, giving a tapered many-tiered effect reminiscent of a Chinese pagoda. One is, however, able to change the character of this tree completely by removing its leader when young, and if this is done repeatedly it grows into a very dense, conical shrub not unlike some types of cryptomeria. Although not regarded as hardy, it is not a difficult tree to establish in marginal areas provided it has some frost protection until up to the 3 or 4m (10 or 13ft) level. Previously known as *A. excelsa*. Hardiness 8.



31 *Athrotaxis laxifolia*. Foliage and cones.

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Curriculum Vitae

Roy C. Leggitt, III

Consulting Arborist and Plant Scientist

Education:

Bachelor of Science, California State University – Fresno.
Plant Sciences, Ornamental Horticulture

Professional Qualifications

Member, American Society of Consulting Arborists
Graduate, ASCA 2003 Consulting Academy
Certified Arborist WE-0564A, International Society of Arboriculture
Tree Risk Assessor Qualified (TRAQ)
California State Contractor License for Tree Service C61/D49 #885953

Continuing Education / Topic or Seminar Titles

Selection of methodology in tree appraisal
Tree Appraisal Workshop
Tree Appraisal Theory and Practice: An Advanced Seminar
Testifying Skills for Consulting Arborists
Trees and the Law.
Understanding Soils
Soil Compaction
Roots and Soils
Reforestation in the Forest, Suburbia and the City
Palm Cultivation
Sudden Oak Death
Tree Preservation During Construction
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Related Fields of Study

Agronomy and viticulture
Geological science
Computer sciences and programming
Mathematics
Physics

Employment:

- 1987-Present Self-employed Consulting Arborist and Horticultural Consultant.
2011-Present Member of the Opine Experts group.
1992-2002 The Davey Tree Expert Co., Inc.: project management, representative, consultant.
1989-1992 Golden Coast Environmental Services, Inc.: project management and northern California representative.
1988-1989 City of Fresno: supervised team of 4 data collectors to develop citywide inventory. Developed and adapted software throughout project.
1987-1988 Center for Irrigation Technology: research on sprinkler distribution patterns using laser scanning to measure droplet size.

Agency Certifications:

Small Business Administration: Certified Small Business DUNS# 12-783-9798
San Francisco Human Rights Commission: Certified Local Business Enterprise (LBE) and Certified Disadvantaged Business Enterprise (DBE). Certification number: HRC020914873
San Francisco Redevelopment Agency: Certified Small Business Enterprise (SBE). Certification number: 113-10706-013

Consultant:

Municipal and Agencies

- 1988-1989: City of Fresno: managed an in-house street tree inventory project, including staff training and management, data quality control, software modifications and implementation of database.
1989: City of Palo Alto: managed data collection and software implementation for a City-wide street and right-of-way tree inventory.
1989-1990: City of Visalia: managed data collection and software implementation for a street tree inventory and a valley oak conservation study of all areas within City limits.
1990: City of Manteca: City-wide street tree inventory and management plan.
1990: City of Lancaster: City-wide street sign inventory.
1990: City of Pasadena: City-wide inventory of street trees, street lighting, sidewalk damage survey; site-specific sidewalk redesign specifications to accommodate tree needs.
1990-1992: City of Los Angeles: managed 6 staff data collectors. Oversaw data quality and localized data base installations in field offices.

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1994-1997: City and County of San Francisco, Housing Authority: tree surveys, tree management planning and contract administration for Sunnydale (phase I), Hunter's View, Potrero Terrace and Potrero Annex.

1999-2000: City of Pacifica: risk assessment tree survey for 639 trees including a recommendation for removal of 119 trees. Represented the City on a panel to answer over 200 citizen inquiries. Represented the City to administer the tree service contract.

1999-2000: National Park Service, Fort Mason: inspections and reports to facilitate tree management decisions. Evaluation based on safety and neighbor concerns. Conducted 3-hour training session for staff on proper pruning techniques.

2002: National Park Service, Muir Woods National Monument: deconstruction planning, hazard evaluation and construction planning in tree-sensitive areas.

2002-Present: City of Pacifica: site-specific inspections and recommendations for management decisions, risk assessment and dispute resolution.

2003: City of Pacifica: tree risk assessment and tree management study. Field report and geographic information system developed to implement tree removal, reforestation and replacement tree conservation in a residential neighborhood and riparian zone parks.

2003-2006: USDA Research Station, Albany: soil nutrition and hydrology survey; plant location, size and health survey; comprehensive interpretive report with map inserts.

2004: City of San Pablo: site assessment, tree health assessment and recommended remediation for 44 palm tree planting sites in a commercial district.

2004-2005: City of Oakland: Leona Quarry Redevelopment Master Plan; plan review, project compliance with conditions of approval.

2005-2006: City of Oakland: City-wide tree inventory; estimated 300,000 tree sites. Vector-mapping by block side, PDA data collection, database development, GIS implementation.

2006-2007: City of Pacifica: tree risk assessment and tree management study for all large trees managed by the City that are located in streets and parks.

2006-2007: San Francisco Public Utilities Commission with Ecology & Environment, Inc: Crystal Springs Pipeline No. 2 project. Provided the tree survey and arborist memorandum for an environmental impact report. Tree protection and mitigation measures were evaluated at the Municipal, County and State levels, including considerations under the California Environmental Quality Act (CEQA) and SB-1334.

2006-2011: Federal Building, Golden Gate Plaza: with PGA Design, provided design review, species selection and site management and monitoring specifications. Provided ongoing monitoring and evaluations, and design and installation of new landscape areas.

2007: City of Pacifica: Author of DPW publication *Trees for Pacifica: Tree Selection and Planting Guide* to provide appropriate species selection based on site assessment, wind, coastal influence, tree size and growth rate with ornamental and native species.

2008: State Compensation Insurance Fund: tree health and site assessment with recommendations for tree care. Review of new plaza design to preserve existing trees during construction.

2008: National Park Service, San Francisco Maritime National Historic Park: tree health and risk assessment with recommendations.

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2008-2009: San Francisco Public Utilities Commission with ESA/Orion Joint Venture: Crystal Springs Pipeline No. 2 project. Provided project refinement and enhancement of options through inclusion of tree impacts caused by use of helicopters, temporary bridge construction and installation of cathodic protection.

2008-2009: City of Oakland, with PGA Design: City sidewalk repair specifications, monitoring and stress tests.

2008-2011: General Services Administration, National Archives, San Bruno: provided a tree survey and management plan, ongoing contract management and re-evaluation for health and hazard trees.

2009-2010: San Francisco Public Utilities Commission, Bay Division Pipeline 5. Completed the initial tree study with Merrill Morris Partners. Completed training, job hazard analysis and safety work plans for Hernandez Engineering. Completed pre-construction tree survey with an inventory and mapping of the western reaches for Mountain Cascade.

2010-2012: City of Emeryville: Provided City Arborist services for the installation of 12 new date palms at the west end of Park Avenue, and follow-up monitoring and recommendations.

2011: BART through Flatiron Construction. Completed a landscaping and tree survey for vegetation losses caused by construction of the Oakland Airport Connector.

2009-Present: City of Alameda Housing Authority: provided tree surveys in 2009 and 2011 with scale drawings and a management plan for all properties containing trees. Provided tree hazard evaluation for all removals, and ongoing inspections and reports.

2010-Present: San Francisco Public Utilities Commission. As-needed projects as a sub-consultant for MWH and HDR contracts. Most recent project is a tree risk assessment study for the trees at Lake Merced.

2013-Present: San Francisco Department of Public Works, with Empire Construction: provided inspections, root pruning and low limb pruning for street trees during sidewalk repairs.

2013-Present: Santa Clara County with Hexagon Transportation and URS: species lists for various tree planting typologies for over 600 miles of roads throughout Santa Clara County.

2015: City of Pacifica: tree risk assessment and tree management study for all large trees managed by the City that are located in streets and parks.

Association Management Planning

1998-1999: Laguna Heights Co-op Corp.: tree inventory and mapping for 450-tree association property. Tree management plan and 10 year maintenance cost projections.

2003-Present: Treasure Isle HOA: database tree inventory, tree maintenance and management plan, creation of a fully cross-indexed management manual and project management. Ongoing assistance with vendor oversight, conflict resolution and interfacing with City staff. 16-acre site.

2003-Present: Bohemian Club, San Francisco: management for intensely used urban planting sites for Boston ivy, trees and shrubs.

2004: La Salle Heights HOA, San Francisco: tree and vegetation study for a 16-acre site with 800 trees, native plants, invasive exotic plants and landscaping. Data and analyses included pest and disease management, species selection, fire risk assessment, irrigation assessment, erosion, soil properties and preparation of a site map.

2004-Present: Longwater HOA, Foster City: tree inventory, site mapping and management plan for 207 trees in common areas. Many young trees were inspected with nursery, planting and

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cultivation problems. Management planning included species suitability, planting density, remediation strategies and maintenance recommendations. Large trees primarily required health and risk assessment with maintenance recommendations. Ongoing inspections.

2004-2013: Barron Square HOA, Palo Alto: tree inventory, site mapping and management plan for 259 trees of 37 species in common areas. Primary areas for recommendations were risk assessment, planting density, irrigation, drainage, infrastructure conflicts and maintenance. Ongoing inspections.

2004-2011: Edgewater Isle South HOA, San Mateo: tree inventory, site map and management plan for 135 trees in common areas. Site assessment and tree planting plan in 2006. Ongoing inspections.

2005-2012: Edgewater Isle Master Association, San Mateo: tree inventory, digital site mapping, comprehensive management plan and field manual. Tree health, risk assessment and infrastructure conflicts evaluated. Site assessment and tree planting plan in 2006. Ongoing inspections.

2005: Serravista HOA, South San Francisco: site assessment, tree health assessment, species recommendations and Planning Department documents

2006-Present: Alverno Hill HOA, Redwood City: construction impacts and landscape plan review from neighboring property development and a fire risk assessment report. Tree inventory and management plan for all common areas. Ongoing inspections.

2006-Present: Whaler's Island HOA, Foster City: tree inventory, digital site mapping, comprehensive management plan and field manual. Tree health, risk assessment and infrastructure conflicts evaluated. Ongoing inspections.

2007-2009: Glenridge Apartments Co-operative: tree risk assessments and recommendations.

2007-2009: Oak Commons HOA, Gilroy: tree health and risk assessment of 3 large oaks with recommendations. Evaluation of new tree health, crowded plantings and installation and nursery defects for over 900 new trees within new development landscaping with recommendations.

2007-Present: Pitcairn HOA, Foster City: tree health and risk assessment with cultivation recommendations with updates. Ongoing inspections.

Construction Mitigation

1995-2001: Proulx properties: 7-year project to combine 4 large estates including management of natural areas, private golf course design/build impacts, new infrastructure, private vineyard and orchard.

1998-2002: Presidio Hill School: building and utility service design modifications necessary to preserve 3 large trees during historic building preservation and new construction over 4 1/2 years.

1998-2004: Bay Area Discovery Museum: preservation of historic eucalyptus trees from design stages through construction during a 15,000 square foot expansion over 5 years.

2001: #1 Front Street: comprehensive report to assess problems and recommend remedial steps for cultivation of 41 trees in containers on high-rise roof terraces.

2002-2003: Marina Chateau: 8th floor deck-installed design including a decorative screen and selection of containers and plants.

2002-2007: Laguna Honda Hospital: tree preservation and conservation of a historic arboretum, and tree preservation at various new building construction sites within a 63-acre site to be executed over 10 years.

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- 2004-2006: GK Builders: tree protection and preservation planning for residential development.
- 2004-2006: Sal Caruso Design Corporation: tree protection and preservation planning for various condominium conversion projects and for the Fremont Child Care Center.
- 2004-2007: Simpson Design Group: tree protection and preservation planning for residential development.
- 2004-2007: Worldco Company, Ltd: tree protection, planning, tree and landscape design issues.
- 2004-2008: Equity Community Builders, Cavallo Point and Healing Arts Center (The Retreat at Fort Baker), Sausalito. Site assessment, health assessment, construction modification, tree protection and preservation recommendations, co-author and lead consultant for a 10-year tree management plan.
- 2004-2010: The Altenheim, Oakland: tree survey and report to conserve a rare plant and historic landscape of 6.2 acres during an adaptive reuse construction project. Ongoing work during redevelopment with Eden Housing.
- 2005: EDAW, Inc.: project planning, including tree protection, preservation and species selection.
- 2005-2007: Devcon Construction: tree protection and preservation planning, on-site inspections during construction, mitigation recommendations, maintenance recommendations.
- 2005-2008: Safeway, Inc: tree assessment, site assessment, design review, tree protection measures and new planting recommendations.
- 2006-2012: DES Architects & Engineers: tree assessment, site assessment, appraised values and tree protection during construction.
- 2007-2008: Royston Hanamoto Alley and Abey (RHAA): City College of San Francisco. Provided design review, analysis of site conditions, species recommendations and spacing requirements for the re-design of the core areas of the campus and expanded areas adjacent to the reservoir.
- 2008: Hanover Company: tree health and risk assessment for the Candlestick Cove project in San Francisco.
- 2008-2009: LaLanne Group, University Village: provided a tree survey and tree protection plan for redevelopment of a historic arboretum site that was formerly part of UC Berkeley.
- 2009-2010: Webcor Construction, Inc: San Francisco General Hospital. Provided pre-construction evaluation of trees and soil conditions, recommending removal, transplanting, pruning and tree protection measures. Project Arborist for new construction and utilities.
- 2009-2010: San Francisco Botanical Garden, pathway improvement project. Provided ongoing inspections and reports for many rare tree species. Worked on behalf of the paving contractors, AAA Construction and Trinet Construction, in cooperation with Botanical Garden and City staff.
- 2010-2013: California Pacific Medical Center, St. Luke's Hospital replacement, through HerreroBoldt. Provided a tree survey and management plan, tree removal recommendations, reports and a hearing for City permitting, design modifications for accommodation and protection of a San Francisco Landmark Tree.
- 2012: Office of Cheryl Barton: Huntington Botanical Gardens, San Marino: Provided design review services and specifications for soil harvesting, storage and replacement, drainage issues, planting specifications and species selected for new entry gardens.
- 2012: Office of Cheryl Barton: Santa Clara Valley Medical Center, San Jose: Provided a tree survey, soil testing and analysis for horticultural properties, and Master Plan team participation.

Tree Management Experts

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2013-2014: Town School for Boys: various tree and landscape issues for tree protection planning and ongoing care issues during demolition and excavation.

2010-Present: Cypress Lawn Memorial Park. Provided a tree survey and management plan update, designated as the Project Manager for Water Efficient Landscape Regulations ordinance revisions, management of construction impacts, historic arboretum conservation and interpretation, in-house training programs and public outreach programs.

Maintenance Management

2004-2014: Bay Area Discovery Museum: maintenance planning and maintenance policy development for outdoor educational exhibit areas.

2003-Present: Bohemian Club, San Francisco, providing conservation and management of extensive Boston ivy, trees, shrubs and irrigation at their downtown site.

2004-2011: Kaiser Permanente hospitals, 2 sites in San Francisco, provided management of all tree-related decisions and maintenance.

2010-Present: Cypress Lawn Memorial Park: maintenance planning and oversight during implementation.

2013-Present: Parkmerced: tree risk assessment study and management plan, digital mapping. Maintenance scheduling for bi-monthly tree service.

2013: Bentley School in Oakland: coast redwood tree risk assessment, preservation specifications and oversight for implementation.

2014-Present: Camp Tawonga: tree risk assessment for all trees near use areas. Ongoing inspections and assessments.

Customized Services

2009-2011: Hartmann Studios: Developed Standard Operating Procedures (SOP) for ongoing care, maintenance and handling of nursery stock used for special event plant rentals. All illustrations, photographs and text were original work that was translated into Spanish.

2010: Quality of Life Foundation: Designed and implemented a program for volunteer-based tree plantings at schools and parks.

Natural Areas

2001-2003: Presidio Trust: ongoing volunteer participation including site restoration, maintenance and monitoring for quail habitat sites.

2001-2004: Kirsch property; riparian zone site evaluation, recommendations, re-vegetation planning and monitoring requirements, vineyard impacts and management issues.

2004-2005: City of Oakland, with PGA Design: Leona Quarry Redevelopment Master Plan; plan review, project compliance with conditions of approval integrating with natural areas.

Small Projects

1987-Present: Consultation and Arborist Reports: routinely created as guidance to project sponsors, contractors, Architects, landscape maintenance companies, commercial property managers, residential owners, concerned neighbors, Municipalities and insurance companies. Projects are throughout the San Francisco bay area with a concentration on the Peninsula, in San Francisco and in Marin County. Projects are too numerous to list separately.

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Public Hearings

Representation at local government public hearings is a routine assignment. A list of Expert Public Testimony is available upon request.

Appraisals and Claims Settlement

1987-Present: Trespass and Negligence: routinely provide inspections, reports and appraisals for small trespass and negligence cases, generally negotiated, mediated, arbitrated, settled out of court or settled in small claims court.

1992-2002: The Davey Tree Expert Co., Inc.: provided all tree appraisals for the district office serving San Mateo and San Francisco counties.

1992-2011: California State Automobile Association: routinely provide inspection and appraisal information for claims settlement on both homeowner policies and automobile policies.

1994-Present: Farmer's Insurance: routinely provide inspection and appraisal information for claims settlement on real estate policies.

1999-Present: City of Pacifica: forensic investigations and technical report writing as an expert for tree dispute resolution.

2004-Present: State Farm Insurance: provide inspection and appraisal information for claims settlement.

2008: Shelter Ridge HOA, San Rafael: tree health and appraisal for damaged trees.

2008-2011: Allied Insurance: provide inspections, forensic investigations and appraisals for claims settlement.

Expert Witness

Routinely provide expert opinion and testimony on tree and horticulture issues to areas of legal practice that include Land Use, Real Estate, Trespass, Negligence and Personal Injury.

Trained and certified within the field of Arboriculture in technical report writing, forensic sciences, expert case preparation, deposition procedure and trial procedure.

Partial list of attorney-clients:

David Balch, esq. of Kennedy, Archer & Harray for defendants
Steven A. Booska, esq., for plaintiffs and defendants
Matthew Davis, esq. of Walkup, Melodia, Kelly & Schoenberger for plaintiffs
Robert A. Ford, esq., Rene I. Gamboa, esq., and Katherine A. Higgins, esq.
of Lewis Brisbois Bisgaard & Smith for defendants
Brian Gearing, esq., of Gearing Law Group for plaintiff
Michael D. Green, esq. of Abbey, Weitzenberg, Warren & Emery for plaintiff
Robert Harrison, esq. of Wright, Robinson, Ostheimer and Tatum for defendant
James C. Hazen, esq. of Gray & Prouty for defendant
Richard Herzog, esq., for defendant
Robert S. Jaret, esq. and Phillip A. Jaret, esq. of Jaret & Jaret for plaintiffs
Ryan Kahl, esq. of R. Rex Parris Law Firm for plaintiff
Brendan Kunkle, esq. of Abbey, Weitzenberg, Warren & Emery for plaintiff
Michael D. Liberty, esq. for plaintiff
Stephen K. Lightfoot, esq. of Ropers Majeski Kohn Bentley for defendants
Peter Lynch, esq. of Cozen O'Connor for plaintiff
Michael J. Macko, esq. of Fores Macko for plaintiff
Todd Master, esq. of Howard, Rome, Martin & Ridley for defendant

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Thomas J. McDermott, esq. of Bragg & Kuluva for plaintiff
Cynthia McGuinn, esq. of Rouda Feder Tietjen McGuinn for plaintiff
Timothy Tietjen, esq. of Rouda Feder Tietjen McGuinn for plaintiff
Mark Mosley, esq. of Seiler Epstein Ziegler & Applegate for plaintiff
Michael P. Reid, esq. for defendant
Dan Reilly, esq. for defendant
Kerry Renn, esq. for plaintiff and defendant
Michael R. Reynolds, esq. of Rankin, Sproat, Mires, Beaty & Reynolds for defendant
Andy Sclar, esq. of Ericksen Arbuthnot for defendant
Richard Shoenberger, esq. of Walkup, Melodia, Kelly & Schoenberger for plaintiffs
Marc D. Stolman, esq. for defendant
Megan Symonds, esq. of Santana & Hart for defendant
Peter Van Zandt, esq. of Bledsoe Law Firm for defendant
R. J. Waldsmith, esq., Eric Abramson, esq. and William B. Smith of
Abramson Smith Waldsmith for plaintiffs
Joseph L. Wright, esq. of Dambacher, Trujillo and Wright for plaintiffs

Confirmed Expert Witness in Superior Courts: San Francisco, San Mateo, Santa Clara, Monterey and Tuolumne Counties.

Lectures and Presentations:

1995: Three one-hour lecture sessions to College of San Mateo General Ornamental Horticulture class titled: "From Planting to Pruning of Woody Ornamentals in the Landscape."

1998: Three one-hour lecture sessions to College of San Mateo General Ornamental Horticulture class titled: "From Planting to Pruning of Woody Ornamentals in the Landscape."

1999: One-hour slide lecture at the Presidio to National Park Service Landscape Architects from across the country. Lecture topic: *History in Pruning: historic plantings and historic pruning.*

April 2002: Urban forestry presentation to San Francisco Department on the Environment

May 2002: Presentation to Tree Advisory Board on Landmark Tree Nominations in San Francisco

October 2004: Two-hour presentation for a Certified Arborist examination preparation class titled: "Assessment and Risk Management"

October 2004: Presentation of industry-specific use of scientific tools at Tool Day

November 2004: Presentation titled: "Tree Health During Construction"

January 2005: Presentation with handouts titled: "Air-spade: Uses, Limitations and Specifications"

March and April 2006: Leader of two tree walks in Palo Alto for Canopy

August 2006: PowerPoint presentation to the Association of Bay Area Governments (ABAG) with handouts titled: "Integration of Risk Reduction Pruning to Municipal Management Systems"

May 2007: PowerPoint presentation to Bay Area staff from The Care of Trees®, Inc. with handouts titled: "Risk Reduction Pruning"

September 2007: PowerPoint presentation to the Western Chapter International Society of Arboriculture (WCISA) with handouts titled: "Integration of Risk Reduction Pruning Into Municipal Management Systems"

November 2008: One-hour presentation with 8 page handout titled "Tree Assessment and Risk Management", for a Certified Arborist examination preparation class

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June 2009: One-hour presentation at Merritt College with 8 page handout titled "Tree Assessment and Risk Management", for a Certified Arborist examination preparation class

August 2009: Landmark Tree Tour leader volunteer for City of San Francisco, Department of the Environment

May 2010: Two-hour PowerPoint presentation titled: "Pruning Standards for San Francisco" for City of San Francisco staff, as a volunteer for the Department of the Environment

March 2011: Two one-hour kid-friendly tree tours for the City of Palo Alto Arbor Day celebration

April 2011: One-hour PowerPoint presentation and lecture: *Celebrating Historic Trees and Landscape at Cypress Lawn.*

June 2011: Presentation to Colma Town Council on revisions to the Water Efficient Landscape Regulations ordinance.

July 2012: Opine Experts Panelist at the Bay Area Chapter of the Forensic Expert Witness Association.

February 2013: Two-hour lecture and field demonstrations on fruit tree pruning to the Fort Mason Community Garden, San Francisco.

June 2013: One and a half-hour presentation the San Francisco Botanical Garden titled "Tree Assessment and Risk Management" for a Certified Arborist examination preparation class

August 2013: One-hour presentation to the Society of Forensic Engineers and Scientists titled "Trees in Urban Areas: Why Risk Assessment Matters"

October 2013: One half hour presentation to the Western Chapter – International Society of Arboriculture (WC-ISA) titled "Pruning with Care: When and How to Prune to Avoid Harming Birds"

Media and Publications:

Featured by Printed Media

American Way: September 15, 1989, Mini-Splendored Things

The Fresno Bee: May 14, 1990, Editorials, Tree Spirits in Visalia

Visalia Times-Delta: 1991, Arborist takes Visalia's trees to heart

The Fresno Bee: 1991, Taking stock of Visalia's roots

Stockton Record: 1991, Sizing Up Manteca's Trees

Bay Guardian: April 16, 1997, Endangered species

San Francisco Chronicle: May 14, 2008, City takes the case of mystery manzanita

San Francisco Examiner: April 27, 2009, Art project may be putting trees at risk

Speaker via Media

Storm Report of December 1994

ABC Television: 20-minute storm report interview

ABC Radio: 10-minute interview

Publications

SF Apartment Magazine, October 2003, Tree Dispute Resolution

Canopy: Trees for Palo Alto newsletter, Fall 2005, Ask the Arborist column

Opine Experts, web article, The Credible Expert Witness: Callous Hands that Touch Trees

Opine Experts, web article, The Importance of Narrative in Technical Report Writing

Opine Experts, web article, A Reality Check for Would-be Forensic Experts

City of Pacifica: Author of DPW publication Trees for Pacifica: Tree Selection and Planting Guide

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Golden Gate Audubon Society, Co-author of a brochure *Healthy Trees, Healthy Birds; Bird-Friendly Tree Care for the San Francisco Bay Area*

Public Policy:

Tree Advisory Board (volunteer): regular attendance and participation from June 1995. Appointed as voting Member by the Director of the Department of Public Works in June 1998. Appointed by the Board as Chair of the Landmark Tree Committee.

City of San Francisco: developed a partnership between corporate tree care and the Clean City Coalition to benefit DPW. Provided pro bono recommendations to DPW staff.

City of San Francisco: developed a maintenance agreement strategy to allow proper maintenance by an outdoor advertising company of previously city-maintained trees.

Tree Summit, Friends of the Urban Forest (volunteer): panel member for discussion of Urban Forestry among public and private sector stakeholders to develop the State of the Urban Forest Report, 2000.

City of San Francisco: assisted in modifications to Department of Public Works code Article 16. Ordinance changes include integration of various departments, the creation of the Bureau of Urban Forestry, and creation of the Urban Forest Council.

2008: EDAW, Inc.: San Francisco Urban Forestry Master Plan for the San Francisco Planning Department. The Consulting Arborist for a team to develop a Master Plan to integrate Arboriculture, Urban Design, infrastructure conflicts, sustainable ecology, funding strategies and maintenance alternatives.

Conservatory Foundation (non-profit): served 6 years on the Board of Directors to preserve the rare plant collection and the building, Golden Gate Park Conservatory of Flowers, San Francisco.

City of East Palo Alto: pro bono assistance to City staff in developing a heritage tree protection ordinance.

Canopy (non-profit): pro bono assistance in formulating a public-private partnership with the City of East Palo Alto and their citizens for the first volunteer-oriented public tree planting project. Assistance to Canopy with a grant funds application to the California Department of Forestry.

Friends of the Music Concourse: provided expert assistance over more than 1 year and public testimony on several occasions to achieve landmark status for historic trees in the Music Concourse of Golden Gate Park in San Francisco. The Music Concourse and the historic grid of trees were declared a City Landmark in December 2005.

Canopy (non-profit): Board member from February 2007 to 2012. Board Secretary from 2008 to 2012.

Cypress Lawn Memorial Park: Project development, Town negotiations, management of the consulting team and author of the draft ordinance for water efficient landscape regulations ordinance revisions under AB 1881, designed to accommodate cemetery landscapes in the Town of Colma.

Professional Affiliations and Memberships:

American Society of Consulting Arborists (ASCA), Member
International Society of Arboriculture (ISA), Life Member
Western Chapter, International Society of Arboriculture (WC-ISA), Member

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Related Affiliations and Memberships:

California Invasive Plants Council
California Native Plant Society
California State Parks Foundation
Canopy, Trees for Palo Alto
Conservatory of Flowers
Friends of the Urban Forest
Golden Gate Audubon Society
National Audubon Society
Natural Resources Defense Council
Nature Conservancy
Pacific Crest Trail Association
San Francisco Botanical Garden Society
Sempervirens Fund
Sierra Club

Urban Forestry Council Landmark Tree Evaluation Form and Criteria

Pursuant to Ordinance 0017-06 and Public Works Code Section 810, the UFC has developed these criteria for evaluating potential landmark trees in San Francisco. When evaluating or considering potential landmark trees, please consider the context of the tree within its site location. For example, a tree on PUC land may not have the same community importance that a street or park tree would. Use comment sections, as appropriate, to explain or support evaluation. Attach sheets if more space is needed.

Evaluator's name: Malcolm Hillan
Date of evaluation: 7-14-'15
Scientific name: Araucaria heterophylla
Common name: Norfolk Island Pine
Street address: 46 Cook Street
Cross streets: Geary

Rarity Yes Partially No

Rarity: Rare Uncommon Common Other
Unusual species in San Francisco or other geographic regions.
Comment: ---

Physical Attributes Yes Partially No

Size: Large Medium Small
Notable size compared to other trees of the same species in San Francisco.

Comment: --

Age: Yes No

Significantly advanced age for the species.

Comment: Older tree, but not "significantly advanced"

Distinguished form: Yes No

Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: Excellent form. In good condition. Representative of species

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Landmark Tree Evaluation Form and Criteria

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Tree condition: Good Poor Hazard

Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: Good health—not an unusual hazard. Some hazard exists by virtue of the size of the tree. _____

Historical Yes Partially No

Historical Association: Yes None apparent

Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: Reported by neighbors. Awaiting fuller description of historical association. _____

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: _____

Environmental Yes Partially No

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: Tree literally stands out in sparsely planted neighborhood by virtue of height. _____

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: There is a dearth of trees of this stature in the neighborhood. _____

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe: _____

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe: Tree stands tall above surrounding buildings. Highly visible. _____

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Landmark Tree Evaluation Form and Criteria

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High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: Far off of Geary

Important wildlife habitat: Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individ Not observed

Erosion control: Yes No

Tree prevents soil erosion.

Describe: --

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: --

Cultural Yes Partially No

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: Strong neighbor appreciation of tree

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation:

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: Tree is, quite literally, a landmark by virtue of its size and form. Former planting had much greater character, sadly lost. Tree serves as a reminder of past planting.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage:

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

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Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: _____

Additional comments

Historical association appears to justify landmark status.

Also, while far from unique, and probably not the best example of *A. heterophylla* in the city, this tree now serves literally as a landmark by virtue of its size and location in an area relatively devoid of large trees.

Recommend to landmark.

Would have preferred to see this landmarked with its former complement before threat of removal developed.

Urban Forestry Council Landmark Tree Evaluation Form and Criteria

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Evaluator's name: Rose Hillson _____

Date of evaluation: July 14, 2015 _____

Scientific name: *Araucaria heterophylla* _____

Common name: Norfolk Island Pine _____

Street address: "46A" Cook Street _____

Cross streets: between Euclid and Geary Blvd. _____

Rarity ___ Yes X Partially ___ No

Rarity: X Rare X Uncommon ___ Common ___ Other

Unusual species in San Francisco or other geographic regions.

Comment: This Norfolk Island Pine is one of the larger ones in the City. There are reported 16 of this species in San Francisco on the tree map on urbanforestmap.org. It is uncommon in San Francisco with the tree map only showing 16 -- one is in error in that it is a Brisbane Box -- so it's really 15 and the majority are too small compared to this tree.

The International Union for the Conservation of Nature (IUCN) Red List has the Norfolk Island Pine as a species at high risk of extinction in the wild due to "fragmented distribution" and decline in quality of native habitat (Australia). It is the world's main authority on the conservation status of species.¹ The Royal Botanic Gardens of Melbourne show the species as "Rare and Endangered Australian Native." It is endemic to Norfolk Island (800 miles east of Australia). So in this geographic region, the tree is rare and endangered.

I was shown a large, roughly 10-inch long by 3-inch diameter mature female cone with seeds from the tree. I read the ones with big cones are rare in cultivation. These trees can be monoecious or dioecious.² I am uncertain on the breakdown of male to female to hermaphroditic for *A. heterophylla* in the city. What about in relation to those in its home country? Could this be one of the rarer sex? I was also shown a few smaller male elongated cones that varied from 3" to 5" long. The foliage was like a whip, tightly woven, green and at least one foot long (see **PHOTO** below).

¹Wikipedia

² Ibid.

Physical Attributes X Yes ___ Partially ___ No

Size: X Large ___ Medium ___ Small

Notable size compared to other trees of the same species in San Francisco.

Comment: This tree was difficult to photograph in whole due to the large size of what I estimate to be 90 - 95ft. tall. I was unable to get any up close to do any hands-on evaluation because the property owner did not grant the Council members permission to enter the property to evaluate the tree. The DBH is approximately 3.1ft. (9.7 ft. circumference). (See **PHOTOS** below of a tape measure held across the tree

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

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trunk and the measurement value on the tape.) The average canopy width is approximately 25 - 30ft. This Norfolk Island Pine is visually a "can't miss" tree whether at ground level or other vantage points.

The tallest Norfolk Island Pine is at Tedeschi Winery on Maui at 169.94' tall (Norfolk Island Pine Strybing).

Age: Yes No

Significantly advanced age for the species.

Comment: Based on availability of both cone types and the shape of the tree and size, this is a mature tree. This tree has both the large female cones as well as the elongated smaller male cones. Another Norfolk Island Pine on the north side of the main house on the property was removed and the neighbor stated that he figured it was over 100 years old from the count of annual rings I saw to be closely-spaced (1/8"-1/3" wide) rings. According to the "Gymnosperm Database," male cones do not appear on the tree unless it is older than 40 years old. Female cones appear on trees older than 15 years old. Norfolk Island Pines have an old fossil record that dates from the Jurassic period, 200 million years ago (Norfolk Island Pine Strybing). It is one example of a long-lived "fossil" tree.

As a mature tree in San Francisco where there is much urban development, it is unusual to see any tree even close to 100 years old. This is a mature large tree but overly mature so it is not senescent as they appear to have long lives. It, too, could be 100+ years old compared to the other Norfolk Island Pine that was on this same property that was cut down. Also, based on tree ring count done by the neighbors of the other Norfolk Island Pine cut down, it may be that both trees were indeed part of Mr. Smith's plantings from the cemetery.

The Norfolk Island Pine in the Royal Botanic Gardens Melbourne was planted in 1851 by John Dallacy, the second Director of the Botanic Gardens. This tree is 164 years old.

Distinguished form: Yes No

Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: The form is recognizable and classic for Norfolk Island Pine. Truly majestic, amazingly vertical and nicely grown despite the winds that day that made the flag at the Post Office on Geary Blvd. and Parker Ave. blow straight east. Imposing and a magnificent single-trunked tree. The tree looks to form the characteristic point at the top and the very symmetrical branch structure spaced very comfortably in whorls along the trunk. Literature states: Straight vertical trunks and symmetrical branches even in the face of incessant onshore winds. It is rare to find such a large and magnificent mature tree near Geary Boulevard.

Tree condition: Good Poor Hazard

Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: Appears to not be senescent, good vigor, nice tapering upwards. Good branch structure as well. Good clean bark condition on what was viewed considering evaluation could not be done within hands-on distances. No insects or disease seen. Literature states it is pest and disease resistant.

Historical Yes Partially No

Historical Association: Yes None apparent

Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: The first European known to have sighted Norfolk Island was Captain James Cook in 1774 on his second voyage to the South Pacific in HMS *Resolution*. He found the Norfolk Island Pine trees (though not really a true pine).

"46 Cook" (includes "46A Cook" or any other historical address for the 75-ft. wide lot) had, until fairly recently the following large trees: one Norfolk Island Pine on the north side of the main Victorian house

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in the center, one of the same species on the south side of the house, one palm tree at the front of the house, one palm on the south side. The palm on the south was removed as well as the Norfolk Island Pine on the north side. The last remaining Norfolk Island Pine is on the south near the main Victorian house and in front of the back Victorian carriage house (see **EXHIBIT A** for map, locations of trees --removed and existing).

One historic photo from 1885 from the Bancroft Library below shows the property (see **PHOTO** below).

The original inhabitant of "46 Cook" was George J. Smith. "He was born in New York state... served in the Union Army during the Civil War." He had a business in painting and decorating.¹ He was a member of the Independent Order of Odd Fellows (IOOF), Yerba Buena Lodge though at his "impressive" funeral, "a large delegation" from three organizations.² He appears in a newspaper article, "Feted In High Masonry" for the installation of the Members of the Oriental Lodge of which he was a member.³ Mr. Smith appears to have had the means and stature to have a large lot with a main fully detached house in the front and a rear carriage house in the southeast corner of the lot with enough room for a horse and buggy to go down the driveway on the south side.

In the 1871 SF Directory, there is a listing "Smith, George J., (*Smith & McBride*) dwl Cook nr Point Lobos Avenue." In a later directories, the listing gets more focused, e.g. "E s Cook nr Point Lobos Road," and in the Crocker-Langley 1897 City Directory as being at "46 Cook" with his son, Henry J.

In the book Here Today, the plantings on this property are associated with the cemeteries, e.g. Odd Fellows Cemetery, via the connection with the original owner of the lot, George J. Smith, a member of the IOOF and also the affiliation thus with the Odd Fellows Cemetery and Association from which they took its name.

The IOOF was a cultural and fraternal society that took care of its members with mutual benefits, financial, employment, library, etc. The IOOF was a very powerful group and had a key role in building the city of San Francisco. The first lodge was established on September 9, 1849 as California Lodge No. 1.

The "odd fellowship" practice came from the United Kingdom and after many attempts, Thomas Wildey established the first lodge in North America – here in San Francisco. Famous people including Franklin Delano Roosevelt was an Odd Fellow. The Odd Fellows Cemetery land of 17 acres as the first cemetery in the City was donated in 1851 to the IOOF society by Samuel Brannan of which a street in the City is named after. Brannan in March 1848 walked through the streets of San Francisco yelling, "Gold! Gold! Gold in the American River!" and the gold rush was on.⁴ The IOOF assisted with the efforts to get the City back on its feet after the 1906 earthquake and fire. Many members of the IOOF sat on the Committee of Vigilance created in 1851 to rein in the growing crime in the city.⁵

The IOOF did many other works, including entertainment events and gave support to the City during the gold rush, and other times as described in the book referenced herein.

The property is shown to be a "Category A" (historic resource present per CEQA) lot with main Victorian house about mid-lot and the rear carriage house in the rear southeast corner. The historical association tells the tale of the early formation of the city and the significance of the property as it relates to the IOOF. A 1975 survey by the Junior League of San Francisco has a picture and details of the property (see **PHOTO** of survey page below).

The City started to expand beyond the "big divide" of Divisadero Street and the addition was called the "Western Addition" in those days. There were sparse dwellings on the west side of present-day Divisadero Street during the time of the 1870s when this structure was built. The property and grounds pre-date the "Richmond District" and is one of the few earliest examples of dwellings around the "Big Four" cemeteries – Laurel Hill Cemetery (formerly Lone Mountain Cemetery; University of San

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San Francisco sits on Lone Mountain...it used to be called Lone Mountain College), Odd Fellows Cemetery, Calvary Cemetery, and Masonic Cemetery. The site of the Norfolk Island Pine tree ("46 Cook") was surrounded by all four cemeteries. (See **MAP** of cemeteries below.)

According to the Landmark Tree Nomination Form, the circa 1870 residence and plantings are associated with the cemetery in the Here Today book.

As more people moved into the city, land was becoming more valuable. The greatest land holders were the "Big Four" cemeteries. Strong ocean winds were blowing the sand dunes and exposing the caskets in the western cemeteries. There was a big push to move the cemeteries to Colma "for health reasons." Most of the bodies have ended up there but not all. Occasionally, when people in Laurel Heights, Lone Mountain or former cemetery lots dig up their land for remodel work, there are findings. Today, former cemetery stone rubble and monuments line paths such as in Buena Vista Park or are found at the San Francisco marina. Some are seen at low tide at Ocean Beach. The Odd Fellows Cemetery Association monument can be seen today in Colma (See **PHOTO** below.).

An Odd Fellows Hall was located at 325 Montgomery Street and dedicated in 1863.⁶ (See picture below.) The Odd Fellows Building where the Grand Lodge was located is still located at 7th and Market Streets. This is where the IOOF had its library and held meetings. There are still active IOOF members belonging to various lodges and Rebekahs (for women IOOF members).

An event related to George J. Smith made him famous nationwide. He was involved in a bad elevator fall accident. He was awarded \$38,808.51 on October 9, 1888 in a lawsuit against Whittier, Fuller & Co. which took about 12 years to litigate.⁷ The award was also the largest sum ever awarded to a plaintiff in an injury case anywhere in California then.

After years of issues with his injury and health with rheumatism, he shot himself in the heart with a 42 caliber Colt. He left a note about the payment of outstanding debts, the handling of his business and the dispensation of his "considerable property" both in San Francisco and in Sonoma County.⁸ He had a son named Henry who also is listed in the 1898 Crocker-Langley SF Directory at 46 Cook (entire lot as shown in **SANBORN MAP** below).

(See under "Cultural" below in this report also.)

¹ San Francisco Call, Vol. 83, No. 36, January 5, 1898

² San Francisco Call, Vol 83, No. 38, January 7, 1898

³ San Francisco Call, December 23, 1896

⁴ www.newstalk.com/reader/47.339/45862/0/

⁵ The History of the Independent Order of Odd Fellows in the City of San Francisco, Sellars, Peter V. 2007, 200 pages.

⁶ Ibid.

⁷ The Morning Call, August 7, 1892

⁸ San Francisco Call, Vol. 83, No. 36, January 5, 1898

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: The trees that once existed (palms, removed Norfolk Island Pine) on the 75ft. wide parcel are seen in a 1975 survey photo (See **Exhibit B**). They are also seen on Google maps (See **Exhibit C**). Mention is made in the 1975 "Here Today" architectural heritage survey (see ORIGINAL LANDMARK TREE NOMINATION FORM submitted elsewhere).

Environmental Yes Partially No

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

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Describe, attach photo if possible: Very large and imposing landmark which can be seen from many vantage points including from the front of the property at the public sidewalk (see various PHOTOS below).

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: Geary Boulevard has a handful of small street trees and small plantings but not any large trees in the area. Geary Boulevard near Cook and Blake are not of moderate tree density and the Geary School is treeless, boasting a chain-linked fenced off paved parking lot/playground area. There are hardly any trees on the one street to the east of Cook called Blake. With the other large trees cut down on the property now, there are now less trees of this size in this area.

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe: There is another palm tree that is near the front of the property to within 10 feet of the public sidewalk. It does not appear that the two trees are an interdependent group of trees. The trees that were cut down that were part of the landscape of the lot may have protected this last remaining Norfolk Island Pine to some minor degree, but it may not have since it is so large and able to withstand the winds that were present the date of the evaluation. Part of the cemetery plantings and Victorian gardens was to have unusual imported plantings.

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe: A prominent tree. This tree is very highly visible from many public and private vantage points. The specimen can be clearly seen from the front property line even though there are at least 6 (six) cypresses lined at the front fence that creates a hedge.

(See also above under "Prominent Landscape Feature.")

High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: Lot of foot traffic going up the stairs that lead to Euclid Avenue due to the Nursery School on Euclid and the people coming off of Geary and people headed to the shops on California street. Passengers riding the 38 Geary bus line which carries at least 60,000 passengers a day and thousands of vehicles per hour can see the tree from Geary.

Important wildlife habitat: Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

The mourning doves are seen in the tree per the neighbors. They are known to have inhabited much of the cemetery lands. It is a common bird in the City but is getting harder to see due to the influx of other birds which the neighbors also reported as being seen in or around the tree. They include hawks, owls, crows, mockingbirds, scrub jays, "woodpecker," and at one point a Great Blue Heron nearby; also raccoons, skunks, "white butterflies." Seeds are a food source for the native parrots on Norfolk Island.

Erosion control: Yes No

Tree prevents soil erosion.

Describe: The land is flat there. No erosion control per se on the sandy lot.

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: Wind was not very bad in the rear part of the yard at ground level even though the winds appeared to be strong enough to stick the large U.S. flag at Geary and Parker straight out at the time.

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

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The wind was about 5-7 mph in the yard with no leaves or debris being kicked up from the ground. The wind was blowing the top of the tree some but the entire tree was not swaying. The wind seemed to be blowing at 12mph due to the swiftness of the white clouds blowing above and on the street out front. I believe the tree baffles the wind well.

(See also "Additional Comments" below in this report.)

Cultural Yes Partially No

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: Neighbors were the proponents of landmarking a tree they felt have been part of their community for a long time. They stated they enjoy its beauty and ecological benefits as well as the history behind the tree and property owner, George J. Smith.

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation: The IOOF landscaped their cemeteries with many trees as did the other "Big Four" cemeteries. It was the Victorian style to have picnics in the cemeteries much as people enjoy Golden Gate Park today.

Today, people in the United States as a tradition use the Norfolk Island Pine as Christmas trees. It is sometimes called the star pine.

The Norfolk Island Pine rates among the most famous native *Araucaria* species for its valuable softwood timber.¹ The *Araucariaceae* is one of three families of gymnosperms (conifers) that give good amber production. Amber is used in jewelry, art objects and religious objects. When amber encases biological specimens, they yield important scientific information.² A species within the *Araucaria* family is used by the Australian aborigines for the meat of the "pine" cones which are edible. The seeds of the Norfolk Island Pine are also edible.

¹ Medicinal Plants in Australia, Volume 2: Gums, Resins, Tannin and Essential Oils, Williams, Cheryl.

² Non-wood Forest Products 12, Non-wood forest products from conifers, Ciesla, William M., Food and Agriculture Organization of the United Nations, 1998.

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: The smaller streets perpendicular to Geary that dead-ended into what is now Euclid Avenue were once abutting Laurel Hill Cemetery. According to the Nomination Form submitted, the Here Today book references the trees from the cemetery for this property. The tree is a past reminder of the neighborhood character of that era. This property yields information on the cemeteries and the IOOF cultural group through the association with the landscaping and the structures and the original inhabitant. Few homes were built west of Divisadero in the 1870s as part of the "Western Addition."

As described in "Historical" above, the fraternal community of the IOOF, in establishing their own cemetery, shows the power this society had in the formation and direction of the city of San Francisco. They focus on brotherly love, family and good deeds.

The community of the IOOF and the "Big Four" cemeteries – Odd Fellows, Laurel Hill, Masonic and Calvary plays a role not only to educate the citizens of this city about the undertaking history but also about the role they played after the 1906 earthquake when bodies had to be buried. Also, George J. Smith's connection to IOOF is but one piece of the undertaking culture and history of San Francisco. The Odd Fellows Cemetery was bounded by Parker Avenue on the easternmost street, Geary to the north, Turk to the south and Arguello to the west. When one examines the history behind the street name for

Urban Forestry Council
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Parker Avenue, one finds that it was also associated with the IOOF as being named after Samuel H. Parker, the First Grand Master of California (May 17, 1853) of the IOOF.¹ Parker Avenue lies about three blocks west of the Norfolk Island Pine tree site. It is now the street that runs from the old Odd Fellows easternmost line to the established neighborhoods of Laurel Heights and Jordan Park which were created when the cemeteries got moved to Colma in the 1920s – 1940s. All is tied back to Lone Mountain, the cemeteries and the famous politicians and figures of San Francisco who were once buried there. The only remaining building of the Odd Fellows Cemetery is the Columbarium at 1 Lorraine Court, south of Geary, San Francisco Landmark No. 209, currently run by the Neptune Society for cremations.

This Norfolk Island Pine is a focal point for the neighbors on this block of Cook St. and the surrounding neighborhood. It is also a tree known to many native San Franciscans. It is a beloved tree to the community of neighbors.

(See under “Historical” above in this report also.)

¹ The History of the Independent Order of Odd Fellows in the City of San Francisco, Sellars, Peter V. 2007, 200 pages.

Profiled in a publication or other media: ___ Yes ___X Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: There is a picture of the property in a book, Page 10.¹

¹ Images of America, San Francisco’s Richmond District, Ungaretti, Lorri, Arcadia Publishing, 2005.

Prominent landscape feature: X Yes ___ No

A striking and outstanding natural feature.

Describe, attach photo if possible: (See also under “Environmental” and below pictures)

Additional comments:

Weather: Mostly sunny, blue sky, low clouds on evaluation date.

Conditions seen: No overhead wires seen over or near the tree to cause issues in future.

No construction work except that on the roof of the main house seen. Near the tree base, there was a ladder (?) placed horizontally on the ground between the main house and this tree.

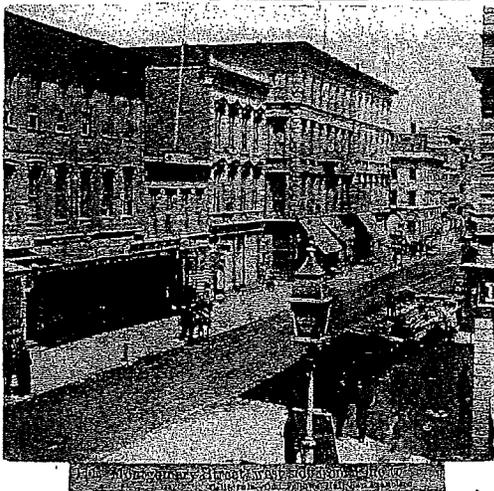
Other environmental benefits: A Norfolk Island Pine of 30” diameter has a \$90.60 yearly eco impact. 4,384 lbs. of CO₂ reduction, 27,113 gallons of H₂O conserved, 2,581 kWh conserved, 7 lbs. pollutants reduced and \$606 total benefits saved per urbanforestmap.org information.

In the International Journal of Phytoremediation, 2013, Sept. 1, V. 15, No. 8, Taylor & Francis Group, pp.756-773, ISSN 1549-7879, in “Potential Use of Leaf Biomass, *Araucaria heterophylla* for Removal of Pb⁺²” (electronic resource), there is an abstract that states that the “maximum biosorption was found to be 95.12% at pH 5 and biosorption capacity (q_e) of Cd⁺² is 9.643 mg/g” and that the conclusion was that “*A. heterophylla* leaf powder can be used as an effective, low cost, and environmentally friendly biosorbent for the removal of Pb⁺² from aqueous solution.”¹

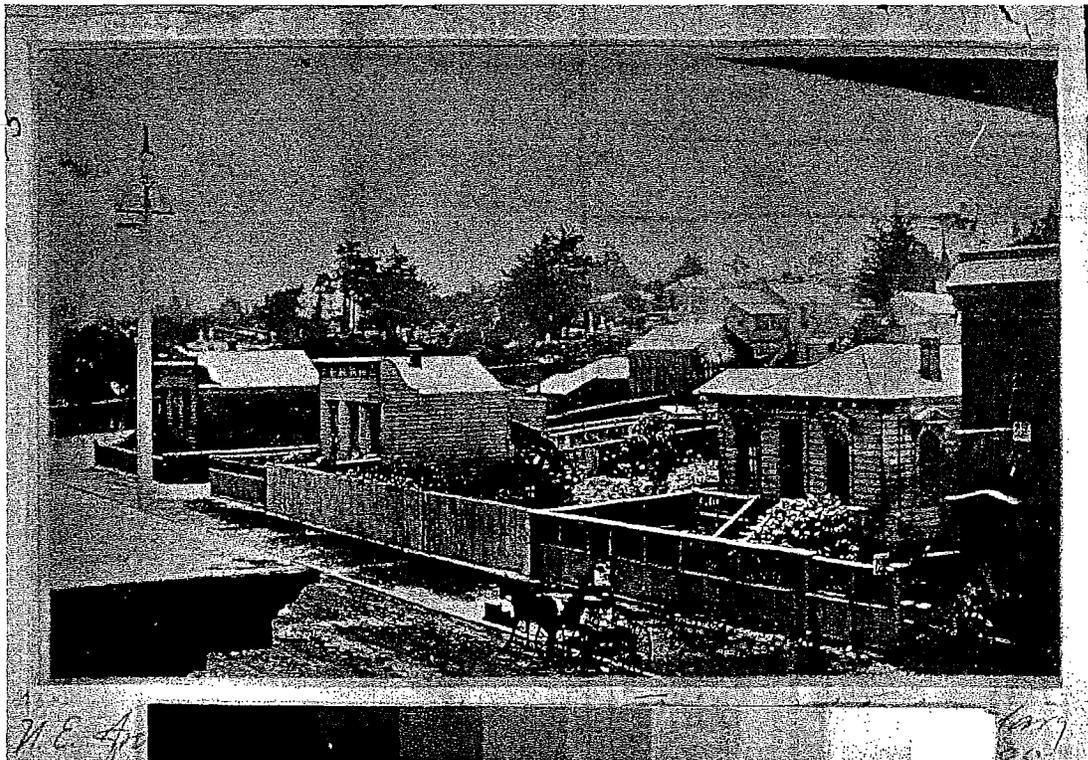
¹ Department of Agriculture, National Agricultural Library

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

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Odd Fellows Hall, corner Montgomery St. (Library of Congress-George S. Lawrence & Thomas Houseworth Collection) – dedicated 1863



Courtesy of UC Berkeley, Bancroft Library

<http://www.oac.cdlib.org/ark:/13030/tf5r29p1qz?order=1>

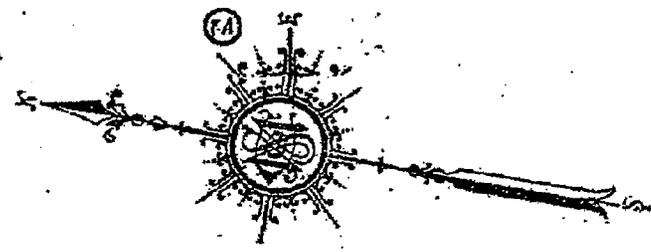
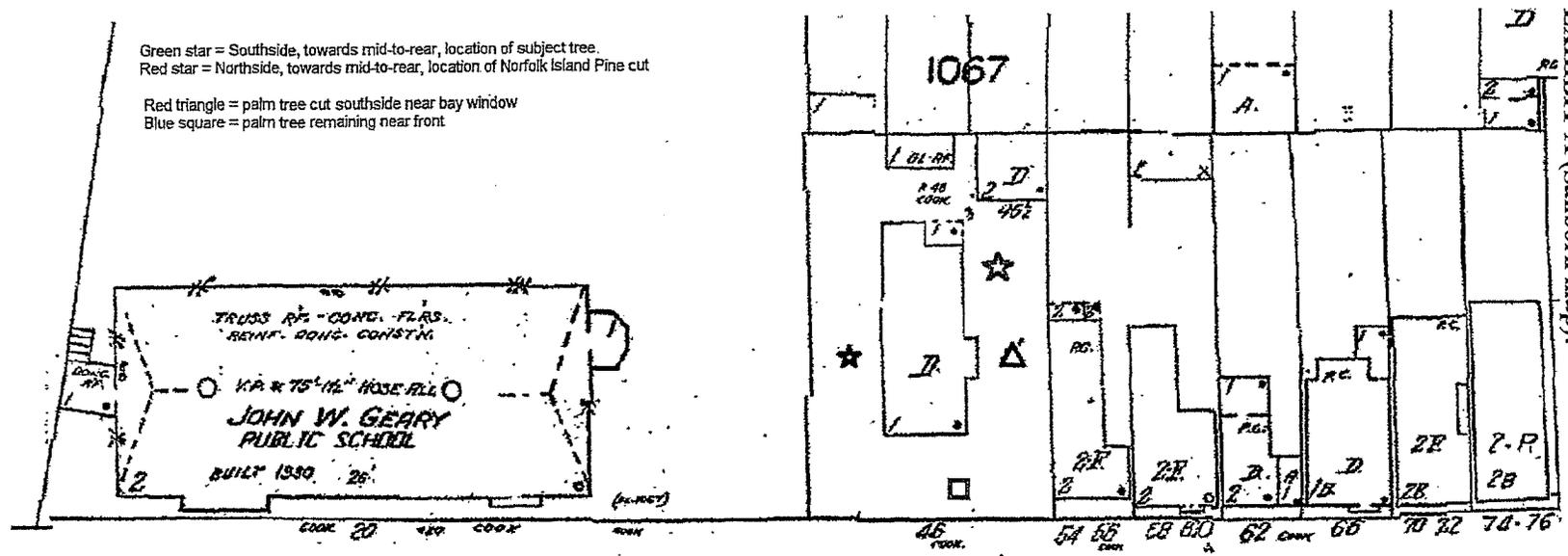
Title: N.E. from Cook St. showing Laurel Hill Cemetery [Cemetery], Richmond District, San Francisco, 1885

Contributing Institution: UC Berkeley, Bancroft Library

Urban Forestry Council
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EXHIBIT A (Sanborn map):

Green star = Southside, towards mid-to-rear, location of subject tree.
 Red star = Northside, towards mid-to-rear, location of Norfolk Island Pine cut
 Red triangle = palm tree cut southside near bay window
 Blue square = palm tree remaining near front



COOK

60'wide

60'

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

EXHIBIT B (1975 Survey of property):

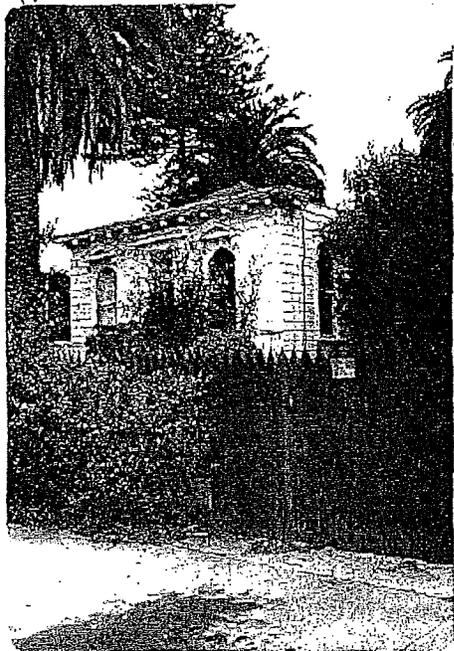
street address Ale Cook block number 1007 lot number 34 summary 3

Building type/use/number of floors _____ Landmark number _____

RELATIONSHIP WITH SURROUNDING BUILDINGS
 Relationship of setting to building -2 -1 0 1 (2) 3 4 5
 Importance as contribution to a cluster/streetscape -2 -1 0 (1) 2 3 4 5
 ARCHITECTURAL DESIGN VALUATION
 Facade proportions -2 -1 0 (1) 2 3 4 5
 Richness/Excellence of detailing/decoration -2 -1 0 1 2 (3) 4 5
 Unique visual feature of interest (0) 1 (2) 3 4 5
 Example of a rare or unusual style or design (0) 1 2 (3) 4 5
 Overall architectural quality -2 -1 (0) 1 (2) 3 4 5

PROPOSED FOR FURTHER INVESTIGATION
 CORNICE, PARAPET, APPENDAGE
 Importance of cornice to building design -2 -1 0 1 2 3 4 5
 Cornice contribution to streetscape -2 -1 0 1 2 3 4 5
 FACADE CONDITION
 Physical condition -2 -1 0 1 (2) 3 4 5
 Paint/Material color -2 -1 0 1 2 (3) 4 5
 REMODELING
 Appropriateness of improvements -2 -1 0 1 2 3 4 5

ENGLE 12-4-75
date



Field Notes

Review Notes

- Junior League Listing
- text index file
- Northern California Guide
- Other Listing _____

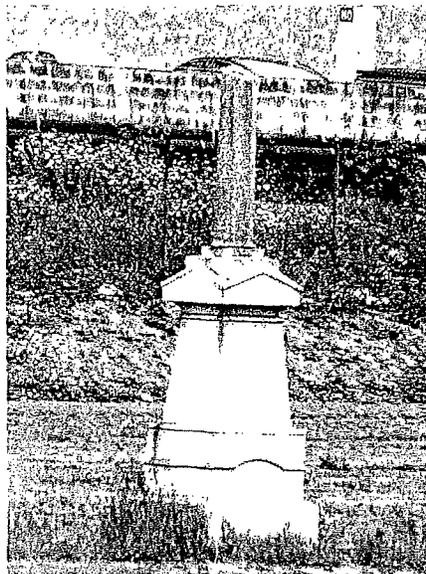
photo 122-1

123

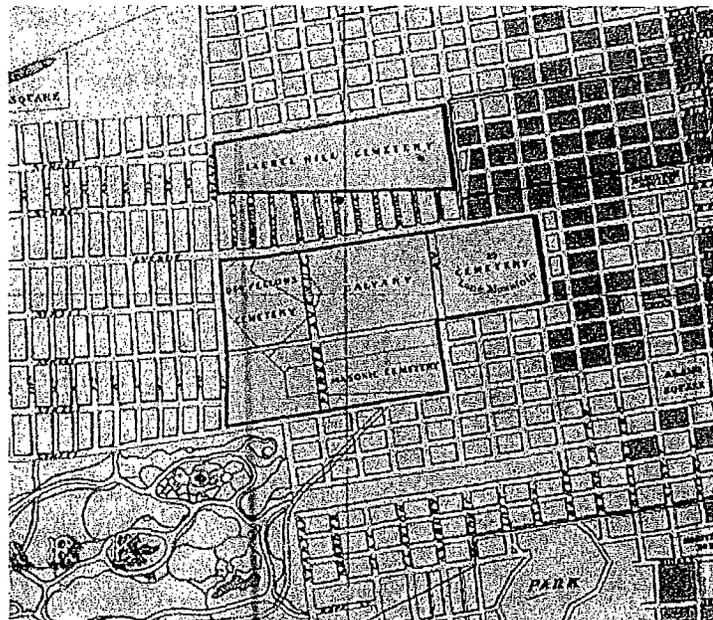
EXHIBIT C:



This picture is courtesy of Google. It shows the palms and the Norfolk Island pine that used to be there until a couple of months ago. The subject Norfolk Island Pine is shown by the red Google map pin.

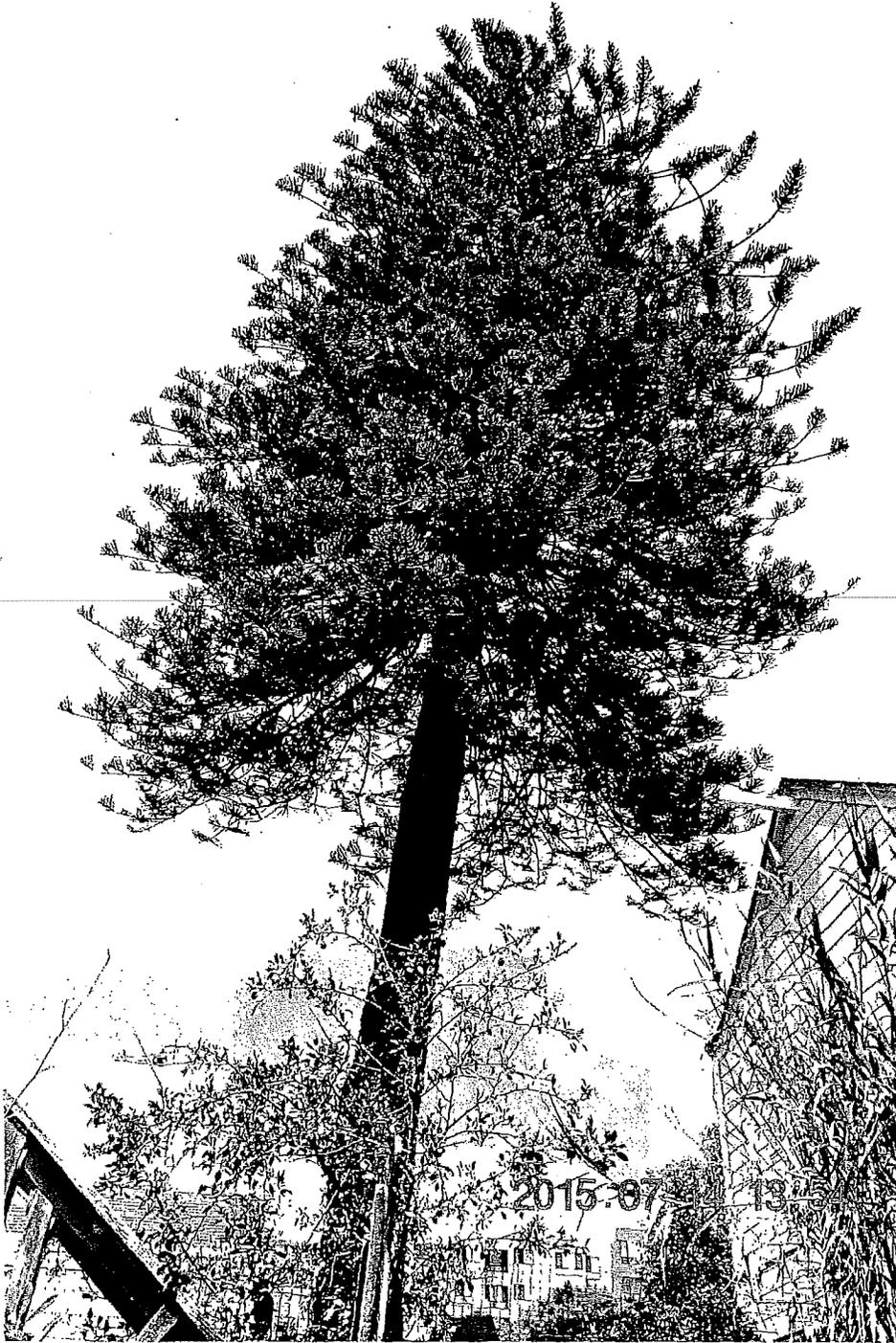


* A *



* B *

- (A) Odd Fellows Cemetery Association (established in 1856) monument in Colma
- (B) 1870 Map -- red dot is location of Norfolk Island Pine tree on Cook St. surrounded by the "Big Four" cemeteries. (Courtesy of David Rumsey Map Collection & [sffound](#) website)



View of tree facing north from south adjacent property.

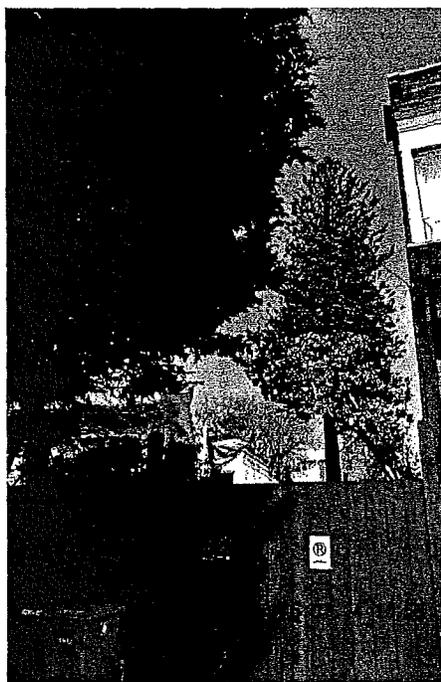
**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**



Foliage of Norfolk Island Pine from south adjacent property.



* A *



* B *

(A) View of tree from front of property (NORTH side of lot) facing east from Cook Street.
(B) View of tree from front of property (SOUTH side of lot) facing east from Cook Street.

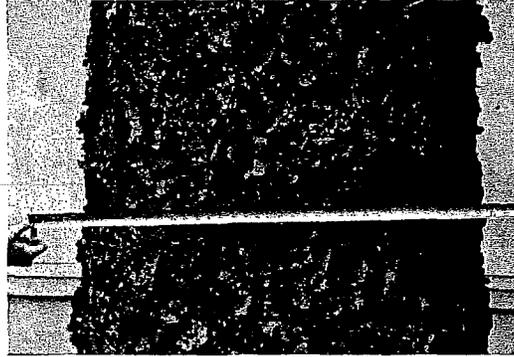
Urban Forestry Council
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Base of tree trunk near main house on property.



* C *

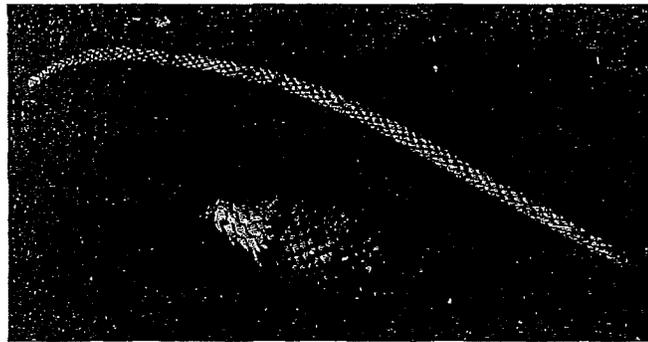


* D *

(C) Close-up of trunk base, blackish gray brown in color, rough.
(D) Tape measure shows 3-ft. 1-1/2-in. for diameter (9.7 ft. circumference).



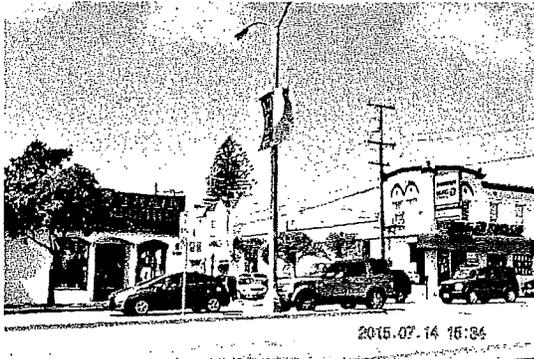
* E *



* F *

(E) Close-up of above measurement on tape (slightly past 3 ft. mark (black arrow on tape)).
(F) Foliage (approx. 12-inch "whip") and cone

Urban Forestry Council
 Landmark Tree Evaluation Form and Criteria



* G *



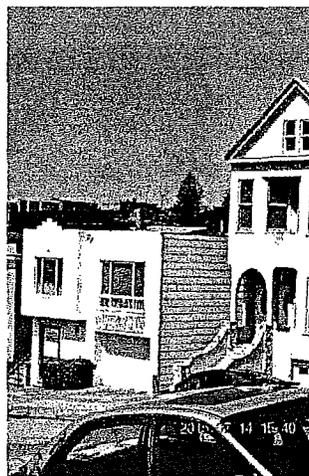
* H *

(G) Facing northeast, from south side of Geary at Cook Street.

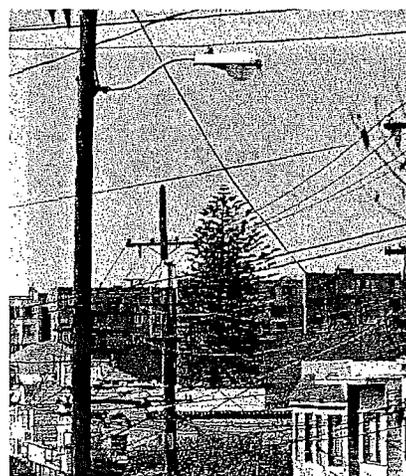
(H) Facing west towards Cook Street from Blake St., one block east of Cook.



* I *



* J *



* K *

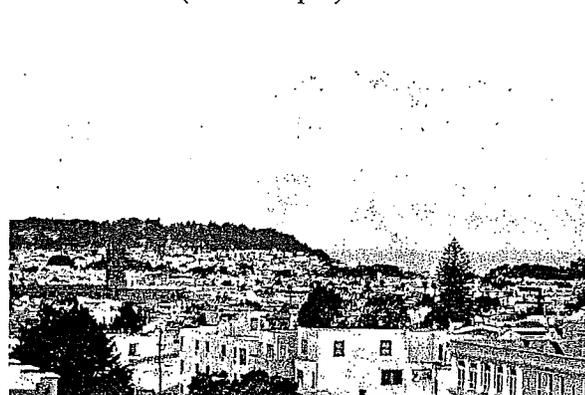
(I) Facing northwest, from south side of Geary Blvd., between Cook St. and Blake St.

(J) Facing northeast from west side of Parker Avenue in front of the Odd Fellow Cemetery carpenter's home located between Anza and Geary.

(K) Facing north from Cook St. at Anza at the base of Lone Mountain (USF Campus)



* L *



* M *

(L) Facing northwest on Blake St., one block east of Cook St. The red-tinted building is on Euclid Avenue, the old south line of Laurel Hill Cemetery; no trees up this part of the block.

(M) Facing west towards Seacliff with Roosevelt Middle School tower on left

MACNAIR
&
ASSOCIATES
CONSULTING ARBORISTS AND HORTICULTURISTS



August 3, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco

Dear Committee Members,

On behalf of Dale Rogers, the property owner, I have reviewed the Landmark Tree Nomination form nominating the Norfolk Island pine (*Araucaria heterophylla*) growing at 46 Cook Street and submitted to the San Francisco Urban Forestry Council. The purpose of this review is to verify the accuracy of the information provided in the nomination form and provide my opinion as to whether this tree would qualify for "Landmark" status pursuant to Ordinance 0017-06 and Public Works Code 810.

Following is a listing of the tree description and nomination criteria and my comments¹.

Height: Using a laser range finder I determined the height at 85 feet and not 100 feet as stated on the nomination form.

Average Canopy Width: Concur at approximately 30 feet.

Circumference at 4.5 feet: Using a diameter tape I measured the circumference at 110 inches (35 inch diameter).

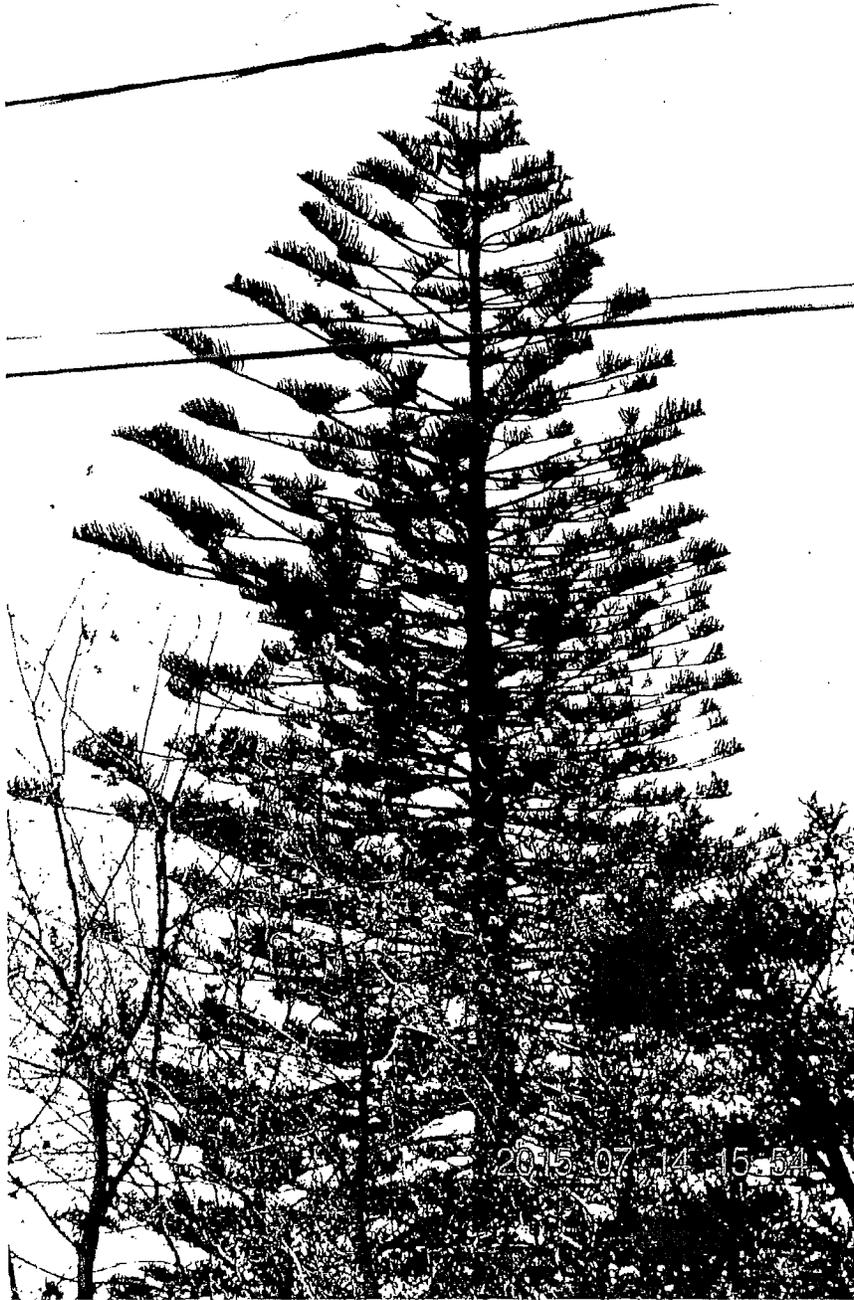
Circumference at Ground Level: Concur at 138 inches.

Rarity: The nomination form lists this species as rare. I disagree. The species is common in coastal California and other Mediterranean climates, including San Francisco. The most limiting factor on distribution is this tree's susceptibility to cold damage, which limits the tree to coastal areas. Two references supporting this opinion are the Wikipedia discussion and a Pacific Horticultural article from 2010.

Wikipedia:

The distinctive appearance of this tree, with its widely spaced branches and symmetrical, triangular outline, has made it a popular cultivated species, either as a single tree or in avenues. When the tree reaches maturity, the shape may become less symmetrical. Despite the endemic implication of the species name Norfolk Island pine, it is distributed extensively across coastal areas of the world in

¹ My curriculum vitae setting forth my qualifications is attached hereto.



Facing west-southwest, Norfolk Island Pine as seen from Blake Street one block east of Cook.

Mediterranean and humid-subtropical climate regions due to its exotic, pleasing appearance and fairly broad climatic adaptability.

As well as their eponymously native Norfolk Island, these conifers are planted abundantly as ornamental trees throughout coastal areas of Australia, Brazil, Chile, New Zealand, Peru, Portugal, South Africa, Spain, and coastal areas of the United States, such as southern California and the east and west coasts of Florida, as well as the northwestern most coast of Mexico.
https://en.wikipedia.org/wiki/Araucaria_heterophylla

Pacific Horticulture:

*Australian members of the Araucariaceae commonly grown in California include the tall, prickly-leaved bunya-bunya (*A. bidwillii*) of Queensland, with huge pineapple-shaped cones, hoop pine (*A. cunninghamii*), an important Australian timber tree, and Norfolk Island pine (*A. heterophylla*), native to Norfolk Island. The latter species is commonly grown in parks and gardens in the San Francisco Bay Area, and in containers in Southern California; it is often sold as star pine, because of its horizontal tiers of radiating branches. - See more at: <http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/#sthash.x26NCVko.dpuf>*

Physical:

Size: This is a mature tree, but at 85 feet in height, is not exceptional. The Sunset Western Garden Book describes this species as having a moderately fast growth rate to 100 feet. I would rate this size in the medium category for this species.

Age: The nomination form estimates the age of the tree at 120 years based upon another tree previously removed. My estimate of the tree's age is 70 to 80 years based upon a conservative growth rate of .5 inches in diameter per year. This is a low to moderate growth rate for a moderately fast growing coniferous species. Additionally, the tree's location is 8.5 feet from the house foundation and in, what I assume, is the original driveway access to the carriage house. This location indicates the tree was a volunteer seedling from another tree and was allowed to grow after access to the carriage house was no longer used for vehicular storage.

Distinguished Form: The tree has the typical crown and limb structure for this species, although not unique compared to other Norfolk Island pines. There does not appear to be anything particularly unique or "distinguished" about this form.

Tree Condition: The tree is in good health and moderate structural condition with no severe defects. The live crown to height ratio is lower than preferred at approximately 50%. This moderately low ratio could increase the risk of lower limb breakage. The cones are moderately large (5 to 7 inches) and heavy, which is a concern in high use areas as the cones can cause injury if dislodged and strike a person. Otherwise, the tree has a low to moderate risk of failure projected over a three-year period.

Historical:

Historical Association: Given the tree's probable age and location in the carriage house driveway, the tree most likely dates to the 1940s. It could be a seedling from an older tree on the property, but has no apparent historical association of note, or at all.

Environmental:

Prominent Landscape Feature: This is a large tree, although it is set back from the front fence 81.5 feet. The property owner does not view this tree as an important (prominent) landscape feature.

Low Tree Density: I agree that the neighborhood has a moderate tree density.

Interdependent Group of Trees: I agree that the tree is not an integral member of a group of trees.

Visible or Accessible from Public Right-of-Way: The tree is visible from only a limited number of vantage points. From Cook Street, I could only see it unobstructed from one location. It may be visible from other streets at higher elevations. As stated, it is set back 81.5 feet from the sidewalk and therefore has low visibility.

High Traffic Area: In its location on a dead end street and significantly set back from the street, I do not believe the tree has any traffic calming effect and no high visibility as noted above.

Important Wildlife Habitat: As a non-native ornamental species, the primary wildlife benefit is likely limited to a perching site for birds of prey, but otherwise not a habitat. The cones are likely a potential food source for squirrels and rodents.

Erosion Control: I agree there are no erosion control benefits.

Wind or Sound Barrier: Because of the low live crown to height ratio and narrow crown form, there are no significant wind or sound barrier benefits.

Cultural:

The property owner does not believe the tree adds any "cultural" value to the neighborhood.

Summary:

Based upon my observations and information provided to me by the property owner and discussions with previous SFUFC members, this tree does not seem to meet the criteria for designation as a landmark tree. It is a large stature tree, but relatively common, not unique, not likely historically significant, and does not provide significant environmental benefits, other than marginal aesthetics.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco
Page 4 of 6
8/3/15

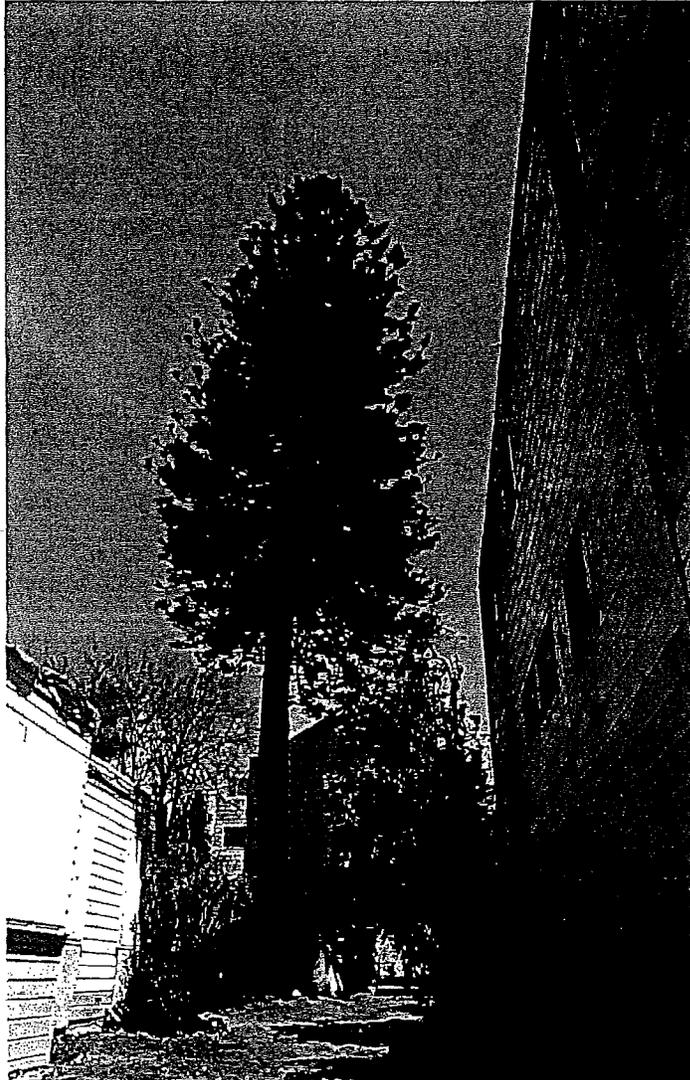
Please contact me with any questions, or if additional information is required.

Sincerely,

Digitally signed by James MacNair
Date: 2015.08.03 19:32:23 -07'00'

James MacNair
International Society of Arboriculture Certified Arborist WC-0603A
International Society of Arboriculture Qualified Tree Risk Assessor

Tree Images:



View of tree from front portion of lot inside fence. Tree is 81.5 feet from fence at sidewalk.



View of tree from Cook Street. Cypresses along sidewalk frontage generally obscure views from the street.

MACNAIR
ASSOCIATES
CONSULTING ARBORISTS AND HORTICULTURISTS



FIRM QUALIFICATIONS

MacNair and Associates is a professional arboricultural and horticultural consulting firm providing a complete range of landscape management and evaluative services. Clients include landscape architects, attorneys, corporations, government agencies, property managers, and professions within the construction industries.

MacNair and Associates and its predecessor, Horticultural Technical Services, have successfully completed over 3000 projects throughout the Western United States with services ranging from expert witness testimony to specialized landscape management manuals and vegetation studies. MacNair and Associates is known for providing accurate and practical recommendations supported by site-specific technical data and clearly written documentation.

James MacNair, Principal

James MacNair is a consulting arborist and horticulturist (International Society of Arboriculture Certified Arborist WE-0603A, ISA Qualified Tree Risk Assessor.)

Professional experience in the horticultural industry began in 1973 and includes work as a production manager of a viticulture nursery and as owner and vice-president of Skylark Wholesale Nursery. Skylark Nursery was known for the introduction and promotion of Mediterranean and California native plants. Mr. MacNair's extensive knowledge of landscape ornamentals has resulted in lectures and articles discussing their appropriate use and care in the landscape.

Mr. MacNair was a regular guest speaker at water conservation conferences throughout the state in the 1980s and has lectured at various colleges and universities. He received a recognition award for exemplary effort in the promotion and implementation of Xeriscape water conservation in the urban landscape.

From 1984 to 1990, James MacNair was a principal partner of Horticultural Technical Services and since 1990 is the principal of MacNair and Associates. Areas of specialization include arboricultural evaluations and risk assessments, expert witness services, tree loss appraisals, landscape planning for sites with special soil or water chemistry problems, irrigation strategies and plant selection for sites using reclaimed water, and irrigation management techniques including the development of computer scheduling software.

From 1991 through 1997, James MacNair was a principal of Irrigation Management Group (IMG), developers of the water conservation software ET Calc™. Mr. MacNair served as software designer, technical writer, and irrigation management consultant.

In 2010, Mr. MacNair developed the tree/plant appraisal software TreeValue™ for use in the 2007 San Diego County fire litigation cases. He is lead arborist expert for San Diego Fire Lawyers and has supervised the evaluation and documentation of tree and landscape losses for over 200 properties involving 80,000 trees. Advanced database designs, appraisal cost models, electronic field data collection, and GPS locations/mapping procedures were developed as part of this work.

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ARBORICULTURAL and HORTICULTURAL SERVICES

Arboricultural Appraisals and Evaluations

- Use of advanced tree appraisal software (developed by Mr. MacNair) including electronic field data collection, and GPS locations/mapping procedures. Tree appraisals performed using CTLA (Council of Tree and Landscape Appraiser) methods as described in the Guide for Plant Appraisal (9th Edition). Specialized cost models developed and used for analyzing costs for site and landscape remediation.
- Tree evaluations for heritage tree ordinances, including tree preservation, construction protection, mitigation specifications, and long range tree management programs.
- Tree surveys for evaluation of health and structural conditions, including risk assessment.
- Management programs establishing guidelines for pruning, cultural care, and pest and disease control.

Expert Witness

- Forensic documentation and analysis of tree failures.
- Extensive forensic and claim damage experience in over 20 wildfire cases.
- Appraisals of properties damaged by fire, storm, trespass, or accident. Council of Tree and Landscape Appraisers plant appraisal methods used to determine opinions of value.
- View obstruction reports and recommendations.
- Landscape construction defects.

Site Analysis

- Soil sampling for determination of soil fertility, physical characteristics, and identification of chemistry problems. Site specific recommendations developed for effective use of fertilizers and amendments.
- Review of all environmental parameters likely to affect plant growth. Site analysis provides criteria for appropriate plant selection to ensure successful and functional landscapes.

Landscape Management Manuals

- Performance oriented management specifications for protection and care of the landscape. The Landscape Management Manual provides:
 - Equitable bid evaluations
 - Verification of contract performance
 - Establishment of long-term maintenance program
 - Quarterly task schedules and report formats
 - Documentation of all pesticide and herbicide use
 - Budget analysis and cost projection

- Periodic walk-through evaluations ensure that maintenance is appropriate and allows adjustments in procedures as a landscape matures.

Irrigation Management Programs

- Site specific programs designed to conserve water usage, while promoting plant health. Proper irrigation management reduces incidence of pests and diseases, lowers plant replacement costs, and decreases fertilizer and pruning requirements.
- Site specific procedures for modifying existing Irrigation programs. Water requirements are evaluated for maximum conservation of water and reduction of water costs.

James MacNair was a participant in the Department of Water Resource's Landscape Water Management and Master Auditor Training Programs. He has designed computer software (ET Calc™) for calculating landscape water use and irrigation schedules. He was a member of the committee responsible for the publication Water Use Classification of Landscape Species for the Department of Water Resources and the University of California Cooperative Extension.

Plant Selection

- Plant selection for unusual, difficult, or adverse site conditions. Plant selection matrices designed to provide accurate and comprehensive data in an easy to read format. Recommendations are based on extensive field experience and latest horticultural research.
- Review of planting and irrigation plans for cultural compatibility and maintenance efficiency. Pest and disease control, irrigation, fertilization, and pruning requirements are evaluated for minimizing future maintenance costs and optimizing performance.

Plant Procurement Contracts

- The establishment and administration of growing contracts for future projects to ensure availability and quality of plant material. Contract growing protects project quality, without adding to project cost.

Landscape Installation Evaluations

- Plant quality inspections evaluating for proper size, branch structure, root health, and presence of pests or disease. This service assures the installation of quality plants for optimum performance and landscape success.
- Site evaluations to verify conformance to design specifications for plant quality, planting techniques, soil amending, staking, irrigation, and initial maintenance.

Landscape Problem Analysis

- Horticultural evaluation of existing landscape maintenance programs reviewing specific problems or management procedures. Site specific recommendations provided to improve plant health and vigor and protect the landscape improvement asset.

Environmental Restoration and Management

- Complete evaluative and management services for environmentally sensitive projects.
- Vegetation analysis of existing plant species for preservation, revegetation, or management planning.
- Riparian vegetation preservation plans and tree protection guidelines to protect and preserve existing riparian areas and specimen trees during construction and maintenance.
- Revegetation plans for restoring native plant communities. Specifications and procedures developed for specific site requirements. Administration and supervision of seed and cutting collection, propagation and growing contracts, installation, and maintenance.
- Seeding and planting recommendations for effective, long term slope protection and erosion control.

Seminars and Training Programs

- MacNair and Associates is available to provide lectures or training seminars on such topics as plant selection, designing for maintenance efficiency, water conservation, and landscape management.
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Professional Resume for James MacNair

Educational Background

1972- SONOMA STATE UNIVERSITY, Bachelor of Arts, Psychology, graduation with honors.

Subsequent areas of college level study include Arboriculture, Botany, Environmental Science, Irrigation Management, Irrigation With Municipal Wastewater, Plant Ecology, Plant Pests and Diseases, Plant Taxonomy, Soil and Water Analysis, and Viticulture.

Professional Background

1973-1975 Sonoma Grapevine, Santa Rosa, California, and, VINEYARD TECHNICAL SERVICES, St. Helena, California. Production Manager of greenhouse operations producing bench-grafted grapevines and potted foliage crops. Mr. MacNair was responsible for the production of over one million grapevines planted in Napa and Sonoma counties.

1975-1984 SKYLARK WHOLESAL NURSERY, Santa Rosa, California. Principal, Vice-president, and Sales Director with responsibilities including marketing, re-wholesale plant purchasing, production, inventory control, and corporate duties. Special emphasis was placed upon the introduction of Mediterranean and California native plants to the landscape trade. Because of his knowledge of the growth habits and cultural requirements of these plants, Mr. MacNair has lectured and written numerous articles on their use in the landscape.

1984-1989 HORTICULTURAL TECHNICAL SERVICES, Santa Rosa, California. Principal/Consulting Horticulturist and Arborist. Professional consulting firm providing horticultural expertise to landscape architects, federal, state and municipal agencies, developers, and homeowners associations.

1991-1997 IRRIGATION MANAGEMENT GROUP, Union City, California. Principal. IMG specializes in the production of irrigation and horticultural computer software. Mr. MacNair served as software designer, technical writer, and irrigation management consultant.

1990-Present MACNAIR AND ASSOCIATES, Glen Ellen, California. Principal/Consulting Arborist (Certified ISA WE-0603A and Member American Society of Consulting Arborists) and Horticulturist. Areas of specialization include arboricultural evaluations, software design, expert witness services, tree damage appraisals, irrigation management, plant selection, and landscape management.

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SELECTED ARBORICULTURAL PROJECTS

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)- Roadside Vegetation Management Study

- A comprehensive study of Caltrans roadside vegetation management policies and practices, including a detailed inventory of 271 roadside plantings. The study provided an evaluation of Caltrans directives, policies, and procedures as they are implemented through landscape design, construction, and roadside maintenance programs. A cost/benefit analysis was performed comparing four years of maintenance costs associated with the various landscape planting categories.
- The Roadside Vegetation Management Handbook was written for use by Caltrans personnel throughout California. This 350-page management manual covers such topics as irrigation management, plant selection, soil management and fertilization, pruning and tree maintenance, and pest and disease control. Special emphasis was placed on water conservation management practices.

CALIFORNIA DEPARTMENT OF TRANSPORTATION- Broadway Eucalyptus Evaluation and Resistograph Study

- Consulting arboricultural services provided to Caltrans. This project involved a detailed risk evaluation of mature blue gum eucalyptus growing along Hwy 12 (Broadway) in the City of Sonoma. A research project evaluating the effectiveness of the Resistograph™ for detection of internal decay was also performed as part of the evaluation.

CALIFORNIA DEPARTMENT OF TRANSPORTATION- El Camino Real Eucalyptus Evaluation and Resistograph™ Study

- Consulting arboricultural services provided to Caltrans. This project involved a detailed health and structural evaluation of mature blue gum eucalyptus growing along El Camino Real in the City of Burlingame and internal decay analysis utilizing the Resistograph™.

CALPINE- Audubon v. Calpine Wildfire Damage

- Expert witness services assessing the fire damage and claims associated with this 13,000 acre fire. The assignment required extensive damage documentation, repair and mitigation cost analysis, and direct participation in mediation and settlement conferences.

CITY OF EL CERRITO- Landscape Management Plan and Urban Forestry Plan

- This contract was performed in collaboration with Vallier Design Associates of Point Richmond, CA. The project required a review of Government Accounting Standard Board (GASB) requirements as applied to El Cerrito public sites.
- Forty-eight public sites were evaluated and inventoried. Each property was surveyed for the number and condition of trees, landscape characteristics including shrubs and groundcovers occurring, and current maintenance levels and deficiencies. All trees were

described using trunk diameter classifications, health and structure ratings, and any potential hazardous conditions observed. Data spreadsheets and site maps were prepared showing inventory results as well as renovation, replacement, and maintenance costs associated with the landscape plantings and hardscape areas.

- A public survey was conducted to obtain public perceptions, use patterns, and maintenance goals for landscape facilities. An Integrated Pest Management plan was prepared for future implementation.
- An Urban Forestry Plan was completed and included a street tree inventory and city street master plan components.

CITY OF HEALDSBURG- Contract City Arborist

- Contract Arborist providing tree evaluations and risk assessments of city parks and public properties. Review services for Heritage tree removal requests and projects located within Landscape Improvement Districts.

CITY OF RICHMOND- Hilltop Landscape Maintenance District

- This contract included arboricultural recommendations, ongoing landscape planting and maintenance evaluations, landscape irrigation evaluations, irrigation scheduling recommendations, review of existing landscape maintenance program, and program quality control implementation.

CITY OF SONOMA- Broadway Improvements, City Street and Heritage Tree Inventory, and Sonoma Plaza Tree and Landscape Management Plan

- Species selection and nursery procurement for the Broadway Improvement Project. Computerized inventory for identification and assessment of city street and historic trees. Preliminary report for establishment of a city street tree master plan.
- The Sonoma Plaza Tree and Landscape evaluation documents the health and condition of the historic plants growing at the plaza and provides recommendations for their long-term maintenance and care. The evaluation will include a review of current tree and landscape maintenance practices, drainage problems, and the functionality of the irrigation system.

LETTERMAN DIGITAL ARTS CENTER, PRESIDIO, SAN FRANCISCO- Arboricultural and Landscape Development

- This project provides comprehensive services ranging from development of a historic tree protection program, health and structural evaluations of mature trees, reclaimed water use in the landscape, plant selection review, landscape tree procurement, and preparation of a landscape management plan.
- Over 570 specimen trees were selected and purchased under the direction of Lawrence Halprin and Associates. A tree nursery was established in the Presidio for holding and transplanting of project trees.

SAN DIEGO FIRE LAWYERS- Old Guejito, Rice Canyon, and Witch Creek Fires: Tree/Woodland Damage Assessments and Appraisals

- The assessment of over 180 properties in San Diego County impacted by the October 2007 wildfires. Services include the inventory and documentation of trees killed or damaged by the fires. Currently over 40,000 trees have been evaluated.

- Specialized database software was created to document tree species, trunk diameters, pre-fire condition, and severity of fire damage. Advanced database, electronic field data collection, and GPS locations/mapping procedures were developed and utilized in the evaluations and damage appraisals. Cost models were developed for analyzing for site remediation requirements and cost of cure opinions of value.

SILVERADO HIGHLANDS, NAPA, CA- Arboricultural Evaluations and Native Tree Revegetation

- Evaluation of trees and oak woodland prior to construction of the Silverado Highlands residential development. Tree evaluations included hazard evaluations and assessment of construction impact. Extensive public hearings required and tree protection supervision during construction.

SILVERADO COUNTRY CLUB AND RESORT, NAPA, CA, Tree Inventory and Management Plans

- Tree inventory and management plans for resort areas and 36 hole golf courses. Computerized inventory software used to track requirements of 2,000 trees in this well-known resort and championship golf course.

STANLY RANCH, NAPA, CA- Eucalyptus Windrow Evaluation and Tree Management Plan

- This project has 4600 eucalyptus trees in historical windrow plantings. The City of Napa required an evaluation of the windrow plantings as part of the project Environmental Impact Report.
- Preparation of windrow management plan which consisted of (a) master schedule for phased replacement of individual trees, (b) protocols for: (i) removal of individual trees in a manner which minimizes impact on adjacent trees, (ii) planting of replacement trees, and (iii) protection of remaining trees during construction, (c) program for monitoring and maintaining trees until replacement, (d) monitoring and reporting program for any required mitigation measures, and (e) an initial five year budget for implementation of the Windrow Management Plan.

STERN GOVE FESTIVAL ASSOCIATION, SAN FRANCISCO, CA- Arboricultural Evaluations, Tree Preservation and Protection Plan, Construction Observation

- Evaluation of trees within the project limits of the Stern Grove Concert Meadow. A comprehensive tree protection plan was prepared for this historic site. Tree protection observation was provided throughout the project construction. Detailed resistograph and air spade diagnostic procedures were used for evaluation of a historic eucalyptus tree.

STONEBRAE COUNTRY CLUB, HAYWARD, CA- Arboricultural Evaluations, Tree Preservation and Protection Plan, Construction Observation, Tree Growing Contract

- Documentation and database management of over 3000 trees. A tree preservation and mitigation plan was prepared as part of the project's conditions of approval as well as ongoing tree protection observation. An oak protection brochure was prepared for use by the Homeowners Association.
- Management of a large tree growing contract designed to provide the project with availability of the specified trees, a high quality standard, and purchased at a competitive cost.

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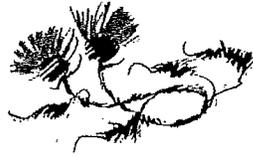
James MacNair
Articles, Books, Presentations, and Professional Papers

Date	Title	Publication/Conference Proceedings
1977-1980	Plant Profiles- California Native and Mediterranean Plant Introductions- Article Series	California Landscape Magazine (CLCA)
June 1985	Oak Forest- A Lester Hawkins Legacy	Pacific Horticulture
December 1985	Plant Selection- A Pragmatic Approach	Paper and Lecture- 1985 Xeriscape Conference
May 1986	Native Plants for Planting with Oaks	Landscape and Irrigation News
January 1987	Water Conservation in the Landscape- A Horticultural Perspective on the Interaction of Design, Installation, and Maintenance	Paper and Lecture- 1987 Marinscape Conference
July 1991	Roadside Vegetation Management Handbook	California Department of Transportation
February 1991	Water Conservation and Maintenance- The Technical Requirements	Paper and Lecture- 1991 Northern California Xeriscape Conference
February 1992	Estimating Water Use and Irrigation Schedules for Ornamental Landscapes	Paper and Lecture- 1992 Water Efficient Landscaping Conference
February 1992	Water Use Classification of Landscape Species	Project Participant. University of California Cooperative Extension
June 1993	ET Calc User's Handbook	ET Calc- Water Conservation Software for Landscape Design and Maintenance
February 1994	Estimating Water Use in Landscapes	Landscape and Irrigation News
January 1995	Water Conservation in Commercial Landscapes	CAI Magazine
August 1995	Calculating Irrigation Schedules for Overhead Sprinkler Systems	Landscape and Irrigation News
February 1996	Trees for Rhododendron Gardens	American Rhododendron Society
January 2003	Detection Study Using the Resistograph- Structural Evaluation of <i>Eucalyptus globulus</i>	Study conducted for Caltrans. Presentation to the City of Sonoma City Council.

Selected Arboricultural Project Descriptions
Page 2 of 2

Date	Title	Publication/Conference Proceedings
October 2005	Letterman Digital Arts Center- Landscape Construction and Historic Tree Protection.	Presentation to the Bay Area Landscape Supervisors Association.
January 2006	Root Failure- Douglas Fir	Presentation to the Annual Tree Failure Conference
April 2011	Tree Damage Assessment and Appraisal Mediator Orientation	Presentation to mediators assembled for the Witch Creek and Rice Fire Litigation Cases.
September 2013	WUCOLS Redux- Selecting the Right Plants for California's Future- Plant Water Use Ratings: Inside the Committee Process	Presentation to the WUCOLS 2013 Conference.
January 2015	Wildfire Tree Damage 2007 Witch Creek Fire	Presentation to the 14 th Annual Pest and Disease Symposium
June 2015	Irrigating Effectively with Drip Systems	Presentation to the Trees and Drought- Using Water Wisely Workshop.

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August 3, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco

Dear Committee Members,

On behalf of Dale Rogers, the property owner, I have reviewed the Landmark Tree Nomination form nominating the Norfolk Island pine (*Araucaria heterophylla*) growing at 46 Cook Street and submitted to the San Francisco Urban Forestry Council. The purpose of this review is to verify the accuracy of the information provided in the nomination form and provide my opinion as to whether this tree would qualify for "Landmark" status pursuant to Ordinance 0017-06 and Public Works Code 810.

Following is a listing of the tree description and nomination criteria and my comments¹.

Height: Using a laser range finder I determined the height at 85 feet and not 100 feet as stated on the nomination form.

Average Canopy Width: Concur at approximately 30 feet.

Circumference at 4.5 feet: Using a diameter tape I measured the circumference at 110 inches (35 inch diameter).

Circumference at Ground Level: Concur at 138 inches.

Rarity: The nomination form lists this species as rare. I disagree. The species is common in coastal California and other Mediterranean climates, including San Francisco. The most limiting factor on distribution is this tree's susceptibility to cold damage, which limits the tree to coastal areas. Two references supporting this opinion are the Wikipedia discussion and a Pacific Horticultural article from 2010.

Wikipedia:

The distinctive appearance of this tree, with its widely spaced branches and symmetrical, triangular outline, has made it a popular cultivated species, either as a single tree or in avenues. When the tree reaches maturity, the shape may become less symmetrical. Despite the endemic implication of the species name Norfolk Island pine, it is distributed extensively across coastal areas of the world in

¹ My curriculum vitae setting forth my qualifications is attached hereto.

Mediterranean and humid-subtropical climate regions due to its exotic, pleasing appearance and fairly broad climatic adaptability.

As well as their eponymously native Norfolk Island, these conifers are planted abundantly as ornamental trees throughout coastal areas of Australia, Brazil, Chile, New Zealand, Peru, Portugal, South Africa, Spain, and coastal areas of the United States, such as southern California and the east and west coasts of Florida, as well as the northwestern most coast of Mexico.
https://en.wikipedia.org/wiki/Araucaria_heterophylla

Pacific Horticulture:

*Australian members of the Araucariaceae commonly grown in California include the tall, prickly-leaved bunya-bunya (*A. bidwillii*) of Queensland, with huge pineapple-shaped cones, hoop pine (*A. cunninghamii*), an important Australian timber tree, and Norfolk Island pine (*A. heterophylla*), native to Norfolk Island. The latter species is commonly grown in parks and gardens in the San Francisco Bay Area, and in containers in Southern California; it is often sold as star pine, because of its horizontal tiers of radiating branches. - See more at: <http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/#sthash.x26NCVko.dpuf>*

Physical:

Size: This is a mature tree, but at 85 feet in height, is not exceptional. The Sunset Western Garden Book describes this species as having a moderately fast growth rate to 100 feet. I would rate this size in the medium category for this species.

Age: The nomination form estimates the age of the tree at 120 years based upon another tree previously removed. My estimate of the tree's age is 70 to 80 years based upon a conservative growth rate of .5 inches in diameter per year. This is a low to moderate growth rate for a moderately fast growing coniferous species. Additionally, the tree's location is 8.5 feet from the house foundation and in, what I assume, is the original driveway access to the carriage house. This location indicates the tree was a volunteer seedling from another tree and was allowed to grow after access to the carriage house was no longer used for vehicular storage.

Distinguished Form: The tree has the typical crown and limb structure for this species, although not unique compared to other Norfolk Island pines. There does not appear to be anything particularly unique or "distinguished" about this form.

Tree Condition: The tree is in good health and moderate structural condition with no severe defects. The live crown to height ratio is lower than preferred at approximately 50%. This moderately low ratio could increase the risk of lower limb breakage. The cones are moderately large (5 to 7 inches) and heavy, which is a concern in high use areas as the cones can cause injury if dislodged and strike a person. Otherwise, the tree has a low to moderate risk of failure projected over a three-year period.

Historical:

Historical Association: Given the tree's probable age and location in the carriage house driveway, the tree most likely dates to the 1940s. It could be a seedling from an older tree on the property, but has no apparent historical association of note, or at all.

Environmental:

Prominent Landscape Feature: This is a large tree, although it is set back from the front fence 81.5 feet. The property owner does not view this tree as an important (prominent) landscape feature.

Low Tree Density: I agree that the neighborhood has a moderate tree density.

Interdependent Group of Trees: I agree that the tree is not an integral member of a group of trees.

Visible or Accessible from Public Right-of-Way: The tree is visible from only a limited number of vantage points. From Cook Street, I could only see it unobstructed from one location. It may be visible from other streets at higher elevations. As stated, it is set back 81.5 feet from the sidewalk and therefore has low visibility.

High Traffic Area: In its location on a dead end street and significantly set back from the street, I do not believe the tree has any traffic calming effect and no high visibility as noted above.

Important Wildlife Habitat: As a non-native ornamental species, the primary wildlife benefit is likely limited to a perching site for birds of prey, but otherwise not a habitat. The cones are likely a potential food source for squirrels and rodents.

Erosion Control: I agree there are no erosion control benefits.

Wind or Sound Barrier: Because of the low live crown to height ratio and narrow crown form, there are no significant wind or sound barrier benefits.

Cultural:

The property owner does not believe the tree adds any "cultural" value to the neighborhood.

Summary:

Based upon my observations and information provided to me by the property owner and discussions with previous SFUFC members, this tree does not seem to meet the criteria for designation as a landmark tree. It is a large stature tree, but relatively common, not unique, not likely historically significant, and does not provide significant environmental benefits, other than marginal aesthetics.

Review of Landmark Tree: .mination- Norfolk Island Pine, 46 Cook Street - San Francisco
Page 4 of 6
8/3/15

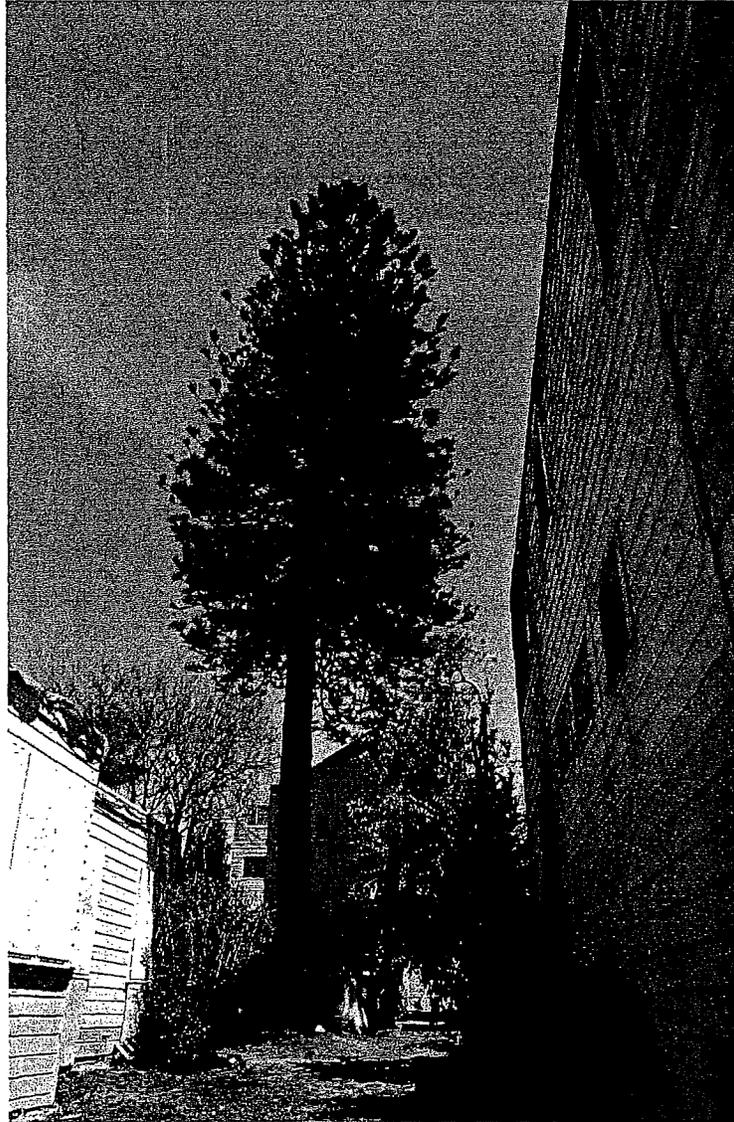
Please contact me with any questions, or if additional information is required.

Sincerely,

Digitally signed by James MacNair
Date: 2015.08.03 19:32:23 -07'00'

James MacNair
International Society of Arboriculture Certified Arborist WC-0603A
International Society of Arboriculture Qualified Tree Risk Assessor

Tree Images:



View of tree from front portion of lot inside fence. Tree is 81.5 feet from fence at sidewalk.



View of tree from Cook Street. Cypress along sidewalk frontage generally obscure views from the street.

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

Pursuant to Ordinance 0017-06 and Public Works Code Section 810, the UFC has developed these criteria for evaluating potential landmark trees in San Francisco. When evaluating or considering potential landmark trees, please consider the context of the tree within its site location. For example, a tree on PUC land may not have the same community importance that a street or park tree would. Use comment sections, as appropriate, to explain or support evaluation. Attach sheets if more space is needed.

Evaluator's name: Carla Short
Date of evaluation: 7/14/15
Scientific name: Agavecaia heterophylla
Common name: Norfolk Island Pine
Street address: 46A Cook St.
Cross streets: Geary

Rarity ___ Yes ___ Partially ___ No

Rarity: ___ Rare ___ Uncommon Common ___ Other

Unusual species in San Francisco or other geographic regions.

Comment: not rare but tree of this size is rare

Physical Attributes ___ Yes ___ Partially ___ No

Size: Large ___ Medium ___ Small

Notable size compared to other trees of the same species in San Francisco.

Comment: large for SF not esp. for species overall

Age: Yes ___ No

Significantly advanced age for the species.

Comment: could be 100+ years. Species can live to 150

Distinguished form: Yes ___ No

Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: 50% live crown ratio, good structure, good trunk flare, radial branching, good canopy vigor

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

2

Tree condition: Good Poor Hazard
Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: _____

Historical Yes Partially No

Historical Association: Yes None apparent

Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: appears to be related to historic
building and may have come from cemetery

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. Attach documentation if appropriate.

Describe coverage: the site profiled in book

Environmental Yes Partially No

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: _____

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: Cook St itself has quite a few trees
but neighborhood overall = moderate

Interdependent group of trees: Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe: _____

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe: visible from euclid steps, visible from
street

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

3

High traffic area: Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: low ped volume lead-end street

Important wildlife habitat: Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

likely to provide habitat to birds.

Erosion control: Yes No

Tree prevents soil erosion.

Describe: _____

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: _____

Cultural Yes Partially No

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: Neighbors very supportive of tree
multiple signatures

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation: _____

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: _____

Urban Forestry Council
Landmark Tree Evaluation Form and Criteria

4

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. Attach documentation if appropriate.

Describe coverage: _____

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: notable from nearby view

points & like Euclid Steps.

Additional comments

Species is endangered in wild.
This is a very large and healthy
tree with no obvious structural
defects. If the nearby tree was
similar in age - as expected due
to size, it is quite old, particularly
for San Francisco.

Urban Forestry Council Landmark Tree Evaluation Form and Criteria

Pursuant to Ordinance 0017-06 and Public Works Code Section 810, the UFC has developed these criteria for evaluating potential landmark trees in San Francisco. When evaluating or considering potential landmark trees, please consider the context of the tree within its site location. For example, a tree on PUC land may not have the same community importance that a street or park tree would. Use comment sections, as appropriate, to explain or support evaluation. Attach sheets if more space is needed.

Evaluator's name: Jon Swae
Date of evaluation: July 14, 2015
Scientific name: Araucaria heterophylla
Common name: Norfolk Island Pine
Street address: 46A Cook Street
Cross streets: Geary Boulevard

Rarity Yes Partially No

Rarity: Rare Uncommon Common Other
Unusual species in San Francisco or other geographic regions.

Comment:

Norfolk Island Pine is not necessarily rare in San Francisco as it is planted throughout the Bay Area, but they are not very common and need sufficient space to grow and reach maturity such as this specimen located in a backyard.

Physical Attributes Yes Partially No

Size: Large Medium Small
Notable size compared to other trees of the same species in San Francisco.

Comment:

With an estimated height of 85'-100', this tree appears as a large tree for San Francisco.

Age: Yes No
Significantly advanced age for the species.

Comment:

I am not an expert on tree age. The property owner's arborist report states the age as approximately 70-80 years old (based on a growth rate of .5 inches in diameter per year). On-line research shows that these trees can live up to 150 years. The nominator estimates age as 120 years old per a tree ring count of a similar tree removed on the property. The tree's diameter was measured at 35 inches (110 inch circumference).

Distinguished form: Yes No

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

2

Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe:

The tree exhibits a healthy mature shape and form that is visible from the street and above the house as well.

Tree condition: Good Poor Hazard

Consider overall tree health and structure, and whether or not tree poses a hazard

Describe:

Observation and arborist reports seem to indicate the tree is in good health with no major structural defects.

Historical Yes Partially No

Historical Association: Yes None apparent

Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation:

This was one of the most challenging aspects of the evaluation.

The Planning Department's Property Information Map indicates that the building (built date of 1900 or earlier) located on the parcel is a Type A - Historic Resource. Featured in the book, *Here Today: San Francisco's Architectural Heritage*, the text related to the subject property reads, "46 Cook Street (c. 1870) George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house." San Francisco's practice of historic preservation would traditionally protect landscaping on properties identified as known historic resources where the landscaping is determined to be a significant feature of the property or significant to the setting of the property. In this case, the property's designation of "Type A" indicates that property is a known historic resource but the Department and the nominator have been unable to deliver conclusive evidence that the nominated tree was indeed planted as part of the original estate. The property owner's arborist also suggests that the location of the tree in front of the carriage house raises questions about whether the tree was planted later when the carriage house and driveway approach was no longer used for carriages but instead became housing.

If conclusive evidence had revealed that the nominated tree or other landscaping were original to this historic property and its original owner, a strong case could be made for not only landmarking the buildings but also the relevant trees or landscaping onsite. Current research, while in depth and well done, seems unable to make this case. For further research see nominator's packet of "Additional Exhibits."

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage:

The property was mentioned in the book *Here Today: San Francisco's Architectural Heritage* (1978) but no specific publication mentions the particular nominated tree.

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

3

Environmental ___ Yes ___ Partially X No

Prominent landscape feature: X Yes ___ No
A striking and outstanding natural feature.

Describe, attach photo if possible:

The tree is impressive, beautiful and a good example of the species, it is visible from streets and surrounding properties. The recent removal of three other mature trees (two palms and another pine) make this tree more of a prominent feature in the absence of these others

Low tree density: ___ Low X Moderate ___ High
Tree exists in a neighborhood with very few trees.

Describe:

According to Urban Forest Plan's neighborhood tree canopy map, the property appears to fall between the Inner Richmond (9.5% tree canopy) and Presidio Heights (11.5% tree canopy). Compared to other neighborhoods in the city, this would be considered "moderate" tree canopy. Aerial maps show street trees and a significant number of trees located in backyards.

Interdependent group of trees: ___ Yes X No

This tree is an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe:

The tree is not part of an interdependent group of trees. Although it was situated with three other mature trees on the property that have been recently removed by the property owner.

Visible or Accessible from public right-of-way: X Yes ___ No
High visibility and/or accessibility from public property.

Describe:

The tree is visible (not accessible) from the street and surrounding streets. Its height allows it to stand above the roofline of nearby homes.

High traffic area: ___ Yes X No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe:

The property is located on a dead end (Cook Street). However, a school located on the block (now closed?) could generate significant traffic.

Important wildlife habitat: ___ Yes X No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

4

Describe:

The tree is a non-native species. However, neighbors describe the tree being popular with birds and have provided some firsthand accounts of the tree being used for perching by a peregrine falcon and mocking bird.

Erosion control: Yes No

Tree prevents soil erosion.

Describe:

No erosion control benefits that I am aware of.

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe:

Neighbors report additional wind and sound from removal of other large trees on the property. I am not aware of a large wind or sound issue in the neighborhood (potentially Geary Blvd).

Cultural Yes Partially No

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe:

Large showing of public support for tree by immediate neighbors. Petition submitted by nominator includes 150 signatures many from nearby residents.

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation:

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: N/A

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: N/A

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

**Urban Forestry Council
Landmark Tree Evaluation Form and Criteria**

5

Describe, attach photo if possible:

Surrounding neighbors consider this a strong landscape feature.

Additional comments

While the pine is a beautiful and mature tree that provides significant cultural value to neighbors and contributes to neighborhood character, in my assessment the lack of species rarity and proven historical association do not make it a successful candidate for landmarking. Under the Public Works Code, the distinction of a "landmark tree" is uniquely reserved for trees of exceptional quality, rarity or historical significance. I do feel it is extremely unfortunate that the property owner has decided to pursue removal of other large trees on the property including possibly this one. This is a loss both to the neighborhood and the city. The Council is not able to landmark each tree throughout the city that faces a similar fate. However, I feel given the frequency at which we are seeing increasing mature tree removals due to real estate speculation or other motivations, I would like to encourage the Urban Forestry Council to gain a better understanding of the issues that motivate property owners to remove these trees, what options other than landmarking may be available for protecting trees on private property and how the City can support property owners in persevering these trees for our city and the many ecological, cultural and economic benefits they provide.

Timeline of Historical Continuity for Cook Pine Tree at 46A Cook St.

An evidential walkthrough proving the existing Cook Pine tree located at 46A Cook St. as one of the few remaining physical landmarks of one of San Francisco's most significantly historical cemeteries.

c. 1870-- Per "Here Today's"* description of 46 Cook St., "George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery." (Note: 44, 46, and 46A Cook St. all fall under the same inseparable deed.) [See Attachment A]

1908-- The Smith family sells the property to Jorgen and Carolina Svane. Per their granddaughter, Christie Svane, "Many trees such as fruit trees and pine trees were already growing on the property when my grandparents bought it" and "My grandfather was known for keeping the property 'groomed like a park'". Christie's father, Peter Svane Sr., who was 1 year old when his family purchased the property "especially adored the giant pine in front of the carriage barn" (the tree under review). [See Attachments B.1-B.2]

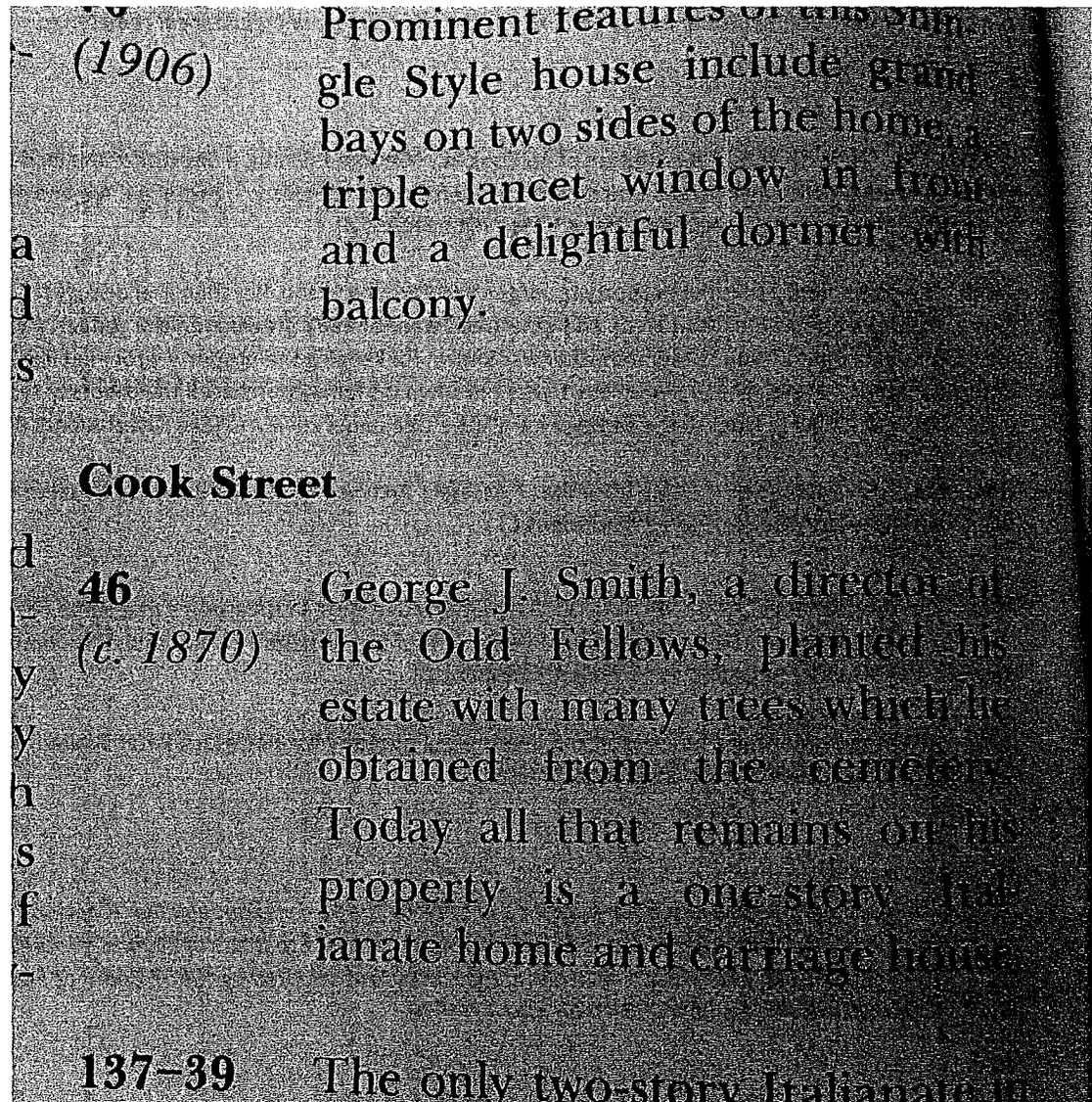
1946-1951-- Photograph of the tree from the SF Assessor Archives shows the height to be taller than the neighbors three story house. [See Attachment C]

1966-- The researchers of "Here Today" visit the property and state in their notes that some of the trees and shrubs that George J. Smith planted on his estate from the cemetery still surround the house. They describe the trees as "large and old." [See Attachment D]

2012-- After the Svane family has owned and lived on the property for 104 years, Peter Svane Jr. sells the property to Dale T Rogers Trust. [See Attachment E]

**Note: "Here Today" is a book published in 1968 by the Junior League of San Francisco, Inc. It is the result of a historic resource survey developed in response to a loss of historic resources in San Francisco through demolition or neglect. The survey was adopted by the SF Board of Supervisors under Resolution Number 268-70 on May 11, 1970.*

Attachment A: "Here Today" page 260 (Out of context, one can assume the trees are no longer on the property, but in context with the Junior League notes below in Attachment D, the original trees are clearly still standing.)



Attachment B.1: Letter from Christie Svane

Christina Svane
254 Spring St.
Florence, MA 01062

August 3, 2015 Re: Cook (or Norfolk) Pine at 46 Cook Street

To Whom it May Concern:

My grandparents, Jørgen Christian Svane and Carolina Rasmussen Svane purchased the house, farm, and barn at 46 Cook Street in 1908, when my father, Peter Victor Svane, was one year old. Geary Blvd. was a dirt road called Point Lobos then, and the property was outside the city proper, known for its sand dunes, farms, cemeteries and grand trees.

Many trees such as fruit trees and the pine trees, were already growing on the property when my grandparents bought it, but they planted the ornamental trees such as the holly tree and lemon tree to flank the entrance, and the four date palms. Their property extended all the way to Euclid and to Blake Streets, but most of it - their orchard and farm - was taken by the City under 'eminent domain' in order to build a school and playground. (When I went to Denmark to find relatives, I was shown a photograph of my father and a baby palm tree, in front of the house, both about a year old.) My grandfather was known for keeping the property 'groomed like a park,' I was told by all the relatives.

My father especially adored the giant pine in front of the carriage barn, which he always called the 'Monkey Tail tree.' I have since discovered it is not a Monkey Tail tree, but most likely a Captain Cook Pine, which would make sense, as the street is named after Captain Cook, as well. George J. Smith, who had the house built around 1865, was known to have planted it with many trees. (We had his granite carriage step carved with his name on it.) I am not a tree expert, and perhaps it is not a Captain Cook Pine, but a Norfolk Pine. I do know they are often mistaken for each other.

My father prized this tree above all the others around the house, and now and then hired arborists to attend to it, and trim its lower branches. He would often remind us that this tree was so big it was visible from Euclid Avenue. It was also on occasion home to a large family of raccoons. Growing up there, we were raised to treasure the trees on the property as the living legacy not only of our grandparents, who died before we could meet them, but of a glorious period in San Francisco's history, when people would ride in their carriages past Cook Street, heading to the Cliff House for a Sunday outing in the country. The country eventually turned into city, but the glorious trees remained.

Sincerely,

Christina Svane

Cook Street, 46
HERE TODAY
Junior League of San Francisco, Inc.

(me)

DESCRIPTION

Call to AUB from Mrs. Peter Swang, owner
46 Cook St. 3/15/66

Has lived there since wife of
1 floor 29, is 1907. Came from Denmark
(~~for 10 years?~~) remembers how enormous
their place looked from his baby
-buggy! Jerry was Mt. Lobosid. when he
a boy

Mr. Smith, former owner, left tall
huge ladders on property. Mr. Smith
a big S.F. painter in Sta. King Bldg.
now standard on someone (6' 6")

He was an Odd Fellow & Director of the
Odd Fellow's Cemetery, where he is buried.
As such he could get marvelous
trees etc. on property & did. He committed
suicide.

Attachment C: Photograph from the SF Assessors Office archives dated between 1946 and 1951 (found in SF Public Library's Historical Center). The tree is 13 feet behind the back wall of the house, and is clearly taller than the building, when the angle of the photograph is taken into account.



Attachment D: "Here Today" research notes (found in SF Public Library's Historical Center)

46 Cook St. (circa 1870)

George J. Smith, a house and sign painter with offices in the Starr King Building and at 329 Sutter (were they same?) lived here from 1870 until around 1903. He was prominent in the Odd Fellows Lodge and a director of their cemetery, which extended from Pt. Lobos Rd. (now Geary) to Turk St. This gave him access to the trees and shrubs with which he planted his estate, some of which still surround the house. He left large ladders on the place with the name of his firm, G. J. Smith, and its address.

In 1903 he built the carriage house, now used for a rental dwelling, and put a granite stile on the curb inscribed with his name and the year. ^{This has since been moved to the garden.} Shortly thereafter he is said to have committed suicide.

In 1908 Mr. Smith's widow sold the house to a Danish family, the Svanes. Their son remembers that the carriage house had sliding rear doors opening into the stable; there was also a greenhouse, an old outhouse and fine trees and gardens. He believes that there was a well before a Mrs. Swan (oddly enough no relation to the later Svanes) signed for the first water meter in 1886. At that time the Water Dept. reported 1630 sq. feet of irrigation.

In 1908 the Water Dept. noted 375 Sq. Yds, with signs of horses having been turned out and a trough but no evidence of

Attachment D (cont): "Here Today" research notes (found in SF Public Library's Historical Center)

46 Cook St.

-2-

The basement floor was on a concrete slab flat on sand; since the sand was inert and insect free it survived over the many years. Work on the foundation has been done recently but other-
wise the house, of solid redwood, is as it was.

It is a 1 story cottage with arched windows and Italianate
pediments over arched windows, and an Italianate portico over
the door, which is flanked by simple pilasters. The door features
a circle of glass and a transom above. Steps are of stone, with
stone jardinières. A carved wood rail encloses the porch. Trees
are large and old.

A driveway, dirt, leads through a gate to the carriage
house.

Attachment E: Deed transfer from Peter V. Svane to Dale T Rogers on 5/11/2012. One deed for all three addresses of the property.



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Search Results Document Details

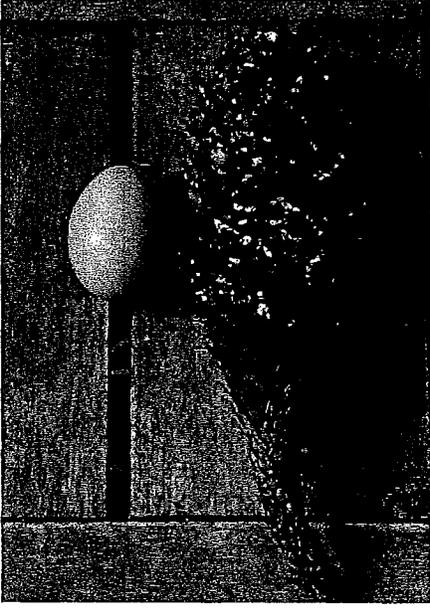
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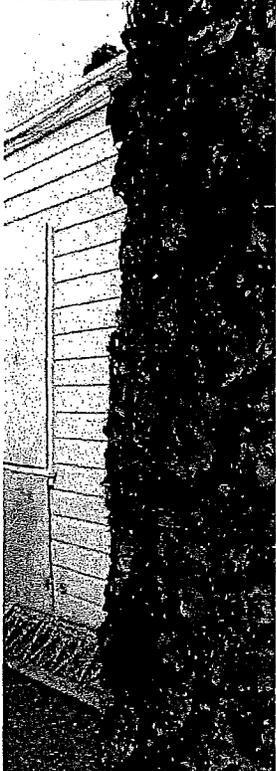
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13300 New Airport Rd. Suite 101 Auburn, CA 95602



Attributes Confirming 46A Cook St. Cook Pine Species:

	Attribute	Cook Pine (<i>Araucaria columnaris</i>)	Norfolk Island Pine (<i>Araucaria heterophylla</i>)	46A Cook St. Pine	Source
A.	Cone Shape	Ovoid to Ellipsoid <i>(Ovoid: egg-shaped Ellipsoid: Plane sections are ellipses)</i>	Subglobose <i>(Subglobose: almost spherical or having a globular form)</i>		"Hortus Third: A Concise Dictionary of Plants Cultivated in the United States and Canada", Cornell University, pg. 98 <i>[See Exhibit A]</i>
B.	Mucro at Tip of the Scale <i>(Mucro: A short, sharp, abrupt spur or spiny tip)</i>	Elongated and Recurved <i>(Recurved: curved downward or backward)</i>	Short and Not Recurved		"Hortus Third: A Concise Dictionary of Plants Cultivated in the United States and Canada", Cornell University, pg. 98 <i>[See Exhibit A]</i>

C.	Trunk	Characteristic Lean	Straight and Upright		<p>Pacific Horticulture Society http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/</p> <p>"A Tropical Garden Flora" <i>[See Exhibit B]</i></p> <p>National Register of Big Trees, AU http://www.nationalregisterofbigtrees.com.au/listing/52.pdf</p>
D.	Branch Direction	Slope down	Straight out or slightly sloped up		<p>National Register of Big Trees, AU http://www.nationalregisterofbigtrees.com.au/listing/52.pdf</p>

E.	Bark	Flaky sheets, Peels off	Slight flake only		National Register of Big Trees, AU http://www.nationalregisterofbigtrees.com.au/listing/52.pdf
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“One popular theory holds that many “Norfolk Island” pines in the Hawaiian Islands are of hybrid origin, but pollen of the two species is shed six months apart, making hybridization unlikely; these purported hybrid trees are virtually all Cook pines.”

-“A Tropical Garden Flora”, Staples and Herbst, pg. 58 [See Exhibit B]

Exhibit A

Hortus Third

A Concise Dictionary of
Plants Cultivated in
the United States and Canada

Initially Compiled by
LIBERTY HYDE BAILEY
and ETHEL ZOE BAILEY

Revised and Expanded by
THE STAFF OF THE
LIBERTY HYDE BAILEY HORTORIUM
A Unit of the
New York State College of Agriculture and Life Sciences
a Statutory College of the
State University at Cornell University

MACMILLAN PUBLISHING CO., INC.
New York
COLLIER MACMILLAN PUBLISHERS
London

sharp pointed firm and glossy, adult lvs overlapping, spiral, ovate to 1/2 in long, acute, rigid, woody, male cones 3-5 in long, 3/4-2 1/4 in diam, female cones 7-9 in long, 6-8 in in diam. N.E. Australia, Zone B

Brasiliana *A. angustifolia*

brasilensis var. *gracilis* *A. angustifolia*

columnaris (C. Forst.) Hook. & Cooke (R. Br. ex Endl.) *A. excelsa* (Lamb.) H. Br. NEW CALEDONIA PINE. To 200 ft. shedding lower brs. and developing short secondary brs. mature trees appearing columnar below an abruptly spreading short crown, juvenile lvs awl-shaped, deep green, firm, to 3/4 in long, adult lvs overlapping, lanceolate-ovate to triangular, to 1/2 in long, obtuse, rigid, with blunt incurved apex and prominent midrib, male cones 1 1/4-3 1/4 in long, 1/2-3/4 in in diam, female cones ovoid to ellipsoid, 4-5 in long, the inferior tip of scales elongate, recurved. New Caledonia, New Hebrides, Zone 10. Young trees up to 25 ft. with only juvenile foliage, are difficult to separate from *A. heterophylla*, but the habit of mature trees is distinctive. *A. columnaris* has deeper green foliage and character of brs. and makes a better ornamental tree except in age. The name *A. excelsa* was long used incorrectly for *A. heterophylla*.

Goodii *A. columnaris*

Cunninghamii D. Don. HOOP PINE, MORITON BAY P. Mature tree with flattened branches and branched brs. juvenile lvs needlelike, laterally compressed to 1/4 in long, spiny pointed, often recurved, adult lvs awl-shaped to lanceolate, incurved, overlapping, male cones 2-3 1/2 in long, 3/4 in in diam, female cones ovoid, 2 1/4-3 1/2 in long, 1 1/2-2 1/2 in in diam. E. Australia, where an important timber sp. Zone 10.

excelsa *A. columnaris*, but most material cult. as *A. excelsa* or *A. heterophylla*.

gracilis *A. heterophylla* or *A. columnaris*, standing, occasionally used as *A. angustifolia*.

heterophylla (Mill.) B.S.P. *Goodii* (Lamb.) H. Br. *A. excelsa* (Lamb.) H. Br. *A. columnaris* (C. Forst.) Hook. & Cooke (R. Br. ex Endl.) *A. excelsa* (Lamb.) H. Br. *A. heterophylla* (Mill.) B.S.P. *A. columnaris* (C. Forst.) Hook. & Cooke (R. Br. ex Endl.) *A. excelsa* (Lamb.) H. Br. *A. heterophylla* (Mill.) B.S.P.

excelsa *A. columnaris*, but most material cult. as *A. excelsa* or *A. heterophylla*.

gracilis *A. heterophylla* or *A. columnaris*, standing, occasionally used as *A. angustifolia*.

heterophylla (Mill.) B.S.P. *Goodii* (Lamb.) H. Br. *A. excelsa* (Lamb.) H. Br. *A. columnaris* (C. Forst.) Hook. & Cooke (R. Br. ex Endl.) *A. excelsa* (Lamb.) H. Br. *A. heterophylla* (Mill.) B.S.P. *A. columnaris* (C. Forst.) Hook. & Cooke (R. Br. ex Endl.) *A. excelsa* (Lamb.) H. Br. *A. heterophylla* (Mill.) B.S.P. *A. columnaris* (C. Forst.) Hook. & Cooke (R. Br. ex Endl.) *A. excelsa* (Lamb.) H. Br. *A. heterophylla* (Mill.) B.S.P.

Exhibit B

A TROPICAL GARDEN FLORA

OF THE GARDENS OF THE UNIVERSITY AND OTHER TROPICAL PLACES

GEORGE W. STABLES
BERTAL R. HERBST

Designed by Charles F. Smith, Paul Anderson, and collaborators.
Botanical illustrations by Anna Searle.



UNIVERSITY OF CALIFORNIA
PRESS
Berkeley, California

Exhibit B (cont)

Key to *Araucaria*

- 1. Lvs broad (base 0.3-0.6") and flat at all stages (2)
 - 1. Lvs 2.0-4.0" wide, needle-shaped at juvenile stage, becoming flat later (3)
 - 2(1). Lvs strongly variable in size by cycles, and cone scale with expanded lateral wings
 - 2. Lvs not variable in size and cone scale without lateral wings
 - 3(1). Adult lvs nearly as wide as long, or at least 0.2" wide
 - 3. Adult lvs more than 2x as long as wide, ca 0.05-0.1" wide (4)
 - 4(1). Adult lvs sharply 4-angled, lanceolate, ending in serrulate point
 - 4. Adult lvs broader than thick, linear-lanceolate, bluntly acute
 - *A. bidwillii*
 - *A. angustifolia*
 - *A. columnaris*
 - *A. cunninghamii*
 - *A. heterophylla*

Araucaria bidwillii (J. D. Hooker) BUNYA-BUNYA

Trees 100-150' tall, mature green broad, rounded, bean long, sweeping, apex bearing crowded, drooping branchlets. Lvs all flat, juvenile lvs scalelike or ovate-lanceolate on same stem, largest lvs base 0.7-2" x 0.2-0.6", apex needle-tipped, adult lvs all flat on trees, triangular or 0.6" long, 0.2" wide, soft, pollen cone axillary, cylindrical, 2.5-4" x 0.4-0.5", scale apex thickened, triangular process, midrib 1" long and wide. Seed cone globose to oval, 10-12" x 8-11", sharply apical all over, seed scales rounded, adductive, 4" x 3", laterally winged, apical spur linear, 0.6" long, seeds oval, ca 1.7" x 1".

Araucaria bidwillii is native to coastal Queensland, Australia, where it grows in disturbed rainforest habitats; in addition, it is widely cultivated in tropical and warmer subtropical regions of the world. The edible seeds—the largest seeds of any conifer—are intensely appreciated by those who know them; they are shed from their supporting seed scales, unlike those of other true pines, and mature in their third year. The mature seed cones may weigh as much as 10 pounds and can be a real hazard if they fall before breaking up.

It takes many years for a bunya-bunya to develop its broad, rounded, mature crown. The lower branches are eventually shed and replaced (if the tree is growing in the open) by a second set of thinner branches, which serve to form a "skin" below the crown. The branchlets on younger trees and the lower branches of mature trees have reduced, almost scalelike leaves at their base and apex, and the leaves in the middle of the branchlets are larger, 2-ranked, and twisted in a horizontal plane. In contrast, the leaves on fertile shoots and on higher branches of mature trees have uniform leaves along the length of the branchlet.

Young bunya-bunya specimens are indistinguishable from *A. heterophylla* & *Schinus molle*, the kauri pine of New Guinea, and older plants resemble the Chilean *A. araucana* (Molina) K. Koch, monkey puzzle or Chilean pine, both reported to be growing in Hawaii. However, the leaves of kauri pine later become long and uniform in size with an incurved tip. Chilean pine never possesses irregularly rounded leaves, and both species have smaller seeds and other differences in the reproductive structure.

Araucaria bidwillii was introduced to the Hawaiian Islands in 1851 by way of a shipment of plants from the Botanic Gardens at Sydney, Australia, to the King of the Sandwich Islands. The seedling was disseminated throughout the islands and, of them, only Kauai has any trees. It is now in the Botanic Garden, Honolulu. Other exceptional specimens are located on the grounds of Kaneohe Ranch in western Oahu and at Ulukouia Ranch, Maui. Large specimens can also be seen in many old cemeteries, parks, and public grounds. Seedlings of *A. bidwillii* are sometimes used by commercial planters for the ornamental type of the bunya-bunya.

Araucaria columnaris (G. Forster) D. Hooker
 (Syn. *A. ovalis* Endlicher, *A. rorida* (Lamberg) R. Brown)
 Misapplied: *A. heterophylla*) COLUMNAR PINE, COOK PINE

Columnar trees 100-200' tall, often leaning. Juvenils lvs needle-shaped, spreading, upward-curving, to 0.3" long, gradually broadening as tree grows, adult lvs triangular, overlapping, 0.2-0.3" long, 0.2-0.25" wide, apex incurved, acute (not needle-tipped). Pollen cone terminal, cylindrical, tapering toward apex, 2-4" x 0.6-0.9", flexible, pollen scales widening to triangular apical portion, 0.3-0.4" x 0.2", seed cone globose or oval, 4-6" x 3-4", apices bent flat against cone, seed scales 1.2-1.4" long, lateral wings broad, membranous, apical spur 0.35" long.

Cook pine is native to the southern coasts of New Caledonia, the Loyalty Islands to the east (where it is the dominant tree), and the Isle of Pines. Dense colonies grow on raised coral reefs, resembling rock formations of columnar basalt when viewed from a distance. It is so widely planted by natives of New Caledonia—as often as the coconut—that it has become the "trademark" of that island. It does not naturalize away from the coastal coral, so isolated trees reliably mark abandoned settlements. Cook pines do not thrive where frosts occur.

Young Cook pines have a formal growth habit, with their primary branches arranged in whorls and clothed with 2 crowded rows of secondary branchlets toward their ends. Older trees eventually shed their lower branches and replace them with thicker ones, so the crown may take on the form of a wider cap atop a narrow cone, or, if the primary branches persist longer, of one cone supported atop another. Seedlings are grown as container plants both indoors and out, and trees are planted in gardens where a bold, formal symmetry is desired. Rows of Cook pines line many country roads in the Hawaiian Islands, and they make spectacular avenue plantings, unless wind damage has broken branches off, resulting in a "telephone pole" effect that may last a few years until replacement branches grow back. Single or multiple rows of trees are planted as windbreaks for macadamia nut orchards or vegetable and fruit crops.

Cook pine is by far the most commonly planted *araucaria* in Hawaii, but because young trees are indistinguishable from Norfolk Island pine it has had endless competition in identification. Confusing it for Norfolk Island pine in cultivation outside Hawaii, and even in Hawaii, young plants are usually mistaken for Norfolk Island pine. Because of the lack of windstorms here, trees grown in Hawaii tend not to shed their lower branches as they do in their native habitat, and the characteristic crowd shape of wild trees—dense even column widening abruptly near the apex of a narrow crown—does not develop here. One possible theory holds that many "Norfolk Island" pines in the Hawaiian Islands are of hybrid origin, but pollen of the two species is hard to separate apart, making hybridization unlikely. The purported hybrid trees are virtually all Cook pines.



ORACLE OAK, LLC

146 Jordan Ave, San Francisco CA 94118 • (415) 225-5567 • larrycostello@me.com

Date: 9/30/15

Submitted to: Landmark Tree Committee of the SF Urban Forest Council

Submitted by: Larry Costello, Consulting Arborist

Re: Landmark Nomination of *Araucaria* sp. at 46 Cook St., SF

Members of the Landmark Tree Committee,

As a follow-up to my comments at the Landmark Tree Committee hearing (8/6/15) concerning the *Araucaria* sp. being considered for landmark status, I offer these additional comments:

1. Tree Identification

Based on the following statement made by Dr. Matt Ritter, Professor of Biology, Cal Poly State University, San Luis Obispo (8/31/15), it appears that the tree in question is a hybrid:

I can tell from the images that this is a hybrid between Araucaria columnaris and A. heterophylla. It sounds from your description as well that it is demonstrating characters between the two. There are many hybrids of those two species in California. One of my graduate students is studying the population genetics and lean of these trees and we're hoping to find the markers necessary to clarify which trees are hybrids in California and which trees are just demonstrating within species variation. I'd call this one a hybrid based on the images though. The bark and leaves of both species are virtually identical and the only reliable character to tell them apart in cultivation is the shape of the canopy and the lean.

From this assessment, some questions can be considered:

Is it Norfolk Island pine (*Araucaria heterophylla*)? No

Is it Cook pine (*Araucaria columnaris*)? No

Is it a named hybrid? No

Are hybrids between *A. heterophylla* and *A. columnaris* rare? No.

Is it a 50-50 mix of *A. heterophylla* and *A. columnaris*? Don't know – it could be a 75-25 mix.

Does it have traits that make it more desirable than either species? Don't know.

Does it have traits that make it less desirable than either species? Don't know.

Clearly, there is a lot we don't know about this tree. Rather than it being unique, it's

more of an enigma. In my view, the Committee should know exactly what the tree is if it's being considered for landmark status. In this case, there are a lot of questions.

2. Suitability for the Location

For *Araucaria* species, the Sunset Western Garden Book states the following: *Make impressive skyline trees and are seen in that role in many parks and old estates in California --- but they become so towering that they really do need the space they have in a park or large, open property. And they are not trees to sit under --- with age they bear large, spiny 10-15 lb cones that fall with a crash.*

Clearly, it is well recognized that this tree is not intended for small properties, as at 46 Cook St. It may have been suitable when the property was much larger (in the late 1800s), but not now. I doubt that anyone on the Committee would recommend it for planting at its current site. Simply, it is a very large tree in a relatively small space. If the tree should fail structurally (trunk break, uprooting, or branch break), the consequences are likely to be severe. Even the cones could cause a serious injury. It is a tree that is not suitable for its location.

3. Unintended Consequences

The Landmark Tree Committee should give serious consideration to the potential for "unintended consequences" associated with the assignment of landmark status. This case may very well set an unfortunate precedent: buyers of new properties (especially developers) may act quickly to remove notable trees from a newly acquired property due to concerns about the tree(s) being nominated for landmark status. If this tree is landmarked without agreement from the property owner, then future property owners may feel at risk. As a result, some very nice trees may be removed simply out of fear of a landmarking action. This would be highly unfortunate.

With the above in mind, I strongly recommend that you to decline the nomination of this tree for landmark status.

Sincerely,

L.R. Costello
Oracle Oak LLC

MACNAIR
&
ASSOCIATES
CONSULTING ARBORISTS AND HORTICULTURISTS



September 30, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco-
Report Addendum

Dear Committee Members,

This letter is an addendum to my August 2, 2015 letter in which I expressed my opinion on the nomination of the Norfolk Island pine for Landmark status.

This addendum addresses the issue of species identification, the issue of rarity, and the historical references inferring the possible age of the tree.

Species Identification:

Dr. Matt Ritter is clear in his opinion that this tree is a hybrid between *A. heterophylla* and *A. columnaris*. This explains the different identification opinions that have been presented. Dr. Ritter also commented on the "Summarized Key Attributes" document. He states, "*The sources you are using are not authoritative. Hortus Third is a low quality resource for the genus Araucaria. There are true differences between these species, as demonstrated by the published works of Aljos Farjon and others. None of those differences are delineated in this document. As for the quote from George Staples, I agree with him and he and I have talked about this. Both species are in Hawaii (A. heterophylla is rare and A. columnaris is common). Hybrids are also in Hawaii and in my observations of coning trees in CA, they do overlap in their pollen producing cycles.*"

In my experience Cook pine grows in warmer climates than San Francisco. For example, it is very common in Florida and commonly seen in Southern California. While the Urban Forest Map lists 15 occurrences of Norfolk Island pine in San Francisco, there are no listings for Cook pine.

I suspect the hybrids of these two species is more common than previously realized and probably is due to nursery propagation sources and the widespread distribution of this tree as an ornamental. Hybrid status is not necessarily significant, unless a hybrid has exceptional qualities that are deemed preferable or superior to the parent species. In this situation, this tree is in good condition, but is not demonstrated to be superior genetically.

Rarity:

It has been noted by nomination reviewers that the Urban Forestry Map of San Francisco shows 15 Norfolk Island pines. This number has been used to justify a rating of uncommon in the evaluations. I would like to point out that this map inventory is not comprehensive, as even the subject tree is not shown on the map. Further, I checked with Peter Erlich, forester for the Presidio, on the number of Norfolk Island pines in his inventory. He reports that within the Presidio there are at least 20 trees. None of these are recorded on the Urban Forest Map.

Deciding on whether or not a species is common or uncommon depends upon the specific definition. The nomination form provides the guidance "unusual species in San Francisco or other geographic regions". Based upon this criteria, and the fact that there are at least 36 documented trees in San Francisco (and probably more) as well as the species is common in coastal California, the species (or hybrids) should be classified as common.

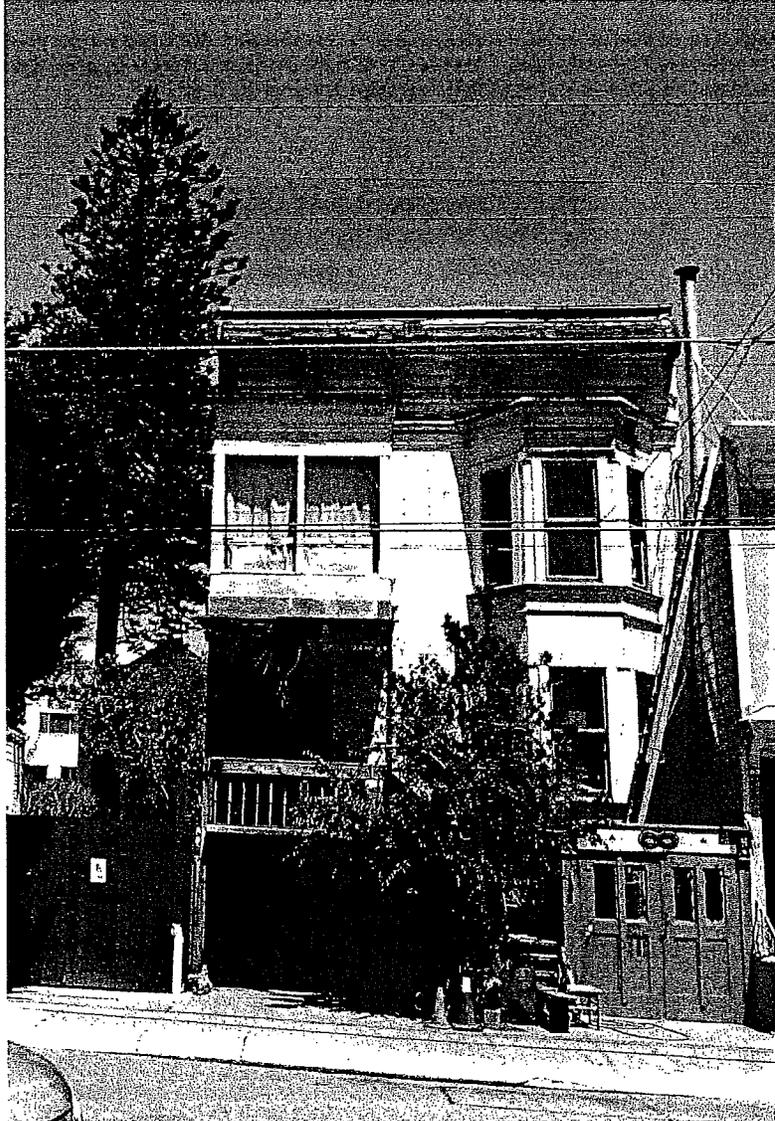
Historical Significance:

I opined in my initial report that the tree probably dates back to the 1940s based upon the trunk diameter, size of the crown, and condition of the tree. A document was produced that purports to show the tree in a 1946-1951 photograph from the SF Assessors Archives. Following are the historical image and a current image from the same perspective.

Attachment C: Photograph from the SF Assessors Office archives dated between 1946 and 1951 (found in SF Public Library's Historical Center). The tree is 13 feet behind the back wall of the house, and is clearly taller than the building, when the angle of the photograph is taken into account.

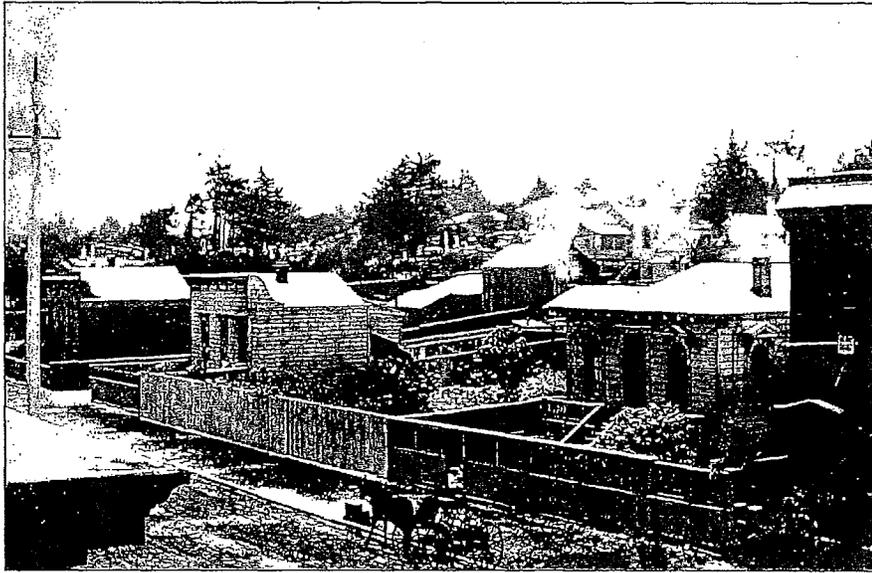


Circa 1946 image showing a Norfolk pine close to the apparent property line. The trunk is barely visible.



Current image showing subject tree located in different location than that shown in the circa 1946 image.

The subject tree is clearly in a different location than the tree shown in the 1946 image. The subject tree is probably a volunteer seedling from the original tree or was planted in that time period. The tree referenced in Christine Svane's August 3, 2015 letter is implied to have been growing in 1908. It is likely that the tree shown in the 1946 image is the 1908 tree that was subsequently removed. The current tree's size and good condition would not be consistent with a tree over 110 years old.



This 1885 image shows no significant trees growing on the property. This image supports the probability that the Norfolk Island pines (or hybrids) were planted after this image, and, one of which is the tree referenced as present in 1908 and shown in the circa 1946 image.



Cook pine in Florida.

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Please contact me with any questions, or if additional information is required.

Sincerely,

James MacNair
International Society of Arboriculture Certified Arborist WC-0603A
International Society of Arboriculture Qualified Tree Risk Assessor



SF Environment

Our home. Our city. Our planet.

A Department of the City and County of San Francisco



EDWIN M. LEE
Mayor

DEBORAH RAPHAEL
Director

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

**Thursday, Aug. 6, 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 4:17 p.m. Present: Chair Hillson, Members Kida, Short and Swae. Ms. Hui ascertained quorum and called the agenda items. Member Hillan was excused when the meeting was called to order. He joined the meeting at 4:19 p.m.
- 2. Approval of Minutes of the July 9, 2014 Urban Forestry Council Landmark Tree Committee Special Meeting.** Explanatory Document: July 9, 2014 Draft Minutes) (Discussion and Action).
Upon Motion by Member Swae, second by Member Short, the July 9, 2014 Draft Minutes were approved without objection (Members Hillson, Hillan, Kida, 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 went over the order of speakers, first Sponsor of the nomination would have the opportunity to speak -- Commissioner Richards or a member of the Planning Commission (none present), followed by Ms. Hui's report, then Public Comment with each person given 2-3 minutes with the time to be determined by the Chair and everybody to get the same amount of time to speak, followed by the members of the Committee who will give their reports, then if needed, Staff Rebuttal, Property Owner Rebuttal and the Committee will have discussion. Before the Committee takes comment, there will be time for Public Comment as well. Ms. Hui went over the 3 possible actions that could happen:

1. Committee can vote as a quorum to support the nomination
2. Committee can vote as a quorum to not support the nomination
3. Committee can get a split vote (unable to get 3 votes either way)

In any case, this tree will move to the full Council hearing later and it will make the actual determination on whether or not they think the tree is worthy of landmark status. If the full Council similarly has a quorum vote "for" the tree, "against" the tree or "split vote," and that would mean 8 votes; and if the Council decides to move the tree forward the packet of information will be sent to the Board of Supervisors with the Council's findings. If the Council votes to not support the nomination, the nomination will end at that time and the tree cannot be nominated again for 3 years. If the Council is split in their determination, then the information packet will go to the Board of Supervisors with no vote from the UFC – with no determination of recommendation from the UFC -- and it will be up to the Board of Supervisors regarding the nomination.

At this time, it was determined that there was no representation from Commissioner Richards nor anybody from the Planning Commission.

Ms. Hui made reference to the Planning Commission packet of information with the resolution initiating the nomination. Ms. Hui stated information was received that the indicated tree was a Cook Pine rather than a Norfolk Island Pine. Ms. Hui evaluated it as a Cook Pine rather than a Norfolk Island Pine. She stated the Cook Pine is rare and she has not encountered this species before. Norfolk Island Pines are not super common but they are not uncommon in the city. As for the physical attributes, she stated that the tree is large, is of an advanced age – estimates received are between 70 – 120 years – a mature tree even at the low end; a very nice looking tree of distinguished form. She stated Cook Pines have a very columnar form, tapering to a tip, "rocket shaped." The tree is in good condition; there is some historical association. The person who built and developed the property was George Smith who was a director of the Odd Fellows; and the house the tree is adjacent to is a historic resource "Type A." She stated further that the tree provides environmental benefits; as for prominence as a landscape feature, it is the tallest tree around, visible from the public right of way with the street and the steps that go up the hill; it is a low traffic area; it may provide some habitat as a bird perch and a nesting site, a site for birds to rest. No erosion control, possible there is wind and sound barrier as the neighbors stated there was increase in noise and wind because the landscape was changed; there is cultural appreciation with petitions and other things from the neighbors supporting the nomination; the tree is a lovely tree and she thinks it does contribute to the neighborhood character; Ms. Hui put "unknown" for "profiled in publication or other media." The report from the Planning Commission identified the book where landscaping was mentioned in the report. Ms. Hui has attached a copy of it in her report. Ms. Hui showed pictures at the end to show the tree – the Cook Pine -- has flaky bark and the rocket shape as shown in the picture from the street.

A point of clarification arose as to process by the Property Owner's legal representative to Coordinator Hui on whether the nominators speak if the Sponsor is not present or if they speak as members of the public. Ms. Hui stated that in the past, the Sponsor speaks unless he cedes that time to the nominator(s). In the absence of the Sponsor, the persons who brought the nomination to the Sponsor would speak as members of the public.

Next, the Property Owner's representative stated she would split her time with Consulting Arborist, Larry Costello. She stated that they had asked for a continuance because the consulting arborist that did the evaluation was out of town and she understands that they were not able to get that so Mr. Costello has reviewed the report and will be able to speak to that as well from an arboricultural standpoint. She stated her focus is on tree law and that she wrote a book called Understanding Tree Law. Ms. Barry Caplan Bonaparte (Bonaparte & Associates) stated that we all appreciate the idea behind tree protection and the urban forest and everyone enjoys the benefits that trees provide; however sometimes people misunderstand the Landmark Tree Nomination process and as a result it is sometimes mis-used. Sometimes people who love trees and who might not ever want a tree removed might think this is the proper forum, as are people who use the process in defending a view-obstruction claim, or used by

people who are trying to prevent development on a property. She stated that none of these justifications are appropriate for using the Landmark Tree Nomination process. Ms. Bonaparte stated that in this situation, the process is being invoked by neighboring property owners who no doubt love trees and this tree in particular but are also concerned about the potential for development of the property in question. Ms. Bonaparte stated this -- even though it was not part of the materials submitted to the Committee -- there is evidence that the party supporting the nomination had been representing to others that the property owner was a "flipper" who cares "only about buying and selling property and making as much money as possible." She stated that a petition was circulated by the people on change.org and there were various representations made and one was, "If we can convince City Hall to save this remaining historic tree, it will send a message to them that we don't ask for zero development, just creative development preserving the natural life and history of San Francisco." She stated that that specimen was landmarked before in the city of San Francisco but because this was one that was in the way of the developer and they make money for the city, they can fight us and they even go so far as to call the property owner, Mr. Rogers, "evil." Ms. Bonaparte stated that they've left threatening voicemails for him, they've sent very charged texts to his cell phone and that they indicated that he should prepare for a significant battle. Ms. Bonaparte stated it's been a campaign and it's been apparently relentless. She stated that their Supervisor has stated that this tree is not appropriate for landmark and so they went to the Planning Commission who was apparently never faced with such a request before and they didn't know what to do with it so they didn't have any real procedures for notice or anything for due process or proper protections but they went ahead with the hearing and in the end it was a close vote of 4-3. Ms. Bonaparte said the vote was based on misinformation by the applicants in addition to the fundamental mis-understanding of what this process is all about. Ms. Bonaparte cites as an example a letter to the Commission by the people trying to get the tree landmarked which says, "The Norfolk Island Pine described in this Landmark Tree Nomination shares the property with two historically landmarked buildings" and that that is just false. The buildings are not designated historic landmarks, and they've been making this representation throughout in trying to get signatures and it's suggesting that to this Committee. They've also made representation that the tree was planted by the original owner and that's also false. She stated that in fact, we have photos from the late 1800s that show the property (photo of Cook St. property with horse and buggy at front) that show no significant trees on the property at all much less this tree in question. Ms. Bonaparte understands that they really want this to happen but the truth has to bear out. Ms. Bonaparte went on to say that the only thing that matters, as Ms. Hui was indicating in going through the form, is if it fits the criteria for landmark status. She stated that if it doesn't then the inquiry ends there. Ms. Bonaparte stated that there is one professional, Consulting Arborist, who has gone through all of the criteria and made that determination and that is James McNair. His CV was not included in the packet so Ms. Bonaparte provided a few copies of it so the Committee could review his qualifications and that Mr. Costello can speak to that as well. Ms. Bonaparte stated that Mr. McNair's opinion was that the tree does not fit the criteria and he provides in detail his professional opinion why that is. In addition, Ms. Bonaparte stated that when she saw there was some confusion as to species, she stated that she went back to him and asked him if he could tell with any degree of certainty without doing any further physical examination if the tree was properly identified as Norfolk Island Pine and she stated he went back and looked at all the photography and research and he got back to her before the hearing and he said to her definitively that it was a Norfolk Island Pine. Ms. Bonaparte noticed there were some photos taken up close and they did not allow anybody to be on the property and she was not quite sure how that happened but that he (Mr. McNair) was quite positive in his original characterization of the species was correct; and in the packet is the arborist's report who was called out to the property by the folks who were sponsoring this and their own arborist identified it as a Norfolk Island Pine. Ms. Bonaparte stated that it will be interesting to hear how that <strings (?)—indiscernible>. Ms. Bonaparte then stated there were other problems -- the signatures on the petition, many are people related to the people trying to get this tree on the books and some are from Oakland, Los Gatos, Palo Alto, one from Germany, several from San Francisco but

not from this area so as much as three-quarters of the people on the list are not concerned neighbors per se. Ms. Bonaparte brought the book (Here Today) referenced, and she pointed to a whole section entitled, "Richmond, Sunset, Golden Gate, Presidio Heights" and that in this section, that property is not mentioned at all. There is also no picture and it is not talked about at all. She indicated that there is an appendix at the end which talks about various properties. There it says for 46 Cook, "George J. Smith, a Director of the Odd Fellows planted his estate with many trees that came from the cemetery. Today, all that remains on his property is a one-story Italianate home and carriage house." Ms. Bonaparte stated, "In other words, not the trees."

A Committee member asked for the date of that; the response was 1870.

With the time running out, Dr. Costello's comments were to be heard as part of Public Comment. Ms. Bonaparte agreed to take that.

Public comments:

Roy Leggitt, Consulting Arborist, lives nearby and shops at Laurel Village shopping center and is familiar with the area. Mr. Leggitt read Mr. McNair's report and Mr. Hummer's report. Hummer's report identifies the tree as *A. columnaris* and McNair's report identifies it as *A. heterophylla*. Mr. Leggitt referred to his document citing various resources. Mr. Leggitt stated that it was conclusively, without a doubt, *A. columnaris*, the Cook Pine. He stated that McNair can argue about Hortus Third, his own citation but he failed to read and look at the pictures associated with the article. Mr. Leggitt shared color photos from the documents he brought which showed both species. He stated we have the tree that is on the left (of the photos on the page), and he stated that the internodes are very close, the tree has dense branch structure and it's columnar or "rocket shaped." Mr. Leggitt stated that *heterophylla* has internodes that are 4-6 ft. long and is a very open-limbed plant and a very different looking tree. Mr. Leggitt stated that *heterophylla* does not fill in with branches between its internodes but it does get longer limbs and bushier heads. Mr. Leggitt also pointed to pictures of more mature *heterophylla* in his document attachments. He stated it was denser looking due to secondary branching. Mr. Leggitt had issue with a consulting arborist offering an opinion who cannot identify the species of tree, as not credible. Mr. Leggitt stated that these trees don't grow in Sonoma, Mr. McNair lives there. Mr. Leggitt stated he has lived in San Francisco and has managed many *Araucaria* and there are 6 species here. He stated that has managed many of them over his career.

Jen Levitt (carriage house inhabitant of 46A Cook) spoke about what makes the tree a historical landmark of San Francisco. George J. Smith was the original owner and alleged builder of the structure around 1870. She found Here Today on the sixth floor of the library (in additional documentation 4.3) which stated that he was an Odd Fellow Director of the Odd Fellows Cemetery and as such he could get marvelous trees off the property and did. Ms. Levitt gave a history of the Odd Fellows Cemetery as originally part of Lone Mountain Cemetery of 320 acres in Laurel Heights and the Inner Richmond neighborhoods. She stated it was inspired by the garden cemetery movement on the east coast and designated with miles of carriage roads for picnicking and had every species of ornamental shrubs and rare plants as stated in the 1860s San Francisco Directory. There were prominent San Francisco people buried there. She stated there was the first sheriff, the inventor of the cable car, US senators and naval heroes. Ms. Levitt stated that the Cemetery is said to have inspired Golden Gate Park. She further stated that at the dedication of the Cemetery, Colonel Baker said, "There beneath the pines and willows and the bending oaks, the memory of the sleeping dead be forever green." Ms. Levitt also stated in the Here Today notes (documentation 4.4) that Mr. Smith's widow sold the property to the Svane family in 1908. Ms. Levitt referred to Christie Svane's letter (documentation 2) which confirms that her grandfather purchased the property in 1908 both her father and herself grew up on it and it remained in the family for 104 years until 2012 when it was sold to Mr. Rogers. As stated in Ms. Svane's letter, the pine trees were already there when her grandparents purchased the property and this particular pine

was treasured and cared for by her family. Ms. Levitt stated that the 1880 photo you can't see the location of the pine tree. Ms. Levitt also stated that she lived on the property while the Svanes owned it and can personally attest to connection and respect they had for the property that is a time capsule of history. Ms. Levitt also states that also in the Here Today notes which are dated 1966, the researchers toured the property and stated that some of the trees and shrubs that George J. Smith planted on his estate from the cemeteries still surrounded the house. She said they also mentioned that the trees were "large and old." Ms. Levitt said the trees were on the property when the Svanes got the property in 1908. She stated the Svanes would clearly not have dreamed of cutting them down. She stated that the pine is the oldest and largest tree on the property and it is indisputable that this is one of the trees planted by George J. Smith from the historic cemetery from the second half of the 1800s and that is something that cannot be ignored.

Brin Bacon lives in San Francisco and frequently visits 46 Cook Street and has at multiple times per week for the past 4 years. She has personally witnessed the neighborhood's deep connection with the tree. She stated that the tree does not belong only to the person who owns the property but to also the residents including the surrounding neighborhoods including schools and how they all enjoy its grandeur. Mr. Rogers who has owned the property for only 3 years has never lived on it and is rarely seen on the property. Ms. Bacon stated that this was the first time she has seen Mr. Rogers in person and she has been visiting this property for many years, multiple times a week. Ms. Bacon asked why Mr. Rogers has the sole power to remove the tree which has created culture for neighborhood residents for decades.

James Birmingham grew up on Cook Street across the street from the trees. He stated that every night before he went to sleep he would look at the trees and he stated it was sad to see the others leave. He will be sad to see the tree gone.

Rex Worn lives 2 houses down from the pine. He explained when he was 5 and started kindergarten, he would walk over Lone Mountain to get to school and he could see the tree and that made him feel safer because he would know where his house was. He stated he learned in school that trees help us breathe. He stated he did not know why anyone would cut down a perfectly healthy tree that would help us breathe. Mr. Worn stated he (property owner) already cut down 3 trees and asked, "Isn't that enough?" Rex likes to see the hawks, crows, parrots and other birds in the tree.

Vanessa Rituolo spoke to say she lives 2 doors down on Cook Street and the two boys (James and Rex) appreciate the majestic Cook Pine that towers over their neighborhood both as a physical landmark of their home and a constant and beautiful landmark they have known ever since they became a member. Ms. Rituolo refers to Christine Svane's letter (Exhibit 2) which stated that the tree was a physical landmark for her and her siblings, one that her father said can be seen from Euclid. She read a letter from Linda Louie who lives 3 houses down on Cook Street. Ms. Louie feels that the tree is part of her garden as well. Ms. Rituolo stated that Ms. Louie states, "We love this tree, it makes wonderful music, it is beautiful to look at, it is a healthy tree. Do we need to take another healthy tree off this planet?" Ms. Rituolo referred to the petition she said has almost 200 signatures and that the names from Los Gatos and Palo Alto include her parents and her husband's parents who are regular visitors to their house and enjoy this tree constantly. She cited one petitioner who wrote, "I have always loved this tree. I used to live next door and have always admired its majestic branches. I hope San Francisco shows it values its history by preserving this tree." Ms. Rituolo stated that when the Cook Pine's sister tree was suddenly cut down in April, it was a shock to their community. She stated, "Let's not let the lack of sensitivity to this last remaining tree's shared history and culture lead to another removal. Ms. Rituolo added that she did not want to bring up development; and there are signs as she has seen an almost 7-ft. high fence erected since Mr. Rogers bought the property, boarded up windows on the sides of the building and an entire lot of razed trees. She stated that to not assume that development is imminent would probably be kind of ignorant and if the community members had implied that that is happening, it would be

understandable given what's happened to the property in the last few years. She added that any evil remarks were made by people online and they did not entice that. Ms. Rituolo said development happens in San Francisco but why not be creative around its own history. She asked to please vote to preserve the last of these 2 beautiful trees that were planted so many years ago. Ms. Rituolo stated that the tree continues to be appreciated through the generations by people who used to live at 46 Cook and for the surrounding neighborhood.

Richard Worn, 60 Cook St., lived there almost 20 years, showed photos of the trees as they used to be for "before" and "after" of April 19 and April 21. He spoke about carbon sequestration – capturing pollutants and -- and the trees providing oxygen and said now we have 50% or more of less oxygen. He says he cannot hear Geary Boulevard even though he lives half a block from it. He has seen the peregrine falcons, the famous wild parrots of San Francisco, mourning doves, blue jays, pigeons, mockingbirds; and raccoons have a trail. In the last meeting, there was a comment that the trees could not be seen from the street. He showed a picture of the tree from the street. He showed more shots from other vantage points. Mr. Worn stated that to say it is not prominent is kind of interesting. He shows a picture of the cemetery and said (pointing to a tree). He showed additional shots; and he brought up a point about trees bringing solace and he stated that there is a microclimate created by the tree.

A Committee member asked a question about when the cemetery picture was taken and the response from one of the presenters was that she believed it was the early 1900s.

Levi Levitt, expressed that he found it difficult to be present as he and his wife live at 46A Cook which Dale (Mr. Rogers) owns and he stated that if the Committee did not think this would drive some sort of wedge between his relationship, we should think again. Mr. Levitt stated that he admires and respects Dale and he's a good man and a great father and has been kind to them. Mr. Levitt appreciates living on this magnificent property. Mr. Levitt restated that it is difficult for him and his wife to present to this body. Mr. Levitt stated that as he listened to Dale's attorney speak, he began to hate himself a little bit because she did a good job of making them look pretty bad but that the petition signatures were collected locally within a 5-block radius of their community – wherever they came from, they were functioning as a part of the community. Mr. Levitt went into the rights of property usage which accompany privilege of ownership, are governed by laws, codes and regulations of any city and they have this process of landmarking specifically in identifying nice specimens of trees. He's almost not asking for the Committee to save the tree but to review it based on all of the Committee's research, by the evidence submitted before it and to make a decision. Mr. Levitt stated that the most poignant thing the pictures (Mr. Worn showed) demonstrate and that all of the packets and all of the work demonstrates to him that this tree is already a landmark in the community. He stated that now it is just waiting for official status to be recognized.

Larry Costello, Consulting Arborist, lives in SF in a neighborhood adjacent to Cook St., and can see part of the tree from downstairs in the house. He stated that he had reviewed the nomination report and a number of the Committee's evaluations and James McNair's report. Mr. Costello stated that there is confusion about the species. Mr. Costello stated that on the nomination report, it says *heterophylla*; on a number of the evaluation forms it says *heterophylla*, James McNair says it is *heterophylla* and as far as Mr. Costello concerned, he believes it is *heterophylla* until proven otherwise. Mr. Costello stated he is familiar with *heterophylla* and it looks like *heterophylla* and he reviewed it with the belief that it is *heterophylla*. He stated that based on that, it occurs in many places throughout the city and in many places where it should not such as in backyards and that it is really a park tree. Mr. Costello stated that the process is reserved for identifying and protecting remarkable trees, unique trees, one-of-a-kind trees; and this one does not qualify in his mind. He stated it is a beautiful tall tree but that it is not remarkable, not unique, they are in Golden Gate Park, in the Marina, in the Richmond. Mr. Costello is

not aware of historical significance and he leaves that to the Committee to decide whether it qualifies in that regard. Mr. Costello stated that from what he has heard, he questions that. Mr. Costello reiterated that this process is reserved for special types of trees and this one does not measure up in his mind. Mr. Costello stated that certainly none of us would recommend it as a backyard tree. It is way out of size for San Francisco back yards and the cone issue is significant as well. He stated he was available for any questions.

Nancy Wuerfel, 9 year of the Park Recreation Open Space Advisory Committee (PROSAC), stated she would like to support the landmarking of the Cook St. Norfolk Island Pine. Tree is already regarded as a landmark by the neighborhood, the birds, by anybody driving around the Jordan Park / Laurel Heights area. She stated that regardless of what variety it is (as she sees there is some dispute as to what it is), it is a magnificent tree and she will refer to it as a Norfolk Island pine). Ms. Wuerfel stated that in researching other beloved local trees, she came across a Norfolk Island pine on Sutter Street that was recommended at the Urban Forestry Council in 2009 for landmark status. She was impressed by the exuberance of the then Committee chair, Hillan, Member Vargas and Staff Coordinator Mei Ling Hui) over the virtues of that Sutter Street tree. Ms. Wuerfel stated that the following quotes of the 2009 meeting can easily apply to this nomination today. Ms. Wuerfel stated that Mr. Hillan remarked that the tree had classic form, was an outstanding large specimen and that it was recognizable from a distance and it contributes to the neighborhood character and to the community in a manner worth protecting. Ms. Wuerfel stated that Ms. Vargas noted that the tree was an outstanding natural feature of significant size, it provides San Francisco with valuable environmental benefits in the form of ecosystem services helping clean the air, reduce storm water loads, combat climate change through sequestering carbon and that few trees in the city are as large particularly in urban areas like Sutter St. and therefore as valuable from an environmental perspective. Ms. Wuerfel stated that Ms. Hui remarked that the tree was a good example of a species, tall and straight, tapering towards the top with branches well-spaced. She noted that the board of directors and property owners supported it being nominated only when it had demonstrated community support. Ms. Wuerfel said Ms. Hui concluded that the tree creates character for the surrounding area. The Council's resolution specified that the "tremendous size and excellent form are noteworthy" and that Norfolk Island pines of this stature are uncommon and because of the physical form -- height, trunk diameter and age characteristics -- of both the Sutter St. and Cook St. Norfolk Island pine trees, because they are very similar, Ms. Wuerfel believes the 2009 rationale for landmarking the Sutter Street tree applied equally to the Cook St. tree. Ms. Wuerfel stated that there is a much broader community support for this Norfolk Island pine. She stated the tree has historical connection to the development of this part of the Richmond. It fits the criteria developed for landmark status and for the pride of us all.

Myla <last name indiscernible>, stated that when she heard the other trees were cut down she was tremendously saddened. She said it is because of her old memories of the place because she used to live there. She stated that especially for their community, for San Francisco, for the neighbors, for the Richmond District, for the offspring, for the retails, for the oxygen, for the culture, for the heritage, for the history. She stated she did not think the Committee should think about the variety of the tree or all the technical situations in order to appreciate something that is so magnificent that people care so much for it. She stated that even if it is in the back yard it has been there for a hundred years and it is totally OK and not threatening anybody. She said the tree gives so much and has given so much through the years and she asks that with all her heart that you consider this. She stated she can see it as almost a member of her family and that it makes her heart so sad and people think about it like a piece of cement. Myla stated that it is not given the value that it really has. She stated that it has a history that is undeniable, a purpose that is undeniable and it is a love tree and that love for it is undeniable and she does not see why it has to go down. Myla stated that she just prays that people open your heart and

your eyes even if it not landmarked or not the right variety to open your heart to see what it means to so many people.

Patrick Krobogh, lives on the other side of Geary, stated the property is extraordinarily unique, one-of-a-kind property that has somehow managed to stay up to the time of ours. He stated that he had always thought it was one of San Francisco's absolute hidden treasures and he could see the tree and it is absolutely remarkable. He stated that development is inevitable but requests that as many characteristics that make this property unique should be retained and this tree is a big one.

Laura Money-Brodick, herbalist and botanist, visits the city because her cousins live there. She is pretty impacted by the decision to cut down really large trees. She stated it provides to the ecological community because trees serve as a hub. She commented on an earlier comment about trees such as this belong in a park but often we rely on trees as infrastructure that are scattered throughout the developed city in order to maintain migration routes for birds, and numerous things. She referred to the packet (Document #8) which is a letter written by Ravinder (Ravinder N. M. Sehgal, Ph.D., Associate Professor) from the Department of Biology at San Francisco State (University) about the loss of large old trees that leads to the loss of overall biodiversity. Ms. Money-Brodick felt the trees serve as a stopover point for raptors and other birds flying between the Presidio and Golden Gate Park. Ms. Money-Brodick states that she (Ravinder) is pointing to the fact that losing trees like this is leading to the loss of overall biodiversity and that biodiversity is strength.

Derrick Wright, stated that the space is unique and a special place when he visits his friends there. He feels the tree is very important in accessing that space. He stated that when he has visited there, he has never seen any significant fallen branches or cones and never heard anybody talk about that either. Mr. Wright stated that the tree is in the front lot of the separate lot. He also asked people to watch the video of residents who gave additional comments on the tree.

Committee member evaluations:

Jon Swae, interested in discussion about species debate but evaluated it as a *heterophylla*. It was interesting to hear Mr. Costello's confirmation of that. Mr. Swae consulted with the Historic Preservation staff at the Planning Department to figure out how they would evaluate a historic landscape feature. Mr. Swae stated that while the property and the home is not landmarked, it is identified as a historic resource and is capable of being landmarked and that potentially some of the landscape would be capable of falling into that landmark designation, too, if the property was proceeding with that landmark designation but as of now the property is not. Mr. Swae stated that they advised him to look at some of the resources that the nominators had identified, especially looking at the [Here Today](#) files. Mr. Swae stated that even looking at those, he was not able to get a strong feeling that those trees were from the actual property owner or from the Smith family so that influenced his feelings about the tree. In terms of rarity, Mr. Swae does not agree with Mr. Costello. Mr. Swae says these trees are not that common in the area and it is not exactly a rare species here. The video is touching to see how these trees play such an important role in our communities not only to those who live on the property but also to those who live all around. While the pine is a beautiful and mature tree that provides significant cultural value to neighbors and contributes to neighborhood character, in my assessment, the lack of species rarity and the lack of a proven historical association do not make a successful candidate for landmarking. Under the Public Works Code, the distinction of a landmark tree is reserved for trees of exceptional quality, rarity or historical significance. Mr. Swae feels it is extremely unfortunate the property owner has pursued to remove other large trees including possibly this tree which is a loss to the neighborhood and to the city. The Council is not able unfortunately to landmark each tree that faces a similar fate. Mr. Swae states that given the increasing frequency they are starting to see mature tree removals due to real estate speculation or other motivations, he would like to encourage the Council to gain a better understanding of the issues that are motivating property owners to remove these trees, what options

other than landmarking that we might be able to create for protecting trees on private property and how the city can support property owners in preserving these trees for our city and for the many ecological, cultural and economic benefits they provide.

Carla Short stated she assessed it as heterophylla and is not convinced that it is a Cook Pine although she stated she is certainly not an expert though she has attended a couple of seminars. She stated she does not see the distinguishing features but she does not think that it is quite as dry. That is not a huge important factor to her though it would be substantially less common if it were a Cook Pine. Ms. Short stated that she marked the tree as a common species in San Francisco but did note that trees of this size are certainly rare in general in San Francisco but not especially large for the species. For age, finds the neighbors' statement of the adjacent tree was over 120 years and certainly finds that plausible and that would be quite mature. It has good form, good live crown ratio, structure, nice radial ridging, good canopy vigor, overall, the tree condition was good. Ms. Short was interested in what Member Swae stated about the historic connection because that was something Ms. Short was uncertain about. Ms. Short stated that the property certainly appears to have some historic value. She is interested to see if the species came from the cemetery that provides for some possible historic significance if that can be confirmed but Ms. Short stated that she was not sure whether they will ever be able to confirm that. Ms. Short stated that it was definitely a prominent landscape feature. She feels that the neighborhood has moderate tree density, Cook Street has quite a few trees on it. She stated that it is visible from many areas of the public right-of-way, and neighboring streets. She felt it does not provide traffic-calming as it is a dead-end street. Ms. Short feels it is likely to provide habitat to many species, no erosion control, does not believe single trees provide wind or sound barrier although it is a large tree. Ms. Short is most influenced by the neighborhood appreciation which is very clear through the petitions of names and quite a few names do live in the area locally and having a large turnout today. Ms. Short states that it is very clear to her that the tree is well appreciated by the neighbors and the community. Ms. Short stated that she is uncomfortable with nominating trees in order to protect them because the intention behind the landmark process is not just to protect large trees. It is to acknowledge and recognize exceptional individual trees; and Ms. Short is very uncomfortable when there is a large tree which she certainly would not like to see removed and would definitely like to see this tree preserved. Ms. Short stated that she felt that John (Mr. Swae) did a very nice job of saying that we may need to look at another mechanism because we are not comfortable using the landmark process just as a means of protecting a tree when it otherwise does not meet the criteria, which does not mean that it is not extremely valuable and well appreciated. Ms. Short asked if this tree was a truly exceptional tree worthy of landmark <status (?) indiscernible> but she was struggling with that even though part of her would like to see it as a tree that we could landmark but that she is personally not quite there though it is very notable and she is moved by the neighborhood love and appreciation for the tree. I do not think I will be supporting for landmark status.

Dan Kida evaluated the tree as a Cook Pine. He stated it was so close that he would not be shocked if it was a Norfolk Island pine. Mr. Kida stated he thought that at the very least with the street named Cook that somebody thought about Captain Cook and they would be planting a Cook pine. Mr. Kida stated that he was not sure that would sway him either way. Mr. Kida said that would not sway him either way anyway. Mr. Kida said that in terms of rarity, if it were a Cook Pine, it would shift it more but he did not think significantly. For either one, he stated it was in the middle for the size for that type of tree. Mr. Kida went on to state it is a large tree for that neighborhood and in San Francisco; good looking, slight lean, some limbs have been limbed up in the past and has a little effect on the overall shape, good condition though uncomfortable evaluating tree health being on the other side of the fence so he looked for very obvious things and was very general in those comments. Mr. Kida stated he agreed with Jon (Mr. Swae) and Carla (Ms. Short) that what is really tough is whether there is a historic association with the tree and the property. Mr. Kida tends to think there is and that he wished we had more time to determine that for sure. Mr. Kida said the best vantage point is from Euclid as a prominent feature. Mr.

Kida does not notice it that much from Geary but from up on Euclid. Mr. Kida did not think the tree provided wind or sound barrier. Mr. Kida feels the same discomfort as John (Mr. Swae) and Carla (Ms. Short) that many of the trees that have come to Committee are because of some threat to the tree and he goes back and forth with that and it takes something like a perceived threat for people to realize that this is something that is important to them. Mr. Kida does not hold it against the nomination being initiated because of the threat of removal although that is not the purpose of the Committee. Mr. Kida stated that he was struck by the community support and if the petition is accurate, it looks like there are many from Cook St. and the surrounding neighborhood and the tree means a lot to them. So it's a very tough call, my support is with the nomination but it is very difficult tree to evaluate.

Malcolm Hillan stated that he agreed with Larry (Mr. Costello) that this was a mis-use of the landmark tree ordinance. He stated that it is used as a tree protection measure rather than something that was undertaken in the first place to landmark a landmark-worthy tree. Mr. Hillan said it is not rare in San Francisco at all, rather common. It is a large tree. Mr. Hillan stated he sees many Norfolk Island Pines throughout the city of this stature; and in fact, and as a simple exercise on his drive back home from looking at this tree, he casually looked around without altering his route, he stated he saw at least 10 Norfolk Island pines of this stature or greater on his drive home and he was not going into Pacific Heights or other neighborhoods where there are some large ones. It is a fine tree and very representative of the species. Mr. Hillan stated that there seems to be enough uncertainty on the species question that perhaps there is a way to continue this in some way to look more closely at this issue because if indeed it is a Cook Pine and a connection between the placement of the tree and the naming of that street, that combined with perhaps rarity of Cook Pine in San Francisco. Mr. Hillan stated that this is something that is worth looking into. Mr. Hillan stated that the definitive ascendant branches that give that rocket-shape appearance to the Cook Pine, I did not see it from one angle from another angle I do. From Geary, they do not appear ascendant at all but from some of the straight-on photographs looking into the backyard they have a little bit more of that ascendant appearance. It leaves a big question in Mr. Hillan's mind. Mr. Hillan stated that the biggest question, after visiting the property, the neighbors represented the house as being of historic noteworthiness and that it was somehow certified as historic. Mr. Hillan stated he had not seen any documentation of that at this meeting and so Mr. Hillan's strongest support for this tree as being remarkable is tied to this historic structure and the overall history surrounding the planting related to that. Mr. Hillan stated that it is clear from the picture of the palms that were removed – that all 4 of those plants – were in relationship to the house – they framed the house -- and stated that if this tree is the only remaining evidence of that, the last one, feels it makes it more landmarkable. Mr. Hillan stated that for environmental, partial but since it is the only really tall tree in the immediate neighborhood that is left, he can see as a de facto landmark. Cultural, obviously the neighbors support the tree. Mr. Hillan restated that he has a problem with the neighbors reacting to rather than for landmark status.

Hillson stated she has a lot of historical information because she lives in Jordan Park. She then went on to the category of rarity: whether it is rare species in the city or other geographic region. Ms. Hillson stated that rarity based on Norfolk Island Pine is rare in native country near Australia, Norfolk Island; in San Francisco on the urbanforest map, there are 16 exist but it is 15 since one is incorrectly designated as being Norfolk Island Pine; the IUCN (International Union for the Conservation of Nature) lists the species on the Red List, it's in declining habitat in Australia; the Royal Botanic Garden in Melbourne states it is a "rare and endangered Australian native." Whether it is Cook or Norfolk Island, there is some rarity depending on how you look at it. Ms. Hillson was shown a roughly 10-inch long by 3-in. diameter mature female cone with seeds and male cones which show up on these trees only after they are at least 40 years old. I was also shown a tree trunk cutting with the rings that the neighbors counted and they counted up to 120 years old. The rings were not half-inch spaced, they were more like 1/3-inch apart at most so maybe the growth rate was dependent on temperature. She stated that

this tree is large, significantly advanced in age; for "distinguished form," truly majestic – trees that were landmarked in past were deemed majestic and they were not all unique. Ms. Hillson stated that the only unique one is the *arctostaphylos xxx* which is still unknown and everything else has a partner somewhere in the city. Ms. Hillson stated she marked in the affirmative for "historical" because of the information regarding Captain James Cook on his voyage to the south in '74 on the *HMS Resolution* and found the Norfolk Island trees, which are not really pines. Whether it is the 46 Cook or 46A Cook St. property, Ms. Hillson stated that she refers to it as the "46 Cook Street" property which was originally about 75-feet wide and the McInerney judgements for the Western Addition also shows the property as a little over 75-feet wide lot. Ms. Hillson said the tree is located in the side yard of this lot towards the rear. Ms. Hillson referred to the historic photo shown by the attorney earlier, the Bancroft library photo of 1885. Ms. Hillson talked about George Smith as the original inhabitant of the property, born in New York and served in the Union Army during the Civil War. He had a business in painting and decorating, a member of the Independent Order of Odd Fellows (IOOF), Yerba Buena Lodge; with many delegations attending when he died. Ms. Hillson stated that Mr. Smith had the means to have a large lot with a main fully detached house and a rear carriage house in the southeast corner of the lot and room for the horse and buggy to go down the drive on the south side. Ms. Hillson looked at the directories from 1871 through 1897 from the Crocker-Langley and he did reside at 46 Cook. Ms. Hillson stated that the IOOF was a cultural fraternal society that took care of its members with mutual benefits. The first lodge in California was dedicated on Sept. 9, 1849. It had a mighty role in building the city of San Francisco, a very powerful group. The Oddfellowship practice came from the United Kingdom. One of the famous members was Samuel Brannan who yelled out, "Gold, gold! Gold in the American River!," and the gold rush was on in 1849. Ms. Hillson stated that he made enough money from the gold rush selling a lot of things to donate 17 acres of land to start the Odd Fellows Cemetery. She stated there were many good works that the IOOF also did. The 1870 house is one of the primary dwellings in that area and there weren't that many of the dwellings shown on a map west of Divisadero so this shows the history of the early settlement patterns. Ms. Hillson talks about the "Big Four" cemeteries – Laurel Hill, Calvary, Masonic and Odd Fellows. She has pictures in her packet about the Odd Fellows buildings and George J. Smith and his being awarded \$38,000 and other things as well. She mentioned that there is a picture in the Richmond book that shows a Norfolk Island Pine in the cemetery.

Ms. Hui gave her Staff Rebuttal. She stated that removal is not a criteria. Whether or not the tree if it is not landmarked, being removed is not a criteria. In regards to having pictures of the tree, site visits were performed from visiting the neighbor's property from that side. Ms. Hui stated that the Council has had trees with indeterminate species and with what species have changed over time and it is not uncommon and it is not an issue if it turns out to be one or the other in terms of process.

No Property Owner Rebuttal.

Committee discussion and action: Ms. Short was intrigued by Malcolm's (Mr. Hillan's) question about trying to get a little more information about getting a definitive determination even though we have a few well-recognized specialists who do not necessarily agree on the species, it may affect the rarity of the tree. Ms. Short is also intrigued by the historic connection and if there were a stronger connection there she would be more likely to support it on those bases. Ms. Short also stated again that it is a really nice large tree. Ms. Short also would like to know what route Malcolm (Mr. Hillan) drove because she looks around the city a lot and you do see the occasional very large pine popping up in the landscape, but 10? Ms. Short stated that she feels she knows where probably 6 of them are in the city. Ms. Short asked if the Committee Chair would consider a continuation with some definite timeframe to try to investigate these two issues a little bit further.

Ms. Hui stated that the Council had to respond by a definite date so she looked for the cutoff date.

Ms. Hillson asked about the pictures with the old cars in the packet with the petitions. The neighbor responded that the pictures came from the SF Assessor's negative library collection on the 6th Floor of the library and they are between 1946 and 1951.

Mr. Swae also stated that he looked at a historic aerial from 1938 and showed it. He stated that the trees are there as well.

Ms. Hillson stated that prior to the meeting, she received no reports possibly because people were confused on some things and they were still looking and seeing volume of paper going across the table. Ms. Hillson stated she feels there needs to be more research done on the species and also on the historic and unless you pin those two things down and at least for Malcolm (Mr. Hillan) it was historical, it is going to be tough to make a decision. Ms. Hillson stated she is in the Community Seat on the Council and wanted to ensure the Committee hears everything so it does not decide on the lack of information. She stated that she does not want to prolong this any longer than we have to. Ms. Hillson questioned the deadline to respond as she believed the emergency order date from DPW was July 2.

Mr. Kida stated that he was open to taking more time but his concern was and he looked to Jon (Mr. Swae) to ask if that information was going to be available to us, if there is a difference in taking 2 years or a month. He stated if the information is not there, it's not there but he is definitely open to looking into it to be sure.

Mr. Swae stated the Committee has new information and new photos that the Committee has not seen and we could consult with Preservation staff (Planning Department) to review the materials in a more thorough way as it seemed a little rushed to process all the information for this hearing.

Mr. Hillan stated it was not clear from both sides, that there is some historic documentation but it is not all that clear. Mr. Hillan believed he could still vote today based on how well or has not been presented by the various parties but the question about species to him perhaps warrants an extra bit of time to consult with somebody who has greater familiarity with that particular genus. Mr. Hillan suggested somebody perhaps from the Academy of Sciences.

Ms. Short stated she contacted somebody but did not hear back in time for this hearing but she also was not sure he would consider himself a specialist either.

Ms. Hui stated that the Council must respond by October 30th. The full Council meets on September 25th and October 27th.

Mr. Hillan moved to continue the hearing and seconded by Mr. Swae. On the motion to continue the hearing for the species and historical association, voted by roll call unanimously to October 1, 2015.

4. New Business / Future Agenda Items: Members of the public may address the Committee on matters that are within the Committee's jurisdiction and are not on today's agenda.

Chair Hillson suggested to put the topic of general process with no explanatory documents. How things brought from the public to the next step, etc. especially in light of what occurred at Planning Commission to clarify things. Who in Planning gets it? How is that routed through?

Ms. Short also mentioned in the ordinance refers to commissions or boards that no longer exist -- part of why this was so confusing. This could be a start and if we need to continue to another meeting, that will be fine.

Mr. Hillan stated that what Jon (Mr. Swae) brought up that may need to be brought up maybe not Committee but full Council the issue of tree protection and tree preservation is something that the Urban Forestry Council needs to weigh in on to develop perhaps some recommendations. Mr. Hillan states that if the Landmark Ordinance keeps on being used in this way, it can be attacked and invalidated because

of the way it is being mis-used; and the way property owners are being impacted by the mis-use of this ordinance. Mr. Hillan stated that he was afraid of that. Mr. Hillan went on to state that we need to be proactive in developing. Mr. Hillan was reminded of commenting on items not on the agenda. Mr. Hillan went on to say that it is something that he is concerned about and that the Committee needs to address it.

Nancy Wuerfel supports having an open conversation on process. She stated she has read the ordinance and that it is outdated on some levels. The procedures from the point of view from the members of the public were never dealt with. Ms. Wuerfel stated that it would be a public service to have an interpretation of what could be very simple clear language without reference to a whole bunch of stuff that speaks to the people and would even speak to members of this Committee. She stated there could be 25 words or less on what is a landmark tree in terms of why we are trying to do this. If there was a document, some of the questions could be answered themselves without having to ask Mei Ling. There is no process for the member of the public to follow on a procedural level. Ms. Wuerfel also stated that there could be a discussion as a separate agenda item in a separate agenda in the future agenda on the use of "810" on how to handle trees that are worthy but have a different avenue to take but that is a very large topic.

Jen Levitt stated that there was always believed the tree and the property should be landmarked but that they just have not done it. Ms. Levitt stated that the process was not as clear. She stated the this was brought forward not because they thought the tree could be threatened but that they have always felt this way.

Myla asked about making the property a historical landmark. Chair Hillson replied that was in the purview of the Planning Department.

5. Public Comment. No further public comment.

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

Minutes written and submitted by Chair Hillson (Aug. 10, 2015).

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. 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>.

Meeting minutes approved on October 1, 2015



SF Environment

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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
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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. 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>.

WRITTEN SUMMARY -- 8/6 & 10/1 LTC MEETINGS for 46A COOK ST. "PINE" TREE

Prepared for Oct. 27, 2015 UFC Meeting

Rose Hillson

One Norfolk Island Pine (*Araucaria heterophylla*) was nominated by Mr. Richard Worn at 60 Cook St. A Landmark Tree Nomination Form for a tree at 46A Cook was submitted to the Planning Commission for intent to nominate and a resolution was passed. In addition, the Director of the Department of Public Works issued an Emergency Protection Order temporarily protecting the tree. Refer to LTC members' and staff's evaluation reports as they pertain to the requisite criteria -- RARITY, PHYSICAL, HISTORICAL, ENVIRONMENTAL, and/or CULTURAL -- to determine tree as landmark by ordinance.

Refer to:

- ** ADOPTED 8/6/15 LTC minutes (separate document)
- ** "46A Cook St. LTC Summary Spreadsheets" (separate document)

Summary of AUG. 6, 2015 LTC Meeting

Written documents used at meeting:

- * Planning Department's July 2, 2015 Case Report on property information and tree w/ Resolution
- * All LTC member & staff reports
- * Property owner's arborist's report (James McNair)
- * Landmark Tree Nomination Form (by Richard Worn, 60 Cook St.)
- * Nominator's arborist's reports (Remy Hummer & Roy C. Leggitt, III)
- * Property owners' 2 arborists stated unequivocally tree is Norfolk Island Pine (*Araucaria heterophylla*).
- * Nominator's 2 arborists stated tree is Cook Pine (*Araucaria columnaris*).

LTC & Staff agreed on:

- * Good condition
- * Distinguished form
- * No erosion control
- * Not part of interdependent group of trees
- * Neighborhood appreciation
- * Prominent landscape feature

LTC & Staff responses that were more for 'yes' or 'no' vs. mixed:

- * Size: large (4); large for SF (2)
- * Historical association: Yes (4), Partially (1), None apparent (1)
- * Visible/accessible from public right-of-way: Yes (5), No (1)

Staff Member Hui referred to Planning Commission's packet of information. She stated the tree as a Cook pine, not common but not uncommon in SF. She also opined tree is large, of advanced age, of distinguished form, in good condition, some historical association with Mr. George Smith, director of Odd Fellows, house the tree is adjacent to is historic resource "Type A," provides environmental benefits, prominent as landscape feature, tallest tree around, visible from public right of way, may provide habitat source, no erosion control, possible wind/sound barrier, cultural appreciation with petitions from neighbors, contributes to neighborhood character, unknown for being in publication.

Ms. Bonaparte, attorney for 46 Cook property owner, opined on neighbors' petitions by neighbors, historic nature of property, whether tree planted by original owner, arborist McNair states the tree does not fit the criteria for landmark status and tree if definitively a Norfolk Island Pine. She read from the Here Today excerpt of 46 Cook description.

WRITTEN SUMMARY -- 8/6 & 10/1 LTC MEETINGS for 46A COOK ST. "PINE" TREE

Prepared for Oct. 27, 2015 UFC Meeting

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Mr. Leggitt, arborist for nominator, identified tree as Cook Pine based on physical characteristics.

Ms. Levitt, neighbor, spoke on George Smith as original owner and builder of structure around 1870 and found information on him as Director of Odd Fellows Cemetery and gave history on that, provided info on property history, referenced Here Today notes stating trees and shrubs planted by George Smith from the cemeteries.

Ms. Bacon stated the tree has deep connection by neighborhood people.

Mr. Birmingham grew up on Cook across the street and stated his connection with the tree.

Mr. Rex Worn lives 2 houses from the tree and since he was 5 he could tell where his house was from the tree from Lone Mountain and how he learned in school that trees help people breathe.

Ms. Rituolo stated the tree is a physical landmark, read letter from neighbor on Euclid, other comments from petitioners.

Mr. Richard Worn showed photos of trees before and after April (2015), carbon sequestration, peregrine falcons, wild parrots of SF, other wildlife, showed more pictures stating to say it is not prominent is interesting.

Mr. Levitt commented on the petitions and that the tree is already a landmark in the community.

Mr. Costello, arborist for property owner, reviewed the nomination report, Mr. McNair's report, stated he is confident it is "*heterophylla*" (Norfolk Island Pine), that the process is for identifying and protecting remarkable, unique, one-of-a-kind trees and this tree does not qualify and is not aware of any historical significance.

Ms. Wuerfel stated tree is already a landmark for neighborhood, the birds, anybody driving around the area, regardless of dispute of species, is a magnificent tree and brought up the Norfolk Island Pine on Sutter Street recommended for landmarking in 2009 and Mr. Hillan's and Ms. Hui's remarks on why it should be landmarked as well as Ms. Vargas' remarks about size and environmental benefits and read the resolution the Council adopted and how it equally applied to the Cook St. tree.

Ms. Myla stated the tree was magnificent and the people care for it and has an undeniable history.

Mr. Krobogh, stated the property is unique and has survived to today, and the tree is remarkable and big.

Ms. Brodick stated trees are scattered about for bird migration, loss of large old trees for biodiversity per SFSU Professor Ravinder.

Mr. Wright states the space is unique and the tree is important for that space and asked Committee to watch the video of the neighbors commenting on the tree.

Member Swae evaluated it as Norfolk Island Pine, consulted with Planning's HPC staff and house is not landmarked and he looked at notes from Here Today and was not able to determine trees were from Smith family. He disagreed with Mr. Costello and stated the tree is not that common in the area though not a rare species. He stated that the lack of proven historical and species rarity do not make for a landmarkable tree.

Member Short evaluated it as Norfolk Island Pine, and not convinced it is a Cook Pine though that would be less common. She stated trees of this size are rare in general in SF but not especially large for the species, finds neighbors' statement tree is over 120 years old plausible and that would be mature, good form and condition, uncertain about historical, tree is prominent landscape feature, interested if tree came from cemetery for historical significance, no traffic-calming effect, likely to provide habitat to many species, no erosion control, not wind/sound barrier, influenced by neighborhood appreciation from petitions; stated landmarking process is to recognize exceptional individual trees.

Member Kida evaluated the tree as a Cook Pine and stated he would not be shocked if it was a Norfolk Island Pine, that he thought on the street named Cook somebody thought about Captain Cook but not that that would sway him, stated if it were a Cook Pine, it would shift more in terms of rarity but not significantly, large tree, good looking, good condition, not sure historical association, best vantage point is from Euclid, no wind or sound barrier, commented on petition from neighbors on Cook St. and surrounding people.

WRITTEN SUMMARY -- 8/6 & 10/1 LTC MEETINGS for 46A COOK ST. "PINE" TREE

Prepared for Oct. 27, 2015 UFC Meeting

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Member Hillan stated tree was not rare, common as many Norfolk Islands in SF, it was a fine tree, continue meeting to determine if Cook Pine, connection with name of street, and rarity of Cook Pine in SF, sees no documentation house being certified historic so tree being remarkable tied to historic structure and overall history of planting, recognized planting of palms surrounding the house in that relationship and if this tree is only remaining evidence of that, feels it more landmarkable.

Member Hillson evaluated as Norfolk Island Pine, rarity status on International Union for the Conservation of Nature's Red List, whether Cook or Norfolk there is some rarity, referred to 120 years count for age, large, majestic, not all trees unique landmarked, referred to George Smith and his history as painter and Director of Odd Fellows Cemetery, member of Independent Order of Odd Fellows (IOOF), history of area of "Big Four" cemeteries, the original 46 Cook 75-foot-wide lot, 1885 photo from Bancroft Library, history of dwellings west of Divisadero back in those days.

Staff Member Hui stated the Council has had trees with indeterminate species and is not an issue in terms of process.

After LTC discussion, with not enough information, meeting continued to Oct. 1 for further historical & species clarification.

Summary of OCT. 1, 2015 LTC Meeting

Written documents used at meeting (includes Aug. 6, 2015 LTC meeting documents):

- * Nominator's summary document of attributes for Cook vs. Norfolk Island Pine
- * Nominator's Evidential Timeline document
- * Property owner's arborist's addendum (dated 9/30/15)

Refer to:

- ** DRAFT 10/1/15 LTC minutes (separate document)
- ** "46A Cook St. LTC Summary Spreadsheets" (separate document)

No representative from the Sponsor of the Nomination, the Planning Commission, was present to comment, and with no time ceded to nominator from Sponsor of the Nomination, Coordinator Hui presented. She stated that although the species was still unclear, the tree was nice-looking, has some potential historic, environmental and cultural value.

Property owner representative commented on historical viewpoint of tree in relation to any figures on the property. Other property owner representatives brought up issues on tree comparing historical 1885 photo and 1946/51 photos, Here Today book description and the tree in photos is a hybrid per Dr. Ritter.

Nominator spoke about tree shown in 1946/51 photo and today's tree and a letter from herbal medicine instructor regarding species and Hortus Third book.

Nominator supporters referenced SF Heritage letter and for committee to look at criteria for landmarking and to the historical timeline for evidence.

Nominator supporters state their arborists say tree is a Cook Pine and referenced the "Flora" (Tropical Garden Flora) document and environmental benefit of large tree and contribution to biodiversity.

Member Short stated she consulted with Dr. Ritter and is convinced he knows better though he indicated to her that while it is not uncommon, he was not aware of a huge quantity of them in San Francisco.

Chair Hillson stated LTC decided in prior meeting tree was in good condition, had distinguished form, does not provide erosion control, not part of interdependent group of trees but had neighborhood appreciation; not all LM

WRITTEN SUMMARY -- 8/6 & 10/1 LTC MEETINGS for 46A COOK ST. "PINE" TREE

Prepared for Oct. 27, 2015 UFC Meeting

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trees hit every criteria and have been landmarked; and she questioned the 1885 photo and relation to age of "sister tree" to this pine for historical.

Member Swae consulted with Planning's Historical Preservation staff who told him about rules about a tree being considered landmarkable even with the building in Here Today being determined to be historically significant.

→ Vote 2-1 to move to UFC with NO RECOMMENDATION.

CRITERIA TO DETERMINE LANDMARKING: Per Nomination Form & CODE Sec 810 below

* **RARITY:**

- Uncommon, Common, Other; in SF or other geographic area

* **PHYSICAL ATTRIBUTES:**

- Size: Large, Medium, Small; Notable size compared to other trees of the same species in SF
- Age: Significantly advanced for the species
- Distinguished Form: good form, majestic, or otherwise unique structure
- Tree Condition: Good, Poor, Hazard

* **HISTORICAL:**

- Historical Association: related to historic or cultural building, site, street person, event, etc.
- Profiled in publication or Other Media: print, internet, video media, etc.

* **ENVIRONMENTAL:**

- Prominent landscape feature: striking and outstanding natural feature
- Low Tree Density: in neighborhood w/ very few trees
- Interdependent Group of Trees: tree is integral member of group and removal may have adverse impact on adjacent trees
- Visible or Accessible from Public-right-of-way: high visibility and/or accessibility from public property
- High Traffic Area: in area w/ high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect
- Important wildlife habitat: relationship w/ particular local wildlife species or provides food, shelter or nesting to specific known wildlife individuals
- Erosion Control: prevents soil erosion
- Wind or Sound Barrier: reduces wind speed or mitigates undesirable noise

* **CULTURAL:**

- Neighborhood Appreciation: letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc.
- Cultural Appreciation: particular value to certain cultural or ethnic groups in the city
- Planting Contributes to Neighborhood Character: contributes significantly to, or represents, neighborhood aesthetic
- Profiled in a publication or Other Media: tree has received coverage in print, internet, video media, etc.
- Prominent landscape feature: a striking & outstanding natural feature

SEC. 810. LANDMARK TREES.

(a) **Designation Criteria.** The Board of Supervisors in Resolution No. 440-06, Clerk of the Board of Supervisors File No. 060487, adopted uniform criteria for the designation of landmark trees, which included consideration of the age, size, shape, species, location, historical association, visual quality, and other contribution to the City's character, as set forth Section 810(f)(4)(A)-(E) below.

(f)

(4) **Required Findings.** As part of any determination that authorizes removal of any landmark tree, the City entity making such determination shall, in addition to the adopted removal criteria, consider and make written findings on each of the following factors related to the tree:

(A) Size, age, and species;

(B) Visual characteristics, including the tree's form and whether it is a prominent landscape feature;

(C) Cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character;

(D) Ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier;

(E) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, provides shade or other benefits to multiple properties, and is visually accessible from the public right-of-way; and

(F) One or more criteria that qualify the tree as a hazard tree pursuant to Section 802(o).

"46A Cook St. LTC Summary Spreadsheets" (see separate 2-page doc)

LTC-08/06/2015 - SUMMARY OF RESPONSES from Nomination Forms (Landmark Criteria) for Norfolk Island / Cook Pine at "46A" Cook St.

Nominator / Evaluator	NOMINATOR	HILLSON	HILLAN	HUI	KIDA	SHORT	SWAE	Arbrst McNair (PropOwnr)	Arbrst Costello (PropOwnr)	Arbrst Leggit (Nomntr)	Attorney for PropOwn
*** RARITY ***	Rare	Norf IP-Unc/rare	Common	Cook-Rare	Cook-Unccommon	Common	Uncommon	Norflsld/Pine-Common	Agrees Norfolk per McNair	CookPine (+Mr. Hummer)	See** + McNair's opinion
*** PHYSICAL ***	***	***	***	***	***	***	***	***	***	***	***
Size	Large	Large	Large	Large	Medium/Lg for SF	Large	Large (for SF)	85' tall		100' tall	
Advanced age for species	Yes	Yes	No	Yes	No	Yes	No per ownr's arbrst	No		Mature	
Distinguished Form	Yes	Yes	Yes	Yes	Yes	Yes	Yes			Yes	
Condition	Good	Good	Good	Good	Good	Good	Good	Good health		Good	
*** HISTORICAL ***	***	***	***	***	***	***	***	***	***	***	***
Historical association	Yes	Yes	Yes	Yes	Partially	Yes	None apparent	None apparent			
Media or print	Yes/unknown	Yes/unknown	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown			
*** ENVIRONMENTAL ***	***	***	***	***	***	***	***	***	***	***	***
Prominent landscape feature	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No, per prop owner		Yes	
Low tree density	moderate	low/moderate	Low	Moderate	Moderate	Moderate	Moderate	Moderate			
Interdepn't group of trees	No	No	No	No	No	No	No	No			
Visible/access. fr/ Public ROW	Yes	Yes	Yes	Yes	No	Yes	Yes	Low visibility		Yes	
High traffic area	Yes	Yes	No	No	No	No	No	No			
Important wildlife habitat	Yes	Yes	No	Yes	No	Yes	No	Perch for birds			
Erosion control	No	No	No	No	No	No	No	No			
Wind or sound barrier	Yes	Yes	No	Yes	No	No	left blank	No			
*** CULTURAL ***	***	***	***	***	***	***	***	***	***	***	***
Neighborhood appreciation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	left blank		Prop owner...*	
Cultural appreciation	None apparent	Yes	None apparent	None apparent	None apparent	None apparent	Yes/none apparent	left blank			
Contribution to nghrd character	Yes	Yes	Yes	Yes	No	left blank	left blank				

*does not believe it adds any "cultural" value to the neighborhood.

**Ms. Bonaparte stated that what matters, as Ms. Hui indicated, is if it fits the criteria for landmark status.

NOTE: Look at 8/6 + 10/1/15 LTC Written Summary & ADOPTED 8/6/15 Minutes for more information.

LTC-10/01/2015 - SUMMARY OF RESPONSES stated in re Landmark Criteria for Tree (Norfolk, Cook, Hybrid) at "46A" Cook St.

Nominator / Evaluator	NOMINATOR	HILLSON	HILLAN	HUI	KIDA	SHORT	SWAE	Arbrsts McNair & Costello	<- see Column to left	Arbrst f/ Nomntr	Atty for PropOwn
*** RARITY ***	Cook Pine	species unclear	EXCLUDED	species unclear	EXCLUDED	convincd hybrid*	see commnts below	hybrid per Ritter			
*** PHYSICAL ***	***	***	***	***	***	***	***	***			
Size	Large										
Advanced age for species		"sister tree"***									
Distinguished Form				nice-looking							
Condition				some hstrc value	***	insufficient evidence	No per HistPrsvnStaff	***		***	per LTC minutes**
Historical association	Yes										
Media or print											
*** ENVIRONMENTAL ***	***	***	***	some envr value	***	***	***	***		***	
Prominent landscape feature											
Low tree density											
Interdepn't group of trees											
Visible/access. fr/ Public ROW											
High traffic area											
Important wildlife habitat											
Erosion control											
Wind or sound barrier											
*** CULTURAL ***	***	***	***	some cult value	***	***	***	***		***	
Neighborhood appreciation		Yes				Yes					
Cultural appreciation											
Contribution to nghrd character											

10/01/15 LTC met for additional clarification on categories of species and historic, other landmark tree criteria could have been discussed as shown in this chart above.

Blank boxes may indicate no response from evaluator or not discussed at meeting or may not have discussed due to it having been done at earlier Aug. 6, 2015 meeting.

NOTE: Look at 8/6 + 10/1/15 LTC Written Summary & DRAFT 10/1/15 Minutes for more information.

(continued) LTC-10/01/2015 - SUMMARY OF RESPONSES stated in re Landmark Criteria for Tree (Norfolk, Cook, Hybrid) at "46A" Cook St.

LTC & STAFF COMMENTS:

Species:

* Ms. Short stated Mr. Ritter indicated to her while it is not uncommon, he was not aware of a huge quantity of these in SF.
Ms. Short wondered how many of Norfolks are hybrids, how many are Cooks and makes it a little more significant it is a hybrid though if most of what we have are hybrids then it becomes more common and we don't know.
Ms. Short stated there was a precedent with landmarking an unknown species.
Ms. Short stated she usually looks for more than one criterion to be met and appreciate people caring about the environment and community but not sufficient to vote for trees.
Ms. Short stated she wished there was clearer confirmation on what a hybrid meant in terms of its rarity; and stated Ritter did not think they were very common in SF.
Ms. Hillson stated she originally thought it was Norfolk as did most everybody except the nominators. Then thought it was Cook.
Ms. Hillson was told at this last meeting it is a hybrid but read in A Tropical Garden Flora that all hybrids are Cooks.
Ms. Hillson is unclear on species.
Ms. Hillson stated not all criteria have been met for all landmarked trees.
Mr. Swae stated the tree is not super rare; even hybrids are not super rare.
Ms. Hui stated UFC has evaluated specimens of unknown species and they have been landmarked so that is not necessarily a problem.

Historical:

** Ms. Hillson stated if sister tree has 120 rings, that would put date back to 1895 even if no trees shown in 1885 photo.
Mr. Swae spoke to Planning's historic preservation staff & from their view, tree would have to be a certain age, associated w/ some exceptional element of SF history.
Mr. Swae stated that Here Today mentions the building but the preservation staff told him the significance is based on architectural significance of the property.
He stated it was not related necessarily to the historic person or even associated with the property.
Mr. Swae stated the tree or landscape would need to be associated with a historic event or person or a historically designed landscape.
Mr. Swae stated there is no evidence and does not see it based on historical.
Mr. Swae stated it is not associated with a key individual or event or something related specifically to the tree.

NOMINATOR'S SUPPORTERS' COMMENTS:

Species:

Mr. Worn produced letter from field botany teacher of herbal medicine and stated the letter referred to Hortus Third to make positive identification.
Mr. Levitt had 2 arborists state it was a Cook Pine. He brought up A Tropical Garden Flora which states all hybrids are Cook Pines.

Historical:

Mr. Worn disagrees 1946/1951 tree was removed and current one put in its place as physically impossible.
Ms. Levitt referenced the historical material submitted earlier and the timeline.

Other:

Ms. Levitt asked that the worthiness of the tree to be landmarked be looked at per the criteria in the ordinance.
Ms. Beasley stated as SFSU Environmental Studies student provides great environmental benefit being large.
Ms. Beasley also stated it contributes to the biodiversity to help conserve nature.
See minutes of LTC for other remarks.

PROPERTY OWNER'S SUPPORTERS' COMMENTS:

Species:

Ms. Bonaparte stated from last meeting, parties would get more info on species ID whether Norfolk Island Pine which everyone had asserted or if Cook Pine.
Ms. Bonaparte stated Cook Pine apparently more rare in this area. Contacted Dr. Matt Ritter (Cal Poly) who opined it is a hybrid.
Ms. Bonaparte stated the documents stating the tree as a Cook Pine are wrong and not authoritative per Dr. Ritter.
Mr. McNair stated Dr. Ritter laid to rest the species issue and explained why there was so much controversy because it is a hybrid and has characteristics of both.
Mr. McNair stated the urbanforest map, in terms of rarity or historical, and after speaking with Peter Erlich in the Presidio, there is a greater number than the 15.
Mr. Costello stated that in his mind if Mr. Ritter says the tree is a hybrid, that is what he believes.
Mr. Costello stated that we really do not have a good understanding of the tree that is being landmarked.

Historical:

Ms. Bonaparte stated there was insufficient/contradictory historical evidence at last hearing. Here Today excerpt was in appendix.
Ms. Bonaparte stated there are no trees in 1885 photo. McNair's photo of today compared to 1940/1950 photo is not the same tree.
Mr. McNair compared the 1946 photo to current photo he took virtually in same location. He says it is not the same tree.
Mr. McNair said the tree was probably planted as a replacement tree.

Other:

See minutes of LTC for other remarks.



SF Environment

Our home. Our city. Our planet.

A Department of the City and County of San Francisco

Edwin M. Lee
Mayor

Deborah O. Raphael
Director

City and County of San Francisco Urban Forestry Council

Public Comment Received March 25, 2016 UFC Meeting

San Francisco Department of the Environment
1455 Market Street, Suite 1200, San Francisco, CA 94103
Telephone: (415) 355-3700 • Fax: (415) 554-6393

Email: environment@sfcgov.org • SFEnvironment.org

Printed on 100% post-consumer recycled paper

Valdez, Anthony E (ENV)

From: Hui, Mei Ling (ENV)
Sent: Monday, February 22, 2016 4:57 PM
To: Valdez, Anthony E (ENV)
Subject: FW: supplemental documents for tomorrow
Attachments: wnp_letter_of_support.pdf; Sehgal report.pdf; Newberry letter.docx; HERE TODAY.docx; back to back photo.docx

Hi Anthony,

Can you add these to the meeting file for the March hearing?

Mei Ling Hui
Urban Forest and Agriculture Coordinator
San Francisco Department of the Environment
1455 Market Street, Ste. 1200
San Francisco, CA 94103
E: meiling.hui@sfgov.org
T: (415) 355-3731

SFEnvironment.org | [Facebook](#) | [Twitter](#) | [Get Involved](#)

Please consider the environment before printing this email.

From: vanessa ruotolo [mailto:vanessa123@earthlink.net]
Sent: Monday, February 22, 2016 4:09 PM
To: Hui, Mei Ling (ENV) <meiling.hui@sfgov.org>
Subject: re: supplemental documents for tomorrow

Dear Mei Ling,
Attached are documents I would like sent out immediately to the full Council members today.
Thank you.
Vanessa Ruotolo

+++++

- 1) Letter of support from Woody LaBounty, Director of Western Neighborhoods Project
- 2) Environmental support letters from San Francisco State Associate Professor Ravinder Sehgal, PhD. and Todd Newberry,
- 3) Supplemental historic documentation (including historic photos) by Vanessa Ruotolo
- 4) Photo of children at Laurel Hill Playground (February, 14, 2016)
- 5) Photos of tree from same perspective: (1940's/2016) - comparison

1)

2)

3)

4)



5)

**Western
Neighborhoods
Project**

4016 Geary Boulevard, Ste. A
San Francisco, CA 94118

Preserving the history of San Francisco's west side

www.outsidelands.org
(415) 661-1000

December 14, 2015

To: Vanessa Ruotolo
Richard Worn

Re: 46A Cook Street Landmark Tree

Western Neighborhoods Project is a California nonprofit formed in 1999 to preserve and share the history of San Francisco's western neighborhoods. While we do not usually advocate for the preservation of specific structures or landscape features, we do make exceptions.

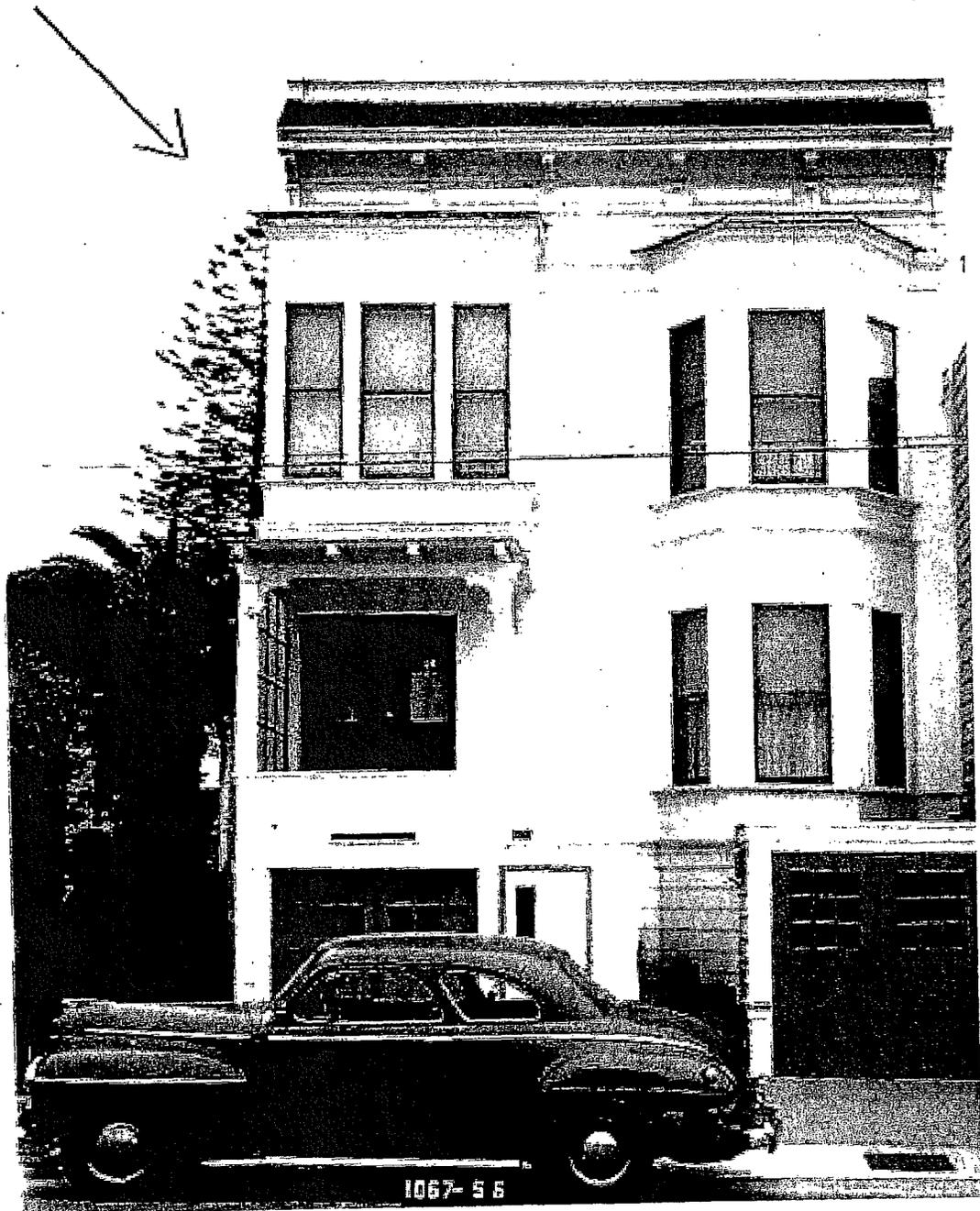
The origins of development in the Lone Mountain neighborhood of San Francisco is inexorably tied to the former cemeteries that were established in the area beginning in the 1850s. We believe the residence and trees at 46A Cook Street have historical significance because of the connection to the first owner, George J. Smith, a director of one of the "big four" cemeteries. While the residence is one of the earliest structures in the area and one of the last surviving Italianate cottages on the west side, the tree on the lot is almost as old and just as noteworthy for its connection to Smith and the landscaping styles used in the now-removed cemeteries.

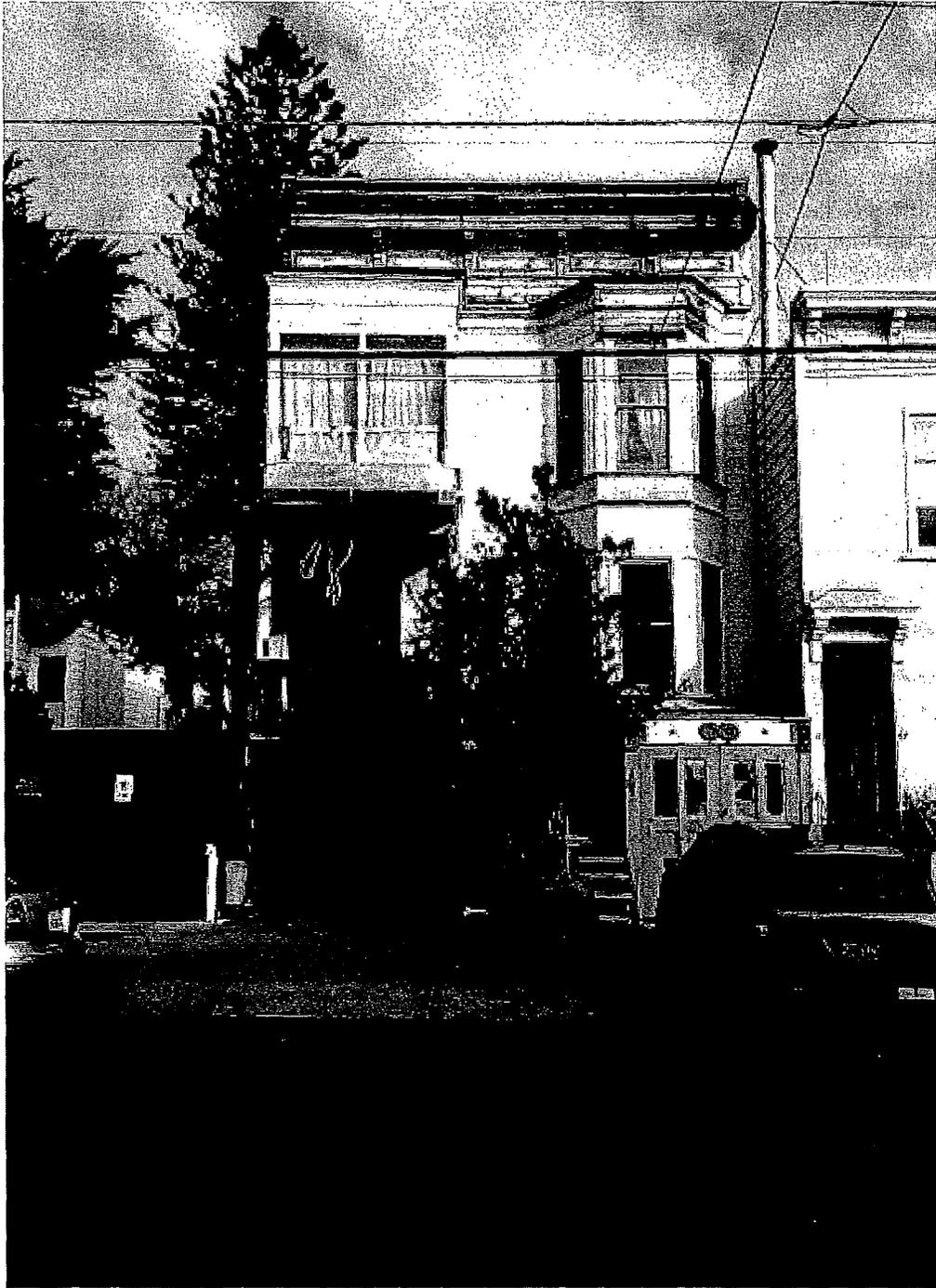
We do not purport to be experts on what criteria the city uses to determine a tree's landmark status, but we do know and respect the history of the west side of San Francisco, and to us, the Cook Street cottage and tree are important and worthy of recognition and protection.

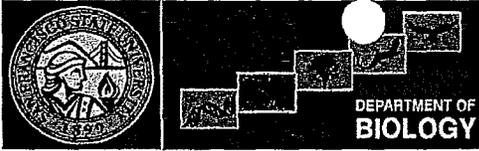
Sincerely,

Woody LaBounty
Director

THE PHOTOS BELOW ARE OF THE SAME TREE: THE FIRST FROM THE SF
ASSESSORS OFFICE 1946-1951 AND THE SECOND BY A NEIGHBOR IN 2016.







Ravinder N. M. Sehgal, Ph.D.
Associate Professor

Department of Biology
1600 Holloway Avenue
San Francisco State University
San Francisco, CA 94132-1722
Tel: 415/405-0329
Fax: 415/338-2295
sehgal@sfsu.edu
<http://userwww.sfsu.edu/~sehgal>

25. July. 2015

I would like to give my support to the efforts to save an old tree on Cook Street in San Francisco. I am a professor at San Francisco State University and my research focuses on how deforestation affects birds and biodiversity. Large old trees are critical ecological structures because, relative to their size, they are disproportionate providers of resources crucial to wildlife. A recent study has reported that the loss of large old trees leads to an overall loss of urban biodiversity¹. These trees are home to numerous bird species and other wildlife, and in particular, I believe that the tree on Cook Street, serves as a stopover point for raptors and other birds flying between the Presidio and Golden Gate Park. In order to preserve the urban wildlife of San Francisco, it is essential to add new trees to city blocks, and it would certainly be detrimental to remove existing ones. Given the scientific evidence regarding the importance of old urban trees to wildlife, I would encourage all efforts to preserve this unusual tree in the Richmond District.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Ravinder Sehgal'.

Ravinder Sehgal, Ph.D.

¹ Le Roux, Darren S., et al. "The future of large old trees in urban landscapes." (2014)
Plos One: e99403.

HISTORIC RESOURCE DOCUMENT SUPPLEMENT FOR 46 COOK STREET

Vanessa Ruotolo

February 20, 2016

After reviewing the minutes of the many meetings regarding the landmarking of the Pine on Cook Street, I believe its historic significance has not been considered adequately.

In John Swae's July 2, 2015 Landmark Nomination Case Report to the SF Planning Commission, he brought attention to the fact that the Planning Department's Property Information Map indicates the building located at 46 Cook is a *Type A - Historic Resource*. In this document he also stated that San Francisco's practice of historic preservation would **traditionally protect landscaping** on properties identified as known historic resources where the landscaping is determined to be a significant feature of the property or significant to the setting of the property.

On page 2 of this document, Mr. Swae references the book **Here Today**, where the property of 46 Cook is mentioned. **Here Today** is a book published in 1968 by the Junior League of San Francisco. "The findings of the Junior League survey were adopted by the Board of Supervisors on May 11, 1970; Resolution No. 268-70. It is, therefore, an adopted local register under CEQA."

In July, Mr. Swae acknowledged the book's references to George J. Smith, the original owner of 46 Cook Street properties, who was "*a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house.*" Mr. Swae believed back in July that further research was needed to determine a connection of the trees to Mr. Smith.

Below you will find evidence of our further research: the research notes and photos taken by the Junior League of San Francisco, Inc. for the **Here Today** book. These were found in the archives of the SF Public library in August. The notes state that some of the trees Mr. Smith obtained from the cemetery and planted on his estate "still surround the house." In addition, the file included photos of the property taken at the time of their research. These photos include the trees on the 46 Cook. The photos clearly document the existence of the subject nominated Cook Pine as well as the Norfolk and Palms removed in April.

The Planning Department's Review Procedures for Historic Resources includes reference to the San Francisco Preservation Bulletin No. 16 that describes the steps for evaluating properties as historical resources for purposes of CEQA. For Category A.2 (for 46 Cook Street) the Bulletin states: "**Only a preponderance of the evidence demonstrating that the resource is not historically or culturally significant will preclude evaluation of the property as an historical resource.**"

The trees have been historically documented by the same resource (**HERE TODAY**) that the San Francisco Planning Department and San Francisco Board of Supervisors adopted to determine the historic eligibility of buildings, structures, districts, objects or sites.

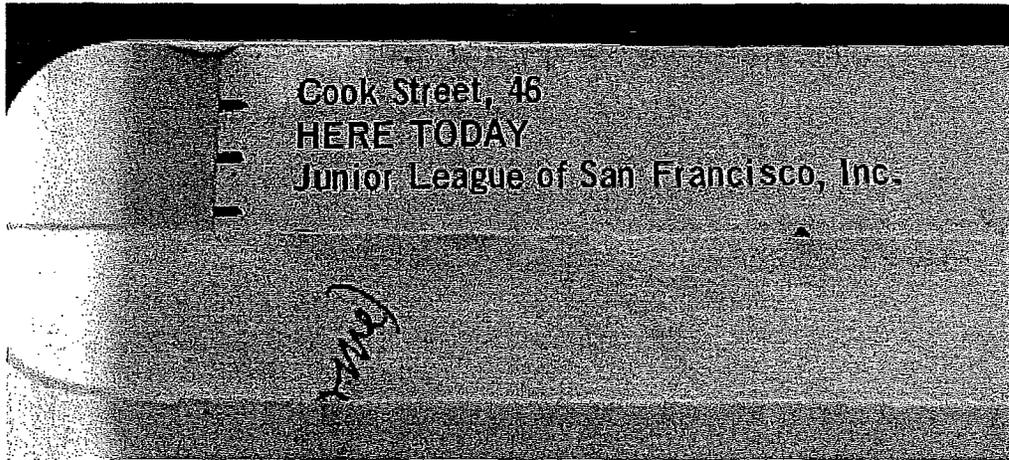
In compliance with Preservation Bulletin 16, it is clear that 46 Cook Street is an historic site and there is every reason to believe that this tree is part of the original landscape.

Vanessa --

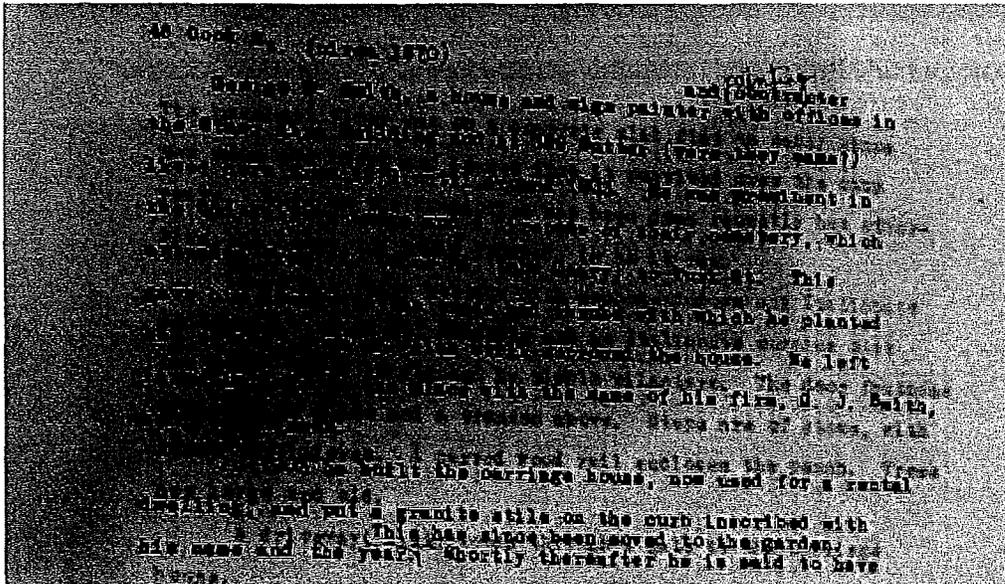
Would you please convey my concern to the committee deciding the matter of land marking the Cook Pine tree at 46 Cook Street? A tree like that very likely is a long-standing navigational reference for many birds, even local ones, moving back and forth through the region, the way a lighthouse is for coastal sailors. Removing it is tantamount to taking away a natural channel marker, in this case one that has been there year after year, one that the look-alike roofs of houses simply cannot match. Beyond that, big trees provide shelter for surprisingly many migrating birds when they settle down temporarily to rest on their travels. The birds in that foliage may not be noticeable to us as we pass by, but of course that is part of such a tree's value as a refuge. We make a lot of protecting birds' nesting places; preserving their scattered (and decreasing) non-nest refuges is just as important for most of the year when birds are on the move. I hope the city keeps this biologically notable tree.

Todd Newberry
Professor Emeritus, Biology
UC Santa Cruz
tax@ucsc.edu

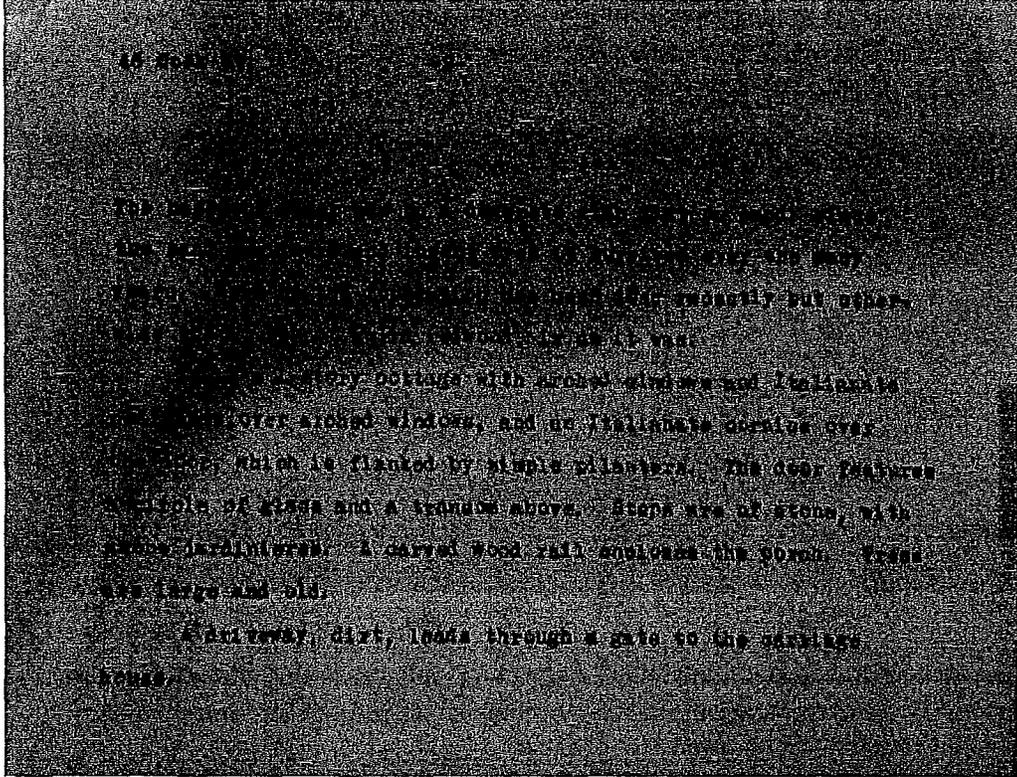
All of the following notes and photographs were found in the file found in the San Francisco Public Library: notes by the Junior League of San Francisco for the publication of **HERE TODAY** ("The findings of the Junior League survey were adopted by the Board of Supervisors on May 11, 1970; Resolution No. 268-70. It is, therefore, an adopted local register under CEQA.")



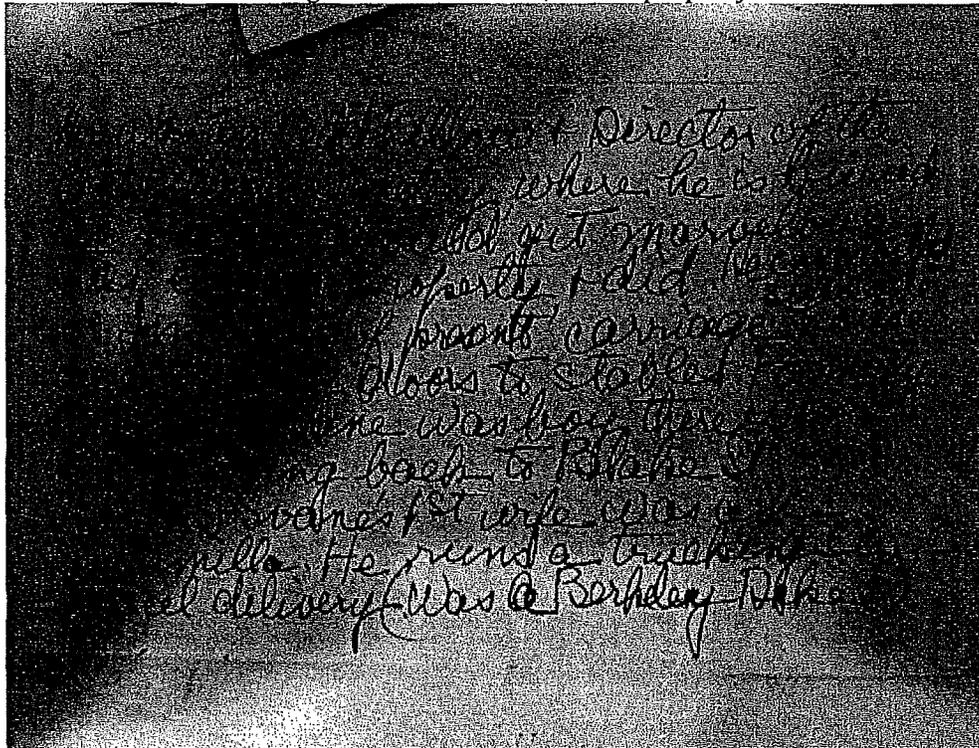
"He was prominent in the Odd Fellows Lodge and a director of their cemetery...This gave him access to the trees and shrubs with which he planted his estate, some of which still surround the house."



"Trees are large and old."



"He was an Odd Fellow and Director of the Odd Fellow's Cemetery where he is buried. As such he could get marvelous trees, etc. on property and did."



Picture of Norfolk and Palm to the left of house



Picture of Cook Pine to the right of house.



Valdez, Anthony E (ENV)

From: Valdez, Anthony E (ENV)
Sent: Monday, March 21, 2016 7:07 PM
Cc: Hui, Mei Ling (ENV)
Subject: Public Comment: supplemental documents for 3/25
Attachments: wnp_letter_of_support.pdf; Sehgal report.pdf; Newberry letter.docx; HERE TODAY.docx; PastedGraphic-2.pdf; PastedGraphic-3.pdf

Council Members:

Additional public comment regarding the landmark tree item being discussed at the March 25, 2016 UFC meeting.

Thanks,
Anthony

Anthony E. Valdez

Commission Affairs Manager

San Francisco Department of the Environment
1455 Market Street, Suite 1200, San Francisco, CA 94103
anthony.e.valdez@sfgov.org T: (415) 355-3709



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Please consider the environment before printing this email.

From: vanessa ruotolo [mailto:vanessa123@earthlink.net]
Sent: Saturday, March 19, 2016 12:15 PM
To: Hui, Mei Ling (ENV) <meiling.hui@sfgov.org>
Cc: Valdez, Anthony E (ENV) <anthony.e.valdez@sfgov.org>
Subject: Fwd: supplemental documents for 3/25

Dear Mei Ling,

Would you please email the announcement of the rescheduled 3/25 meeting? We never received the email.

Also, creating a new packet proves too difficult so please forward the following additional information to the members of the UFC. There has been an addition to #3 - Supplemental historic documents. Also, NUMBERS 5, 6, 7 & 8 are additional to the email sent last month.

Please confirm by Monday that you have sent each member these documents.

Thank you.

Vanessa

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- >
- > 1) Letter of support from Woody LaBounty, Director of Western Neighborhoods Project
- > 2) Environmental support letters from San Francisco State Associate Professor Ravinder Sehgal, PhD. and Todd Newberry,
- > 3) Supplemental historic documentation (including historic photos) by Vanessa Ruotolo
- > 4) Photo of children at Laurel Hill Playground (February, 14, 2016)
- > 5) Photos of tree from same perspective: (1946-1951 assessors office photo/present day)
- > 6) Photo of community members who came to 2/23 UFC meeting - (due to the last minute cancellation there was no way of contacting them)
- > 7) Additional photos of tree/community
- > 8) Photo of Laurel Hill Nursery School Director, Maria Chew (standing on campus of LH Nursery School with tree in background).
- > She had planned to speak in support of Landmarking at the February meeting.

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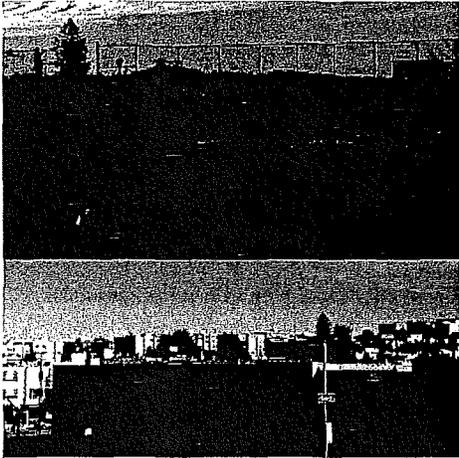


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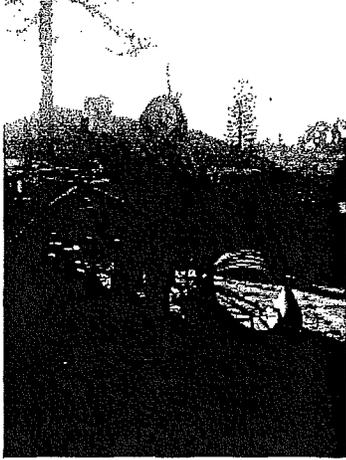
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Member, Board of Supervisors
District 1

市參議員、第一區



City and County of San Francisco

ERIC MAR
馬兆光

March 21, 2016

Urban Forestry Council
Landmark Tree Ad Hoc Committee
San Francisco City Hall, Room 421
1 Dr. Carlton B. Goodlett Jr. Place
San Francisco, CA 94102

Dear Chair Hillson and Councilmembers:

Thank you for the work that you and your committee have done in educating the public regarding the value of trees as well as protecting and strengthening the urban canopy we have today.

I'm writing you to urge the land-marking of the pine tree located at 46A Cook Street. It is my understanding, the tree meets all of the criteria by my predecessor Supervisor McGoldrick's 2006 resolution No. 440-06 in pursuant to Ordinance 17-06. The 46A Cook Street pine fulfills historic criteria, special significance to the community, and environmental benefits.

As you know, the 46A Cook St. pine tree has been present in the community for generations. Like many children and families, I walk the area and love the tree as well. George J. Smith, director of the one of the "big four" cemeteries, was the tree's first owner after it was transferred from the historic garden cemeteries. In addition, there have been research supported by on how large old trees are crucial to wildlife and urban biodiversity. In terms of rarity, arborists have also argued that the tree is a Cook Pine, which is less common than the Norfolk Pine on Sutter that was unanimously approved before.

Today, the tree continues to inspire the community with its timeless beauty. From children to the elderly, it has been standing tall for generations. It is an invaluable element of the local skyline and this standing tree is precisely the kind of historical asset San Francisco's Urban Forestry Council was intended to protect.

I respectfully urge the Council to support landmark designation.

Sincerely,

A handwritten signature in black ink that reads "ERIC MAR".

Eric Mar

Report: Sea Levels Could Rise Several Meters This Century, Drowning Cities

March 22, 2016

Headlines



Scientists have published a major new paper warning climate change could cause catastrophic storms beyond any seen in modern times and the loss of swaths of the polar ice sheets. While countries around the world have agreed on 2 degrees Celsius of warming above pre-industrial levels as a limit for global warming, the paper warns such a rise would be "dangerous." The world is already halfway to the 2-degree mark. Former NASA scientist and leading climatologist James Hansen was one of 19 co-authors. He spoke in a video accompanying the report.

James Hansen: "These feedbacks raise questions about how soon we will pass points of no return in which we lock in consequences that cannot be reversed on any time scale that people care about. Consequences include sea level rise of several meters, which we estimate could occur this century or at latest next century if fossil fuel emissions continue at a high level. That would mean loss of all coastal cities, most of the world's large cities and all their history." The report comes after last month shattered climate records, becoming the warmest month in recorded history, surpassing the previous record—set in December.

Ho Chi Minh City to uproot, axe 300 trees for major projects

TUOI TRE NEWS

Updated : 03/24/2016 14:21 GMT + 7

**Trees on Ton Duc Thang Avenue in District 1, Ho Chi Minh City
Tuoi Tre**



Three hundred trees on a riverside avenue in Ho Chi Minh City are to be uprooted and chopped down to make way for a metro station and new bridge, authorities announced on Wednesday.

The clearance plan was unveiled in a press conference by Hoang Nhu Cuong, deputy chief of the city's Management Authority for Urban Railways (MAUR).

Cuong said around 300 trees on Ton Duc Thang Avenue, which runs along the Saigon River in District 1, will either be uprooted and replanted elsewhere or felled to clear the area for the construction of the Thu Thiem 2 Bridge, which will connect District 1 and District 2, and Ba Son Station which will be part of Ho Chi Minh City's first metro line.

According to Cuong, only 16 of the 300 trees are to be cleared in the next two months to give way to Ba Son Station while the remaining plants will be handled at a later date for the building of the Thu Thiem 2 Bridge.

The clearance plan for those 284 trees will be drafted by a procuring agency and submitted to the municipal People's Committee by the end of April, Cuong said. Only four out of the 16 trees cleared in this phase will be relocated, while the other 12 are to be chopped down from March 26 to May 7, said Chu Son

Binh, deputy director of the Management Authority for the First Project under MAUR.

The cleared area will be reserved for the entrance and exit of the upcoming metro station, Binh said.

He explained that only straight, proportional, and healthy trees with trunk diameters measured at 1.3m from the ground no greater than 50cm will be uprooted for replanting elsewhere, in answering questions regarding the reason for not saving all 16 trees.

Ho Chi Minh City Parks and Greenery One Member Co. Ltd. said at the press conference that the company had conducted thorough evaluation on the condition of each tree and had reached an agreement with the procuring agency of the first metro line on the handling plans for those 16 trees.

Dong Van Khiem, vice chairman of the Reviewers Council for the plan, said all trees on Ton Duc Thang Avenue are African mahoganies (*khaya senegalensis*) mostly planted about 100 years ago during the French colonial.

The species has been listed by the People's Committee among the trees banned from being grown on public streets due the unique feature that their root system grows just as large as their canopy and can potentially damage nearby buildings and roads, Khiem added.

African mahoganies have already been cleared off the streets of Vietnam's capital, Hanoi, he said.

The contractor of Ba Son Station said the expense for felling the trees is estimated at around VND3-5 million (US\$134-223) per tree depending on its size, while the cost for uprooting the plants increases fourfold to approximately VND20 million (\$900) per tree.

Khiem noted that in reality the cost of uprooting and replanting each tree could reach VND40 million (\$1,800) apiece due to the fact that only half of the uprooted trees are expected to survive and thrive.

At such a high cost, Khiem said, many people would now prefer growing trees with trunk diameters of 10cm or less to lower the expense.

However, the People's Committee demanded every effort be taken to save as many trees as possible, as is the wish of most citizens.

According to Hoang Nhu Cuong, the uprooted trees will be replanted in parks across the city, while the wood collected from chopping the trees will be used as building materials for future public constructions.

The Reviewers Council agreed that clearing the trees is necessary for the greater good of the city and its people but requested that new and more beautiful trees be planted in the area after the construction on each project is completed.

Austin's trees worth more than \$16 billion, researchers say

Local

By Asher Price - American-Statesman Staff

33

Posted: 4:38 p.m. Monday, March 21, 2016

Highlights

- Austin's trees make up nearly a third of the city's footprint. —
- The trees capture nearly 2 million tons of carbon dioxide annually. —

Researchers say study is meant to help policymakers.

Austin's trees, long valued for their shade and their looks, now have a price tag: \$16 billion.

That's what a team of U.S. Forest Service and Texas A&M Forest Service researchers has deemed the "compensatory value" of the roughly 33.8 million trees found in Austin.

That's about \$480, on average, per tree.

The report is the first in a series by the U.S. Forest Service looking at the value of urban forests around the country, to help policymakers make decisions about their trees.

"It's hard to manage a grocery store if you don't know what's on your shelves," said David Nowak, the lead author and a research forester with the U.S. Forest Service's Northern Research Station in Syracuse, N.Y. "There are risks of changes to that forest: How would you want it better in the future? Where does Austin want to be 30 or 40 years from now? Does it want more trees or less trees?"



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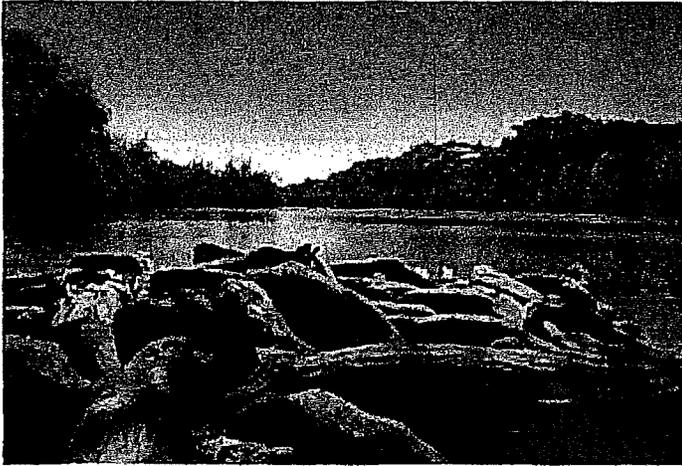
Laura Skelding

Ember Moon, right, and Jordan Phillips share a kiss in a magnolia tree on the Capitol grounds.

Austin has a relatively protective tree ordinance that has been in the cross hairs of Gov. Greg Abbott and key lawmakers.

For more than 30 years, Austin has required owners of public and private land to get the city's permission to fell trees with trunk diameters of 19 inches or more — regardless of variety. In exchange, owners must plant new trees or pay into a tree-planting fund.

In 2010, Austin added a stricter rule. It said owners couldn't cut down so-called heritage trees — those of certain species with trunk diameters of 24 inches or greater — unless they prove that the tree is diseased or a safety risk or that keeping it would prevent a reasonable use of land.



±
JOHN GUTIERREZ

Giant tree roots form a tangle at Red Bud Isle Park beneath the Tom Miller Dam.

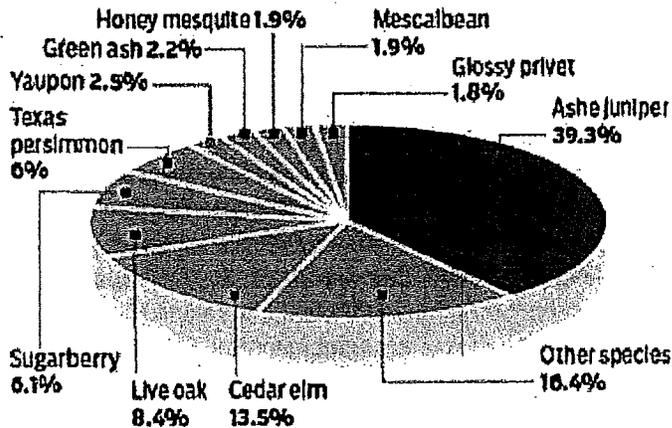
Since 2011, Austin's tree ordinance has led to the preservation of more than 13,300 trees, at least 7,950 have been allowed to be removed, and the ordinance has required that more than 31,500 be planted.

It hasn't always gone smoothly: In 2011, a 57-foot-tall pecan tree on a private lot by Bowie and West Fifth streets stood between developers and a new residential tower. City rules forced the developers to save the tree, and they ended up moving it nearby, at a cost of more than \$200,000.

That tree is still alive, said Michael Embesi, who manages the community trees division for the city, which helped with the study.

Variety of trees spring up in Austin

Roughly 90 percent of Austin trees are native to Texas, say experts.



Source: U.S. Forest Service

STEVE LOPEZ / STAFF

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Researchers examined 200 randomly selected plots, each about a sixth of an acre, to estimate the makeup of Austin's forest.

Among the findings of the report, titled "Austin's Urban Forest, 2014":

- Trees cover 30.8 percent of the city's land. Nowak said the size of Austin's tree canopy is in keeping with cities nationally, though the canopy naturally decreases in drier climates.
- The most abundant species are ashe juniper, cedar elm and live oak.
- About 60 percent of trees are less than 5 inches in diameter.
- The trees capture about 1.9 million tons of carbon dioxide annually.
- About 90 percent of Austin's trees are native to Texas.

The compensatory value of a tree is based on trunk size, species, condition and location. It includes the replacement cost of a similar tree and is an estimate of the amount of money the tree owner should be compensated for a tree's loss.

Austin was selected by the Texas A&M Forest Service partly because there's a "general impression people care about trees in Austin," said Christopher Edgar, a forest resource analyst with the Texas A&M Forest Service.

Researchers will return in coming years to monitor how Austin's forest is changing.

"We've got some statistics that will help us understand what kind of forest we have and help us manage it better," Embesi said.

Comments, Item 7, Biodiversity - Destroying Forest To Save It & Carbon Emissions 3/22/2016

Hi Commissioners,

It is imperative that we immediately end the practice of the removal of trees solely in efforts to 'conserve' or 'restore' biodiversity. It is self evident that large older forests like those in Sharp Park and other parks in San Francisco which are slated for large scale 'non-native' tree removals are highly biodiverse ecosystems in which biodiversity would be deeply devastated by the destruction of these forest habitats, which currently house hundreds of thousands of living beings. The idea that it serves biodiversity to engage in such massive destruction is patently absurd and is akin to attitude of the Vietnam Major who stated "We had to destroy the village to save it." This insane policy has even led to the proposal that over 400,000 trees should be removed from the East Bay Hills over a 20 year period. It is unacceptable for San Francisco Environment Department staff to continue validating this egregiously wrongheaded policy in the supposed name of 'biodiversity'.

Key Carbon Emissions Factor

Most importantly, such mass removal and chipping of trees and the disturbance of their forest soils results in a mass release of greenhouse gasses which is not recouped for at least 100 years (see study links below). The planet faces immediate and extremely hazardous climate crisis tipping points, on which James Hansen and other climate scientists have just today released a peer reviewed study which states emphatically that the crisis is far worse than previously believed and must now be classified as a planetary emergency. See: <http://thinkprogress.org/climate/2016/03/22/3762111/climate-scientists-global-emergency>.

In a time of such a dire climate emergency when we need to drastically reduce emissions now, not 100 years from now, for San Francisco and other cities to engage in forest management practices which remove large numbers of trees, thereby creating a net release of carbon from the trees and soils, and eliminating vital carbon sinks, is likewise a patently insane policy.

To get a sense of the increased atmospheric carbon burden that results from the mass removal of mature trees see page 20 of the Forest Ethics report at <http://www.greenpressinitiative.org/documents/newspaperreport.pdf>

On that page you will see a graph which charts just forest carbon benefits in Canada forests (not the direct releases from logging - see other studies below on direct releases). If you adapt those numbers to correlate them to carbon storage benefit of just the 15,000 mature trees slated for removal at Sharp Park, the numbers show that the removal would eliminate a forest sequestration capacity of over 6 million pounds of carbon, the equivalent of putting 555 more cars onto California roads. And as I noted, those numbers don't even include the carbon immediately released from the chipped trees and disturbed soils themselves.

Here are links which show that mature forests (like the eucalyptus, acacia and Monterey pine forests in the Bay Area) store far more carbon than younger forests planted to replace them after removal, and that it takes at least 100 years for such disturbed forests to return to creating a net reduction of carbon in the atmosphere. }

First, here is the link to an article on a key, very large global study of the superior carbon storage capacity of older and old growth forests:

<http://www.sciencedaily.com/releases/2008/09/080910133934.htm>

And here is the link to another study that explains the importance of older forests compared to younger ones in carbon sequestration:

http://www.ecy.wa.gov/climatechange/2008FAdocs/8_20_08_harmonforestcarbonbasicsv2.pdf

Conclusion

Commissioners, the single largest threat to biodiversity on this planet is the climate crisis, which is now threatening to bring about a mass extinction of 50% to more than 90% of all life on Earth. To engage in incredibly misguided attempts to increase biodiversity which actually dramatically contribute to carbon emissions, makes absolutely no sense in the face of this dire climate threat to biodiversity.

We must change our urban forest management policies to address the drastic climate realities we now face. And this means that the Department, and Commission on the Environment must stop supporting and enabling mass tree removal in parks management and in the Natural Areas Program.

The only trees that should be removed from our urban forests are trees which pose a clear public safety hazard of falling or losing large branches and thereby causing serious injuries.

All of the rest of our urban forests -must- be left intact in order to provide crucial ecosystem services and carbon sequestration.

Sincerely,

Eric Brooks
Our City San Francisco
San Francisco Clean Energy Advocates
Sustainability Chair, San Francisco Green Party

415-756-8844

:)

From: Hui, Mei Ling (ENV) <meiling.hui@sfgov.org>
Sent: Tuesday, September 1, 2015 09:35
Subject: FW: please forward to Landmark Tree committee members

Committee members, please see information below from Carla.

-Mei Ling

From: Short, Carla (DPW)
Sent: Tuesday, September 01, 2015 7:47 AM
To: Hui, Mei Ling (ENV) <meiling.hui@sfgov.org>
Subject: please forward to Landmark Tree committee members

Hi Mei Ling,

Here is the information I got back from Dr. Matt Ritter regarding the Norfolk vs. Cook Pine:

I can tell from the images that this is hybrid between *Araucaria columnaris* and *A. heterophylla*. It sounds from your description as well that it is demonstrating characters between the two. There are many hybrids of those two species in California. One of my graduate students is studying the population genetics and lean of these trees and we're hoping to find the markers necessary to clarify which trees are hybrids in California and which trees are just demonstrating within species variation. I'd call this one a hybrid based on the images though. The bark and leaves of both species are virtually identical and the only reliable character to tell them apart in cultivation is the shape of the canopy and the lean.

Hybrids are common in California, in that they are around, by not everywhere. I have personal knowledge of about 10 of them, I'm sure Jason (my graduate student) knows of more. I don't know of any in San Francisco and they are way, way less common than *A. heterophylla*. I don't think they have a name. Most hybrids that only occur in cultivation are not named, for the most part, and these two trees do not have overlapping ranges in the wild.

Thanks,
Carla



Carla Short
Deputy Bureau Manager

Bureau of Street Use and Mapping | San Francisco Public Works | City and County of San Francisco
1155 Market St., 3rd Fl. | San Francisco, CA 94103 | (415) 554-5349 | sfpublicworks.org · twitter.com/sfpublicworks

Urban Forest Council
1455 Market St., Ste 1200
San Francisco, CA 94103

March 24, 2016

Dear Urban Forestry Council Members,

My name is Martin Singer and I am a homeowner in San Francisco, Oregon and Europe. I love gardens, flowers and trees and all of my properties have beautiful green areas, flowers and gardens. As a property owner, in all cases, I, personally decide what plants and trees grow and which ones don't grow or need to be cut down on my properties. Local governments in the United States of America don't decide what plants, flowers or trees grow in private gardens.

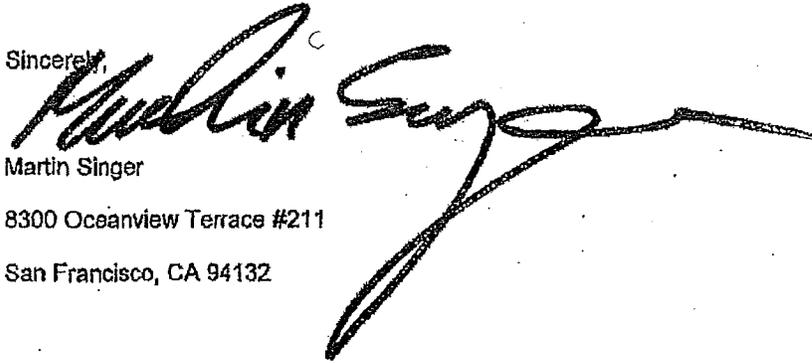
Consequently, I strongly oppose the nomination for historical landmark of the 46A Cook Street, SF, CA 94118 massive, aesthetically displeasing, dangerously high and rather common pine tree. The Norfolk Island common pine tree is not a historical landmark, as it grows, more or less like a weed and belongs to the owner of the property and not to the local government.

In addition, the 80 foot- and growing- tree is an extreme danger to the adjacent houses and several neighborhood properties. The massive pine tree is a private property of the owner of the parcel, who has every right (provided by the Fifth Amendment) to remove it or keep it at his or her will. Should this tree fall down, it will destroy at least 3 other houses, not to mention the danger to humans and other private properties. The pine tree discussed is a serious safety hazard and needs to be removed.

The purpose of this communication is to remind you that no local entity, city or county, has any legal authority to impose any directives on purchased and deeded private properties. Decisions on color selections, types of flowers grown, tree or plant preservation all remain in the hands of property owners and not the local authorities.

I am happy to discuss this truly absurd issue in person anytime.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Martin Singer'. The signature is written over the printed name and extends across the width of the page.

Martin Singer

8300 Oceanview Terrace #211

San Francisco, CA 94132

Urban Forestry Council
1455 Market St., Ste 1200
San Francisco, CA 94103

March 24, 2016

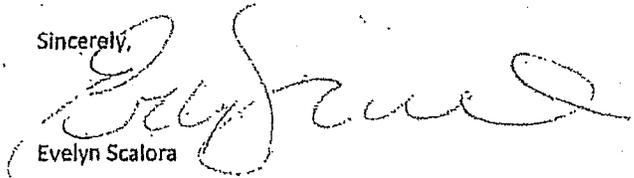
Dear Urban Forestry Council Members,

I have been a resident in San Francisco for 25 years and I am writing you to state that I oppose the nomination for historical landmark of the 46A Cook Street San Francisco, CA 94118 "Norfolk Island Pine" tree proposed by the Urban Forestry Council and I support the Homeowner's right to landscape their private property as they chose fit.

As a San Francisco homeowner for 17 years I believe it is important to ensure the private property rights provided by the Fifth Amendment are upheld. That is no local, city, county, state, or federal government has the authority to impose directives, ordinances, fees, or fines regarding aesthetic landscaping, color selections, tree and plant preservation, or open spaces on legally purchased/deeded private property.

Moreover after having the opportunity to visit the 46A Cook Street property and see the Norfolk pine tree standing at over 80 feet tall I have great concern with the recent weather storms that the tree is a potential safety hazard. If the tree or any part of the tree were to come down during a storm it surely would injure individuals and/or severely damage property. Knowing that there are several small children living in the 46A Cook vicinity this imposing tree is of great safety concern.

Sincerely,



Evelyn Scalora

60 Nebraska Street San Francisco, CA 94110
(415) 816-0667

***** LANDMARK TREE COM TEE EVALUATIONS (For 3/25/2016 UFC N .ing) -- by Rose Hillson *****

RARITY: Yes (1), Partially (2) No (2)

Unusual species in San Francisco or other geographic regions

Rare (2), Uncommon (3), Common (2), Other (/)

PHYSICAL: Yes (2), Partially (3), No (/)

SIZE: Lg. (5), Medium (1), Small (/)

AGE: Significantly advanced age for species

Yes (3), No (3)

DISTINGUISHED FORM: Tree is an example of good form for its species, has a majestic quality or otherwise unique structure

Yes (6), No (/)

TREE CONDITION: Consider overall tree health and structure, and whether or not tree poses a hazard

Good (5), Poor (/), Hazard (/)

HISTORICAL: Yes (4), Partially (2), No (/)

HISTORICAL ASSOCIATION: Related to a historic or cultural building, site, street, person, event, etc.

Yes (3), None apparent (1)

ENVIRONMENTAL: Yes (3), Partially (1), No (1)

PROMINENT LANDSCAPE FEATURE: A striking and outstanding natural feature.

Yes (6), No (/)

LOW TREE DENSITY: Tree exists in a neighborhood with very few trees.

Low (2), Moderate (4), High (/)

INTERDEPENDENT GROUP OF TREES: This tree is an integral member of a group of trees and removing it may have an adverse impact on adjacent trees

Yes (/), No (6)

VISIBLE OR ACCESSIBLE FROM PUBLIC RIGHT-OF-WAY: High visibility and/or accessible from public property

Yes (5), No (1)

HIGH TRAFFIC AREA: Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect

Yes (1), No (5)

Important wildlife habitat: Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

Yes (3), No (3)

EROSION CONTROL: Tree prevents soil erosion

Yes (/), No (6)

WIND AND OR SOUND BARRIER: Tree reduces wind speed or mitigates undesirable noise.

Yes (2), No (3)

CULTURAL: Yes (5), Partially (/), No (/)

NEIGHBORHOOD APPRECIATION: Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc.

Yes (6), None apparent (/)

CULTURAL APPRECIATION: Particular value to certain cultural or ethnic groups in the city.

Yes (2), None apparent (4)

PLANTING CONTRIBUTES TONEIGHBORHOOD CHARACTER: Tree contributes significantly to, or represents, neighborhood aesthetic.

Yes (3), No (1)

PROFILED IN A PUBLICATION OR OTHER MEDIA: Tree has received coverage in print, internet, video media, etc.

Yes (1), unknown (5)

PROMINENT LANDSCAPE FEATURE: A striking and outstanding natural feature.

Yes (6), No (/)

LTC-08/06/2015 - SUMMARY OF RESPONSES from Nomination Forms (Landmark Criteria) for Norfolk Island / Cook Pine at "46A" Cook St.						
Nominator / Evaluator	NOMINATOR	HILLSON	HILLAN	HUI	KIDA	SHORT
*** RARITY ***	Rare	Norf IP-Unc/rare	Common	Cook-Rare	Cook-Uncommon	Common
PHYSICAL	***	***	***	***	***	***
Size	Large	Large	Large	Large	Medium/Lg for SF	Large
Advanced age for species		Yes	No	Yes	No	Yes
Distinguished Form	Yes	Yes	Yes	Yes	Yes	Yes
Condition	Good	Good	Good	Good	Good	Good
*** HISTORICAL ***	***	***	***	***	***	***
Historical association	Yes	Yes	Yes	Yes	Partially	Yes
Media or print	Yes/unknown	Yes/unknown	Unknown	Unknown	Unknown	Yes
ENVIRONMENTAL	***	***	***	***	***	***
Prominent landscape feature	Yes	Yes	Yes	Yes	Yes	Yes
Low tree density	moderate	low/moderate	Low	Moderate	Moderate	Moderate
Interdepn't group of trees	No	No	No	No	No	No
Visible/access. fr/ Public ROW	Yes	Yes	Yes	Yes	No	Yes
High traffic area	Yes	Yes	No	No	No	No
Important wildlife habitat	Yes	Yes	No	Yes	No	Yes
Erosion control	No	No	No	No	No	No
Wind or sound barrier	Yes	Yes	No	Yes	No	left blank
*** CULTURAL ***	***	***	***	***	***	***
Neighborhood appreciation	Yes	Yes	Yes	Yes	Yes	Yes
Cultural appreciation	None apparent	Yes	None apparent	None apparent	None apparent	None apparent
Contribution to ngrhhd character	Yes	Yes	Yes	Yes	No	left blank

SWAE	Arbrst McNair (PropOwnr)	Arbrst Costello (PropOwnr)	Arbrst Leggitt (Nomntr)	Attorney for PropOwn
Uncommon	NorflsIndPine-Common	Agrees Norfolk per McNair	CookPine (+Mr. Hummer)	See** + McNair's opinion
***	***		***	***
Large (for SF)	85' tall		100' tall	
No per ownr's arbrst	No		Mature	
Yes	No		Yes	
Good	Good health		Good	
***	***		***	***
None apparent	None apparent			
Unknown				
***	***		***	***
Yes	No, per prop owner		Yes	
Moderate	Moderate			
No	No			
Yes	Low visibility		Yes	
No	No			
No	Perch for birds			
No	No			
No	No			
***	***		***	***
left blank	Prop owner...*			
Yes/none apparent				
left blank				

WRITTEN SUMMARY -- 8/6 & 10/1 LTC MEETINGS for 46A COOK ST. "PINE" TREE

Prepared for Oct. 27, 2015 UFC Meeting

Rose Hillson

One Norfolk Island Pine (*Araucaria heterophylla*) was nominated by Mr. Richard Worn at 60 Cook St. A Landmark Tree Nomination Form for a tree at 46A Cook was submitted to the Planning Commission for intent to nominate and a resolution was passed. In addition, the Director of the Department of Public Works issued an Emergency Protection Order temporarily protecting the tree. Refer to LTC members' and staff's evaluation reports as they pertain to the requisite criteria -- RARITY, PHYSICAL, HISTORICAL, ENVIRONMENTAL, and/or CULTURAL -- to determine tree as landmark by ordinance.

Refer to:

** ADOPTED 8/6/15 LTC minutes (separate document)

** "46A Cook St. LTC Summary Spreadsheets" (separate document)

Summary of AUG. 6, 2015 LTC Meeting

Written documents used at meeting:

- * Planning Department's July 2, 2015 Case Report on property information and tree w/ Resolution
- * All LTC member & staff reports
- * Property owner's arborist's report (James McNair)
- * Landmark Tree Nomination Form (by Richard Worn, 60 Cook St.)
- * Nominator's arborist's reports (Remy Hummer & Roy C. Leggitt, III)
- * Property owners' 2 arborists stated unequivocally tree is Norfolk Island Pine (*Araucaria heterophylla*).
- * Nominator's 2 arborists stated tree is Cook Pine (*Araucaria columnaris*).

LTC & Staff agreed on:

- * Good condition
- * Distinguished form
- * No erosion control
- * Not part of interdependent group of trees
- * Neighborhood appreciation
- * Prominent landscape feature

LTC & Staff responses that were more for 'yes' or 'no' vs. mixed:

- * Size: large (4); large for SF (2)
- * Historical association: Yes (4), Partially (1), None apparent (1)
- * Visible/accessible from public right-of-way: Yes (5), No (1)

Staff Member Hui referred to Planning Commission's packet of information. She stated the tree as a Cook pine, not common but not uncommon in SF. She also opined tree is large, of advanced age, of distinguished form, in good condition. some historical association with Mr. George Smith, director of Odd Fellows, house the tree is adjacent to is historic resource "Type A," provides environmental benefits, prominent as landscape feature. tallest tree around, visible from public right of way. may provide habitat source, no erosion control, possible wind/sound barrier, cultural appreciation with petitions from neighbors, contributes to neighborhood character, unknown for being in publication.

Ms. Bonaparte, attorney for 46 Cook property owner, opined on neighbors' petitions by neighbors, historic nature of property. whether tree planted by original owner, arborist McNair states the tree does not fit the criteria for landmark status and tree if definitively a Norfolk Island Pine. She read from the Here Today excerpt of 46 Cook description.

WRITTEN SUMMARY -- 8/6 & 10/1 LTC MEETINGS for 46A COOK ST. "PINE" TREE

Prepared for Oct. 27, 2015 UFC Meeting

Page 3 of 5

Member Hillan stated tree was not rare, common as many Norfolk Islands in SF, it was a fine tree, continue meeting to determine if Cook Pine, connection with name of street, and rarity of Cook Pine in SF, sees no documentation house being certified historic so tree being remarkable tied to historic structure and overall history of planting, recognized planting of palms surrounding the house in that relationship and if this tree is only remaining evidence of that, feels it more landmarkable.

Member Hillson evaluated as Norfolk Island Pine, rarity status on International Union for the Conservation of Nature's Red List, whether Cook or Norfolk there is some rarity, referred to 120 years count for age. large, majestic, not all trees unique landmarked, referred to George Smith and his history as painter and Director of Odd Fellows Cemetery, member of Independent Order of Odd Fellows (IOOF). history of area of "Big Four" cemeteries, the original 46 Cook 75-foot-wide lot, 1885 photo from Bancroft Library, history of dwellings west of Divisadero back in those days.

Staff Member Hui stated the Council has had trees with indeterminate species and is not an issue in terms of process.

After LTC discussion, with not enough information, meeting continued to Oct. 1 for further historical & species clarification.

Summary of OCT. 1, 2015 LTC Meeting

Written documents used at meeting (includes Aug. 6, 2015 LTC meeting documents):

- * Nominator's summary document of attributes for Cook vs. Norfolk Island Pine
- * Nominator's Evidential Timeline document
- * Property owner's arborist's addendum (dated 9/30/15)

Refer to:

- ** DRAFT 10/1/15 LTC minutes (separate document)
- ** "46A Cook St. LTC Summary Spreadsheets" (separate document)

No representative from the Sponsor of the Nomination, the Planning Commission, was present to comment, and with no time ceded to nominator from Sponsor of the Nomination, Coordinator Hui presented. She stated that although the species was still unclear, the tree was nice-looking, has some potential historic, environmental and cultural value.

Property owner representative commented on historical viewpoint of tree in relation to any figures or the property. Other property owner representatives brought up issues on tree comparing historical 1885 photo and 1946/51 photos. Here Today book description and the tree in photos is a hybrid per Dr. Ritter.

Nominator spoke about tree shown in 1946/51 photo and today's tree and a letter from herbal medicine instructor regarding species and Hortus Third book.

Nominator supporters referenced SF Heritage letter and for committee to look at criteria for landmarking and to the historical timeline for evidence.

Nominator supporters state their arborists say tree is a Cook Pine and referenced the "Flora" (Tropical Garden Flora) document and environmental benefit of large tree and contribution to biodiversity.

Member Short stated she consulted with Dr. Ritter and is convinced he knows better though he indicated to her that while it is not uncommon, he was not aware of a huge quantity of them in San Francisco.

Chair Hillson stated LTC decided in prior meeting tree was in good condition, had distinguished form, does not provide erosion control, not part of interdependent group of trees but had neighborhood appreciation; not all LM

SEC. 810. LANDMARK TREES.

(a) **Designation Criteria.** The Board of Supervisors in Resolution No. 440-06, Clerk of the Board of Supervisors File No. 060487, adopted uniform criteria for the designation of landmark trees, which included consideration of the age, size, shape, species, location, historical association, visual quality, and other contribution to the City's character, as set forth Section 810(f)(4)(A)-(E) below.

(f)

(4) **Required Findings.** As part of any determination that authorizes removal of any landmark tree, the City entity making such determination shall, in addition to the adopted removal criteria, consider and make written findings on each of the following factors related to the tree:

(A) Size, age, and species;

(B) Visual characteristics, including the tree's form and whether it is a prominent landscape feature;

(C) Cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character;

(D) Ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier;

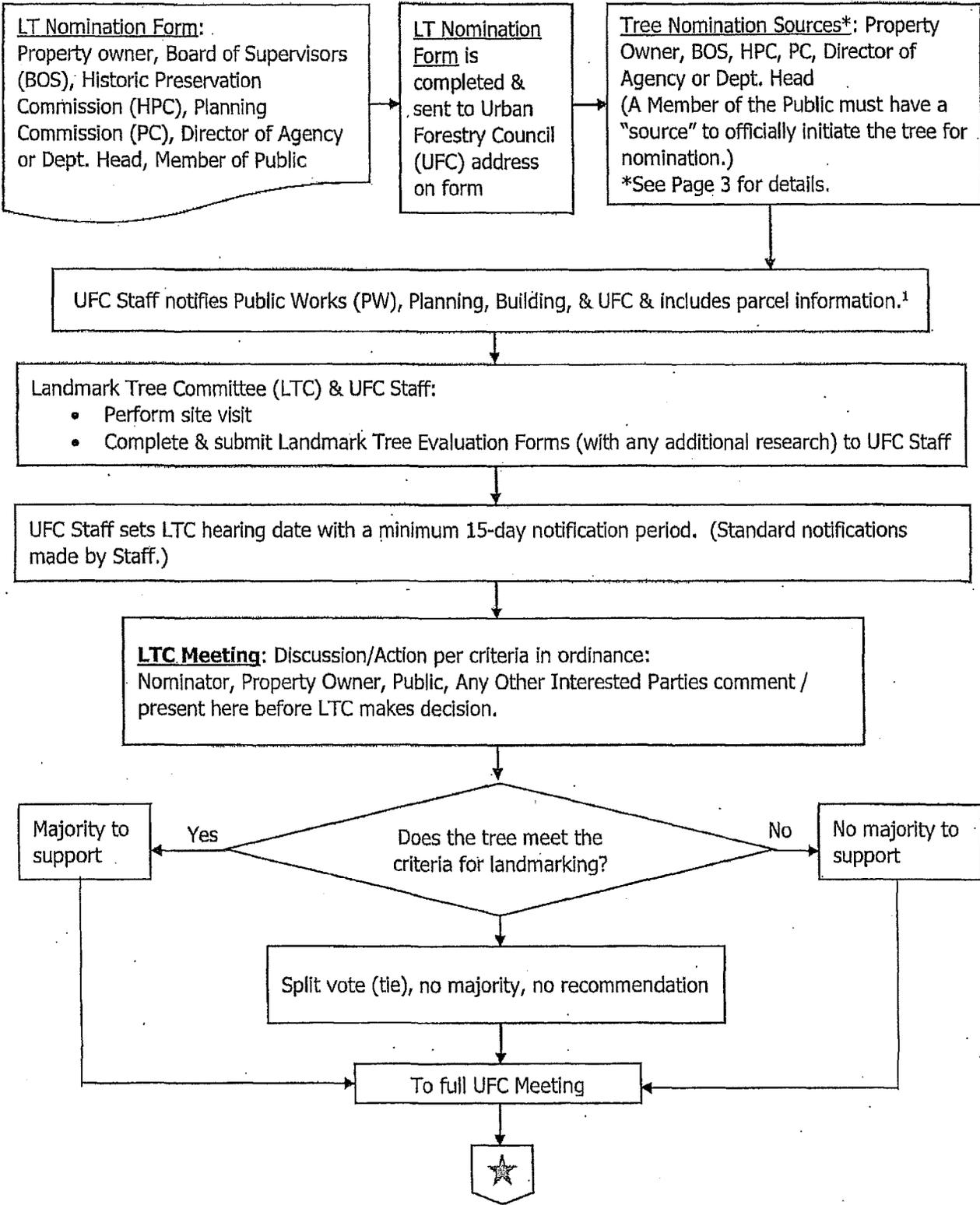
(E) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, provides shade or other benefits to multiple properties, and is visually accessible from the public right-of-way; and

(F) One or more criteria that qualify the tree as a hazard tree pursuant to Section 802(o).

"46A Cook St. LTC Summary Spreadsheets" (see separate 2-page doc)

Landmark Tree (LT) Nomination Process Flowchart

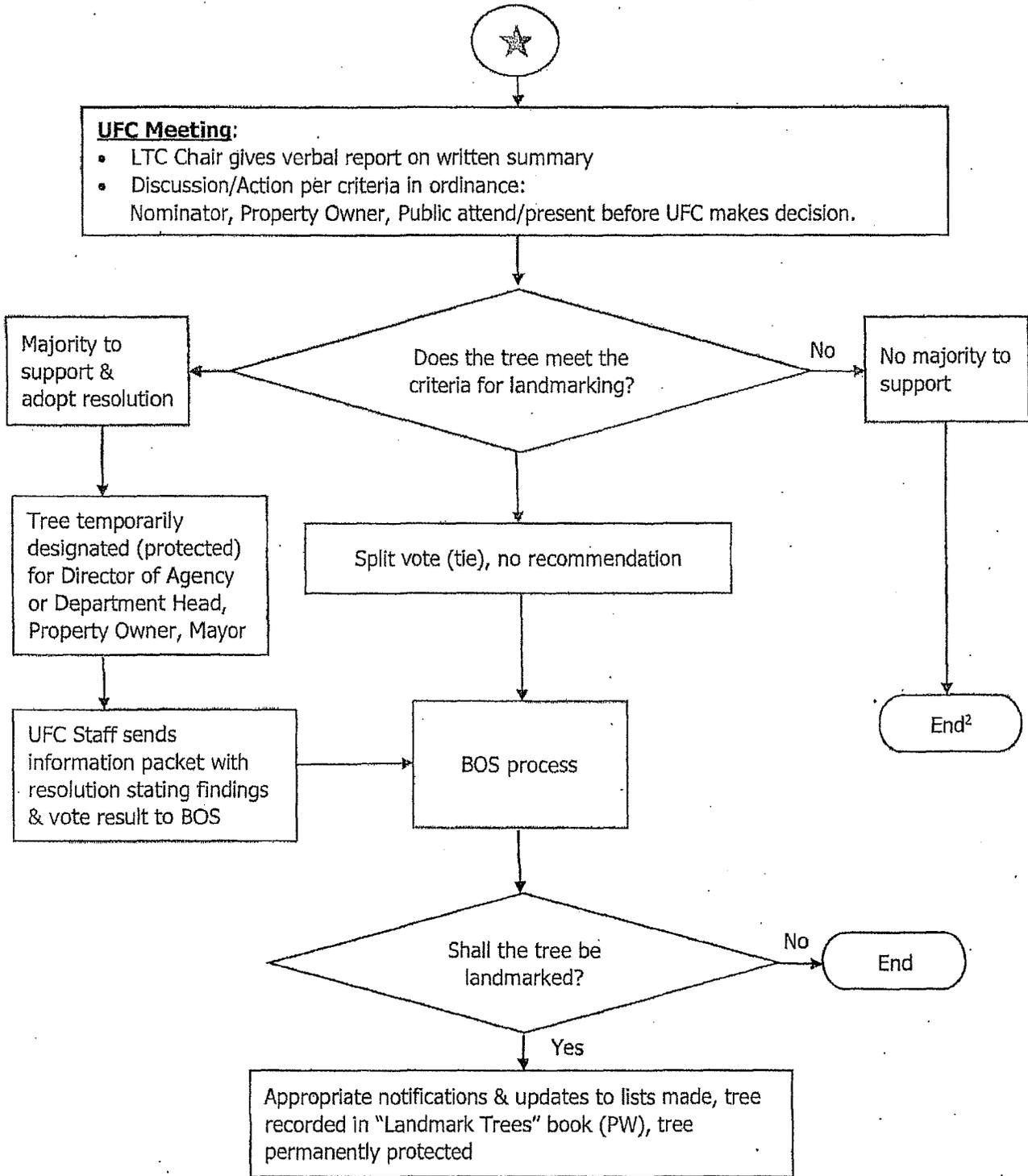
DRAFT



NOTE: LT process flow charts intended as a graphic guide, not exhaustive. Refer to LT Ordinance (PW Code Sec. 810). ¹ File of nominations kept with UFC Staff.

0303LTCchanges

Landmark Tree (LT) Nomination Process Flowchart (continued)



² If tree is protected (i.e. "temporary designation"), protection ends. Tree cannot be nominated again for 3 years.

NOTE: LT process flow charts intended as a graphic guide, not exhaustive. Refer to LT Ordinance (PW Code Sec. 810).

Landmark Tree (LT) Nomination Process Flowchart (continued)

* Sources for tree nomination (See top right box on Page 1):

1. Historic Preservation Commission (HPC)
2. Planning Commission (PC)
3. Board of Supervisors (BOS)
4. Mayor
5. Director of Public Works (PW); Dir. of City Agency, Commission or Dept. Head
6. Property Owner

1. (HPC) or 2. (PC) Adopts resolution of intent to initiate nomination to UFC

- Tree temporarily designated (protected) as LT at resolution adoption
- Commission informs Director of PW who notifies Department or Property Owner

3. Member of BOS introduces resolution of intent to initiate

Tree temporarily designated (protected) as LT at resolution introduction

4. Mayor or 5. Director of PW, Director of City Agency Commission or Dept. Head¹ or 6. Property Owner initiates LT designation

Temporary designation (protection) occurs when UFC adopts resolution that tree qualifies for LT designation

OPTIONAL: Director of PW issues EMERGENCY ORDER temporarily designating tree on property under its jurisdiction to prevent immediate removal of tree

NOTE: LT process flow charts intended as a graphic guide, not exhaustive. Refer to LT Ordinance (PW Code Sec. 810). ¹Nominations via letter directly to UFC staff.

0303LTCchanges



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19404 HEARING DATE JUNE 18, 2015

Date: June 18, 2015
Project Address: 46A COOK STREET
Zoning: RH-2 (Residential House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 1067/032

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION OF INTENT INITIATING THE NOMINATION OF THE NORFOLK ISLAND PINE (*ARAUCARIA HETEROPHYLLA*) TREE AT 46 COOK STREET FOR LANDMARK TREE STATUS PURSUANT TO PUBLIC WORKS CODE SECTION 810(B), ACKNOWLEDGING THE TEMPORARY DESIGNATION OF SUCH TREE PURSUANT TO PUBLIC WORKS CODE SECTION 810(D), AND AUTHORIZING OTHER OFFICIAL ACTS IN FURTHERANCE OF THIS RESOLUTION.

WHEREAS, The Board of Supervisors adopted Ordinance No. 17-06, which amended the Urban Forestry Ordinance, Public Works Code Sections 801 et seq. concerning landmark and significant trees. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 051458 and is incorporated herein by reference; and

WHEREAS, As part of this implementation of Ordinance No. 17-06, the Urban Forestry Council, after duly noticed public hearings, developed criteria and procedures for the designation and removal of landmark trees and recommended that this Board of Supervisors adopt such criteria and procedures. Said criteria and procedures were subsequently adopted by Resolution No. 0440-06 which is on file with the Clerk of the Board of Supervisors in File No. 060487 and is incorporated herein by reference; and

WHEREAS, Trees provide numerous environmental, social, and economic benefits such as reducing storm water runoff, reducing energy use, improving air quality, increasing property values, shading for tenants, and promoting wildlife habitat; and provide residents with a source of serenity in the inner city; and

WHEREAS, The purpose of this resolution shall be to initiate landmarking proceedings for one Norfolk Island Pine (*Araucaria heterophylla*), located on Assessor's Block 1067, Lot 032; and

WHEREAS, The tree that is the subject of this resolution satisfies many of the designation criteria in Public Works Code Section 810(f)(4)(A)-(E); now, therefore, be it

RESOLVED, The Planning Commission, pursuant to the Public Works Code Section 810(b), hereby adopts this Resolution of intent to initiate a landmark tree nomination for the Norfolk Island Pine (*Araucaria heterophylla*) located at 46A Cook Street, Assessor's Block 1067, Lot 032; and, be it

FURTHER RESOLVED, This Commission acknowledges the temporary designation of such tree for landmark tree status pursuant to Public Works Code Section 810(d); and, be it

FURTHER RESOLVED, The Commission directs the Commission Secretary to forward this Resolution and accompanying documents contained in the file to the Urban Forestry Council, and due to the urgent nature of the situation, to urge the Urban Forestry Council to expeditiously complete the landmark tree designation review for the subject tree; and, be it

FURTHER RESOLVED, The Commission urges the Director of Public Works to immediately notify the affected property owner of the nomination and inform said owner of the special permit and approval requirements for removal of landmark trees under Public Works Code Section 810(f) if such notification has not yet occurred.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 2, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Moore, and Richards
NOES: Fong, Wu, Antonini
ABSENT: None
ADOPTED: July 2, 2015

FILE NO. 160053

RESOLUTION NO.

1 [Approval of 90-Day Extension for Urban Forestry Council Review of Landmark Tree
2 Designation - 46A Cook Street]

3 **Resolution extending by 90 days the landmark tree designation review period by the**
4 **Urban Forestry Council for a Norfolk Island Pine at 46A Cook Street (Assessor's Block**
5 **No. 1067, Lot No. 032) in accordance with Public Works Code, Section 810(d), and**
6 **referring the matter back to the Urban Forestry Council for further review.**

7

8 WHEREAS, The Board of Supervisors adopted Ordinance No. 17-06, which amended
9 the Urban Forestry Ordinance, Public Works Code, Sections 801, et seq., concerning
10 landmarks and significant trees; and

11 WHEREAS, A copy of said ordinance is on file with the Clerk of the Board of
12 Supervisors in File No. 051458 and is incorporated herein by reference; and

13 WHEREAS, As part of this implementation of Ordinance No. 17-06, the Urban Forestry
14 Council, after duly noticed public hearings, developed criteria and procedures for the
15 designation and removal of landmark trees and recommended that the Board of Supervisors
16 adopt such criteria and procedures; and

17 WHEREAS, Said criteria and procedures were subsequently adopted by Resolution
18 No. 440-06 which is on file with the Clerk of the Board of Supervisors in File No. 060487 and
19 is incorporated herein by reference; and

20 WHEREAS, On July 2, 2015, Planning Commission initiated landmark proceedings at
21 the request of Commissioner Dennis Richards by adopting Resolution No. 19404 for one
22 Norfolk Island Pine (*Araucaria heterophylla*), located at 46A Cook Street, Assessor's Block
23 1067, Lot 032 and; and

24 WHEREAS, The Planning Commission acknowledged the temporary designation of
25 such tree for landmark tree status pursuant to Public Works Code, Section 810(d), and

1 directed the Commission Secretary to forward the Resolution and accompanying documents
2 contained in the file to the Urban Forestry Council and urged the Urban Forestry Council to
3 expeditiously complete the landmark tree designation review for the subject tree; and

4 WHEREAS, On August 6, 2015, the Urban Forestry Council held a public hearing on
5 the landmark tree designation review for the subject tree but continued the matter to October
6 27, 2015, stating that they did not have enough information and needed further historical and
7 species clarification; and

8 WHEREAS, On October 27, 2015, the Urban Forestry Council held a public hearing on
9 the landmark tree designation review for the subject tree and after a motion was made to
10 nominate the tree for landmark status, the nomination failed in a 5-5 vote and instead was
11 referred to the Board of Supervisors without recommendation pursuant to criteria and
12 procedures for designation and removal of landmark trees adopted in Resolution No. 440-06;
13 and

14 WHEREAS, Public Works Code, Section 810(d), provides that once a tree is
15 nominated for landmark status the subject tree is temporarily designated as a landmark tree
16 for 215 days so that the tree is protected while the designation proceedings are pending; and

17 WHEREAS, Once this 215-day temporary designation terminates, the tree loses its
18 temporary landmark protection status; however Section 810(d) allows the Board of
19 Supervisors via resolution to extend the protections of temporary designation status for an
20 additional 90 days to allow adequate time to consider the pending landmark designation; and

21 WHEREAS, The temporary landmark status for the Norfolk Island Pine (*Araucaria*
22 *heterophylla*), located at 46A Cook Street, Assessor's Block 1067, Lot 032, expires on
23 February 1, 2016 and the Board of Supervisors does not have adequate information to
24 landmark said tree at this time; now, therefore, be it
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RESOLVED, That the Board, in accordance with Public Works Code, Section 810(d), extends temporary landmark designation status for the Norfolk Island Pine (*Araucaria heterophylla*), located at 46A Cook Street, Assessor's Block 1067, Lot 032, for an additional 90 days and refers the matter back to the Urban Forestry Council for further review; and, be it

FURTHER RESOLVED, That the Board directs the Department of Public Works to notify the owner of 46A Cook Street (Assessor's Block 1067, Lot 032) of this 90-day extension of temporary designation status and the special permit and approval requirements for maintenance and removal of a landmark tree pursuant to Public Works Code, Section 810.



BONAPART & ASSOCIATES
Law and Mediation

Barri Kaplan Bonapart, Esq.

Marina Office Plaza
2330 Marinship Way, Suite 302
Sausalito, CA 94965

Phone: (415) 332-3313
Facsimile: (415) 332-4603

April 28, 2016

Angela Calvillo
Clerk of the Board
City Hall
1 Dr. Carlton Goodlett Place, Room 244
San Francisco, CA 94102

Re: **File No. 160320. Ordinance designating tree at 46A Cook Street, San Francisco, CA as a landmark tree.**

Dear Ms. Calvillo:

This office represents Dale Rogers, the owner of the parcel where the tree subject to the potential landmark tree designation referenced above is located. We have submitted voluminous materials to the City Attorney's office as to why it would be improper to landmark this tree and the consequences that will befall as a result. However, we want to make sure that the primary points are highlighted for the Land Use and Transportation Committee which will first be considering the matter on May 2, 2016, and we request you distribute this letter to the Committee in advance of the hearing.

The proposed landmarking of this tree is unprecedented for a variety of reasons. First, the nomination of this tree for landmark status is *against the wishes of the property owner*.¹ Second, the tree is in the *backyard of private property*. Third, there is no proven historic connection nor is it a rare species. Fourth, the Urban Forestry Council subcommittee voted *2 to 1 against* nominating it for landmark status because it met none of the criteria set forth in the Ordinance. Because there was not technically a quorum, that vote against the nomination had no effect and the matter went to full council. Even then, at the first Urban Forestry Council hearing there was *no majority vote to nominate the tree* for landmark status. The comment has been made by more than one Council member that they fear this Ordinance has been misused in the past, and is being misused in this instance.

¹ The primary proponents are neighbors who are trying to prevent development, and former tenants who extracted tens of thousands of dollars from the property owner to withdraw their support from the process.

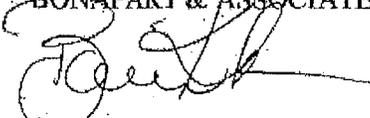
We request that the Committee consider the attached Exhibits as part of its deliberations. Exhibit A is a report, addendum, and CV prepared by renowned consulting arborist James MacNair who considered all of the criteria set forth in the Ordinance and determined the tree is not an appropriate candidate. Exhibit B is a report and CV prepared by Larry Costello, former Chair of the Urban Forestry Council, who also examined all of the criteria and determined the tree is not an appropriate candidate. Exhibit C is a report prepared by taxonomist, Dr. Matt Ritter, who determined that the tree is neither a Norfolk Island Pine, as originally asserted by the proponents, nor a Cook Island Pine, as later asserted by the proponents, but rather a hybrid which is *not rare* in California. Finally, Exhibit D are excerpts from the Urban Forestry Council subcommittee hearing which voted against nominating the tree for landmark status and illuminates the bases for that vote.²

This is not just a question of an infringement on private property rights. For anyone who cares about trees and our urban forest, the unintended consequences that will follow from a vote in favor of designating this tree as a landmark are enormous. Besides undermining the Ordinance itself, which does have legitimate applications, a dangerous message will be sent. Specifically, that message³ is that any developer, or even any normal property owner, who has any major trees on their property, should preemptively remove those trees before a neighbor or other stranger invokes the landmark ordinance for an improper purpose such as has been done here.

For these reasons, we request that the Committee recommend against adopting an Ordinance to designate this tree as a landmark. Thank you for your consideration.

Best Regards,

BONAPART & ASSOCIATES



Bari Kaplan Bonapart

BKB:ksa

cc: City Attorney
Board of Supervisors

² The two members who voted against the nomination are both government officials experienced in planning and public works, Carla Short and John Swae. In contrast, the member who voted in favor is a lay person who had a blatant conflict of interest that was undisclosed in that she lives in the vicinity of the property in question.

³ The proponents have made sure that this matter has been highly publicized as it appeared on the front page of the Chronicle, on NBC nightly news, and on their social media.

EXHIBIT A

MACNAIR
&
ASSOCIATES
CONSULTING ARBORISTS AND HORTICULTURISTS



August 3, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco

Dear Committee Members,

On behalf of Dale Rogers, the property owner, I have reviewed the Landmark Tree Nomination form nominating the Norfolk Island pine (*Araucaria heterophylla*) growing at 46 Cook Street and submitted to the San Francisco Urban Forestry Council. The purpose of this review is to verify the accuracy of the information provided in the nomination form and provide my opinion as to whether this tree would qualify for "Landmark" status pursuant to Ordinance 0017-06 and Public Works Code 810.

Following is a listing of the tree description and nomination criteria and my comments¹.

Height: Using a laser range finder I determined the height at 85 feet and not 100 feet as stated on the nomination form.

Average Canopy Width: Concur at approximately 30 feet.

Circumference at 4.5 feet: Using a diameter tape I measured the circumference at 110 inches (35 inch diameter).

Circumference at Ground Level: Concur at 138 inches.

Rarity: The nomination form lists this species as rare. I disagree. The species is common in coastal California and other Mediterranean climates, including San Francisco. The most limiting factor on distribution is this tree's susceptibility to cold damage, which limits the tree to coastal areas. Two references supporting this opinion are the Wikipedia discussion and a Pacific Horticultural article from 2010.

Wikipedia:

The distinctive appearance of this tree, with its widely spaced branches and symmetrical, triangular outline, has made it a popular cultivated species, either as a single tree or in avenues. When the tree reaches maturity, the shape may become less symmetrical. Despite the endemic implication of the species name Norfolk Island pine, it is distributed extensively across coastal areas of the world in

¹ My curriculum vitae setting forth my qualifications is attached hereto.

8/3/15

Mediterranean and humid-subtropical climate regions due to its exotic, pleasing appearance and fairly broad climatic adaptability.

As well as their eponymously native Norfolk Island, these conifers are planted abundantly as ornamental trees throughout coastal areas of Australia, Brazil, Chile, New Zealand, Peru, Portugal, South Africa, Spain, and coastal areas of the United States, such as southern California and the east and west coasts of Florida, as well as the northwestern most coast of Mexico.

(https://en.wikipedia.org/wiki/Araucaria_heterophylla)

Pacific Horticulture:

*Australian members of the Araucariaceae commonly grown in California include the tall, prickly-leaved bunya-bunya (*A. bidwillii*) of Queensland, with huge pineapple-shaped cones, hoop pine (*A. cunninghamii*), an important Australian timber tree, and Norfolk Island pine (*A. heterophylla*), native to Norfolk Island. The latter species is commonly grown in parks and gardens in the San Francisco Bay Area, and in containers in Southern California; it is often sold as star pine, because of its horizontal tiers of radiating branches. - See more at:*

<http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/#sthash.x26NCVko.dpuf>

Physical:

Size: This is a mature tree, but at 85 feet in height, is not exceptional. The Sunset Western Garden Book describes this species as having a moderately fast growth rate to 100 feet. I would rate this size in the medium category for this species.

Age: The nomination form estimates the age of the tree at 120 years based upon another tree previously removed. My estimate of the tree's age is 70 to 80 years based upon a conservative growth rate of .5 inches in diameter per year. This is a low to moderate growth rate for a moderately fast growing coniferous species. Additionally, the tree's location is 8.5 feet from the house foundation and in, what I assume, is the original driveway access to the carriage house. This location indicates the tree was a volunteer seedling from another tree and was allowed to grow after access to the carriage house was no longer used for vehicular storage.

Distinguished Form: The tree has the typical crown and limb structure for this species, although not unique compared to other Norfolk Island pines. There does not appear to be anything particularly unique or "distinguished" about this form.

Tree Condition: The tree is in good health and moderate structural condition with no severe defects. The live crown to height ratio is lower than preferred at approximately 50%. This moderately low ratio could increase the risk of lower limb breakage. The cones are moderately large (5 to 7 inches) and heavy, which is a concern in high use areas as the cones can cause injury if dislodged and strike a person. Otherwise, the tree has a low to moderate risk of failure projected over a three-year period.

Historical:

Historical Association: Given the tree's probable age and location in the carriage house driveway, the tree most likely dates to the 1940s. It could be a seedling from an older tree on the property, but has no apparent historical association of note, or at all.

Environmental:

Prominent Landscape Feature: This is a large tree, although it is set back from the front fence 81.5 feet. The property owner does not view this tree as an important (prominent) landscape feature.

Low Tree Density: I agree that the neighborhood has a moderate tree density.

Interdependent Group of Trees: I agree that the tree is not an integral member of a group of trees.

Visible or Accessible from Public Right-of-Way: The tree is visible from only a limited number of vantage points. From Cook Street, I could only see it unobstructed from one location. It may be visible from other streets at higher elevations. As stated, it is set back 81.5 feet from the sidewalk and therefore has low visibility.

High Traffic Area: In its location on a dead end street and significantly set back from the street, I do not believe the tree has any traffic calming effect and no high visibility as noted above.

Important Wildlife Habitat: As a non-native ornamental species, the primary wildlife benefit is likely limited to a perching site for birds of prey, but otherwise not a habitat. The cones are likely a potential food source for squirrels and rodents.

Erosion Control: I agree there are no erosion control benefits.

Wind or Sound Barrier: Because of the low live crown to height ratio and narrow crown form, there are no significant wind or sound barrier benefits.

Cultural:

The property owner does not believe the tree adds any "cultural" value to the neighborhood.

Summary:

Based upon my observations and information provided to me by the property owner and discussions with previous SFUFC members, this tree does not seem to meet the criteria for designation as a landmark tree. It is a large stature tree, but relatively common, not unique, not likely historically significant, and does not provide significant environmental benefits, other than marginal aesthetics.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco

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8/3/15

Please contact me with any questions, or if additional information is required.

Sincerely,

Digitally signed by James MacNair

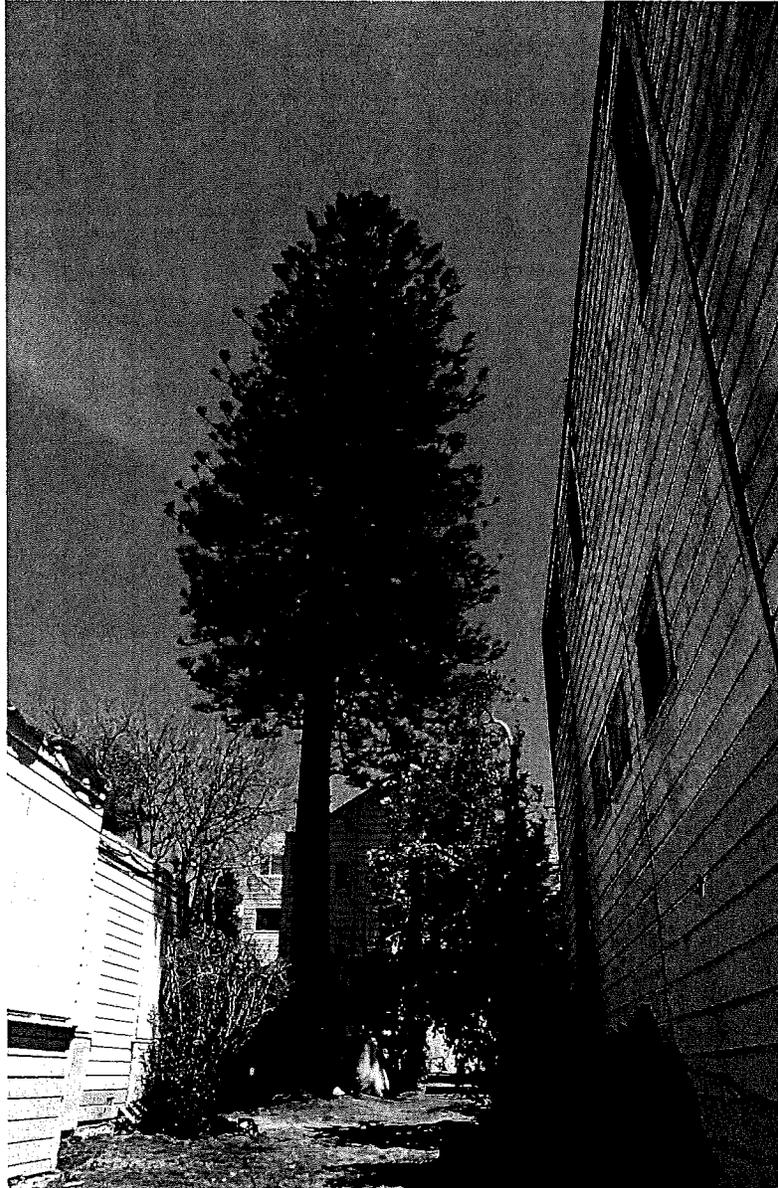
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James MacNair

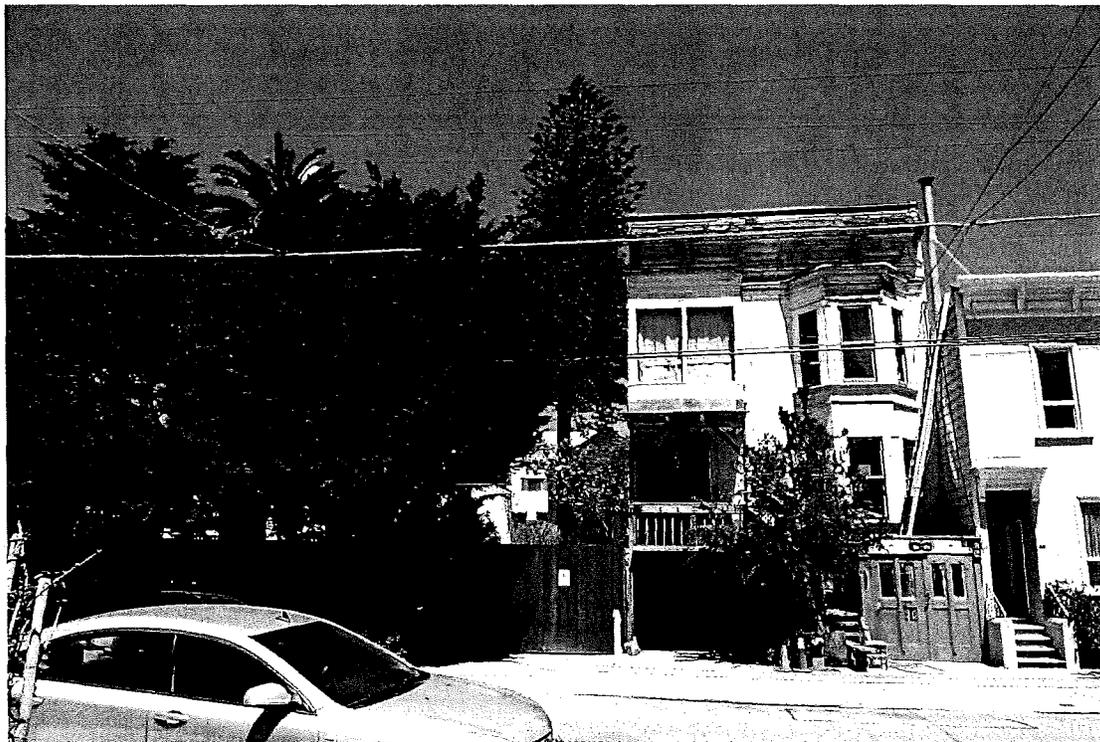
International Society of Arboriculture Certified Arborist WC-0603A

International Society of Arboriculture Qualified Tree Risk Assessor

Tree Images:



View of tree from front portion of lot inside fence. Tree is 81.5 feet from fence at sidewalk.



View of tree from Cook Street. Cypresses along sidewalk frontage generally obscure views from the street.

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ASSOCIATES
CONSULTING ARBORISTS AND HORTICULTURISTS



MEMORANDUM

DATE:	August 6, 2015
TO:	Barri Bonapart
CC:	
FROM:	James MacNair
SUBJECT:	Roger's Norfolk Island Pine
RE:	Comparison of Norfolk Island pine and Cook pine

Following are comparison images of both the Norfolk Island pine and the Cook pine (*Araucaria columnaris*) and a description of both species. The foliage is very similar and hard to distinguish between the two species. Based upon both the bark and crown form and appearance, I believe the 46 Cook Street tree is a Norfolk Island pine. The cones of the tree would confirm the identification.

Cook pine has a slender crown with "relatively short, mostly horizontal branches are in whorls around the slender, upright to slightly leaning trunk. The branches are lined with cord-like, horizontal branchlets". "Norfolk Island Pines (*Araucaria heterophylla*) have longer, more widely spaced branches, giving the trees a much broader crown and sparser appearance. Cook Pine trees are much thinner, narrower, denser, and more columnar in appearance". "The bark peels off in papery strips and is rough, gray, and resinous".

(<http://wildlifeofhawaii.com/flowers/1442/araucaria-columnaris-cook-pine/>)

Images of Cook pine:

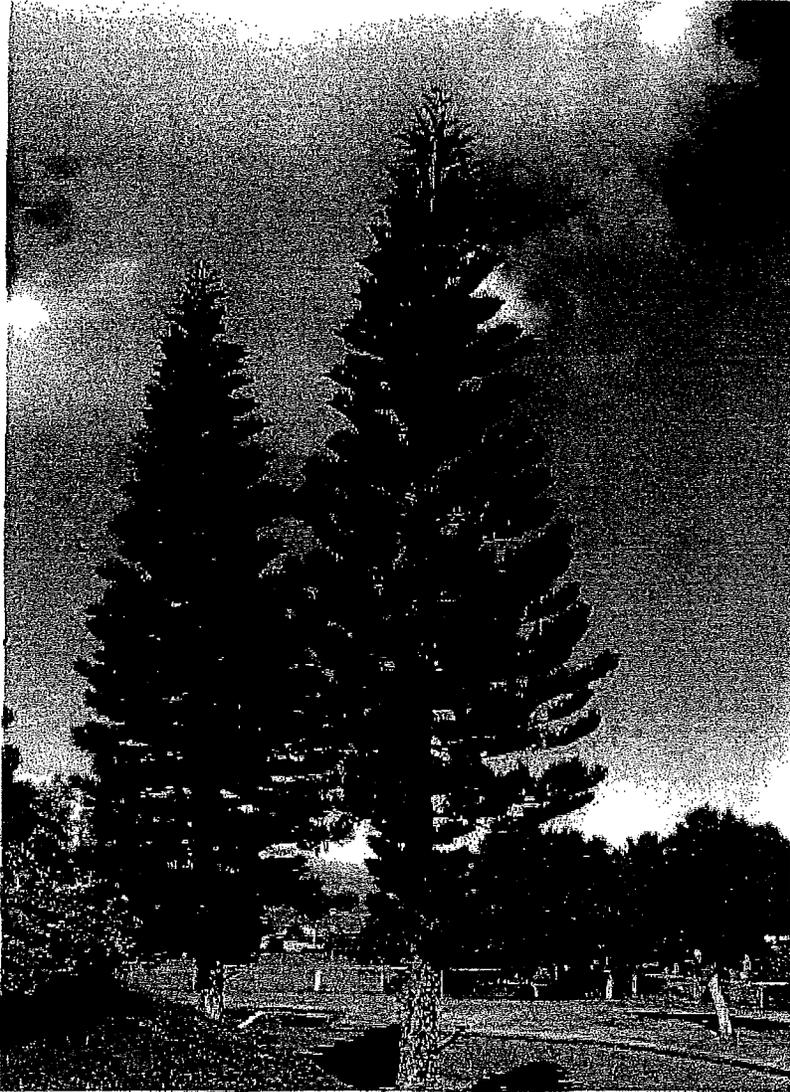


Cook pine

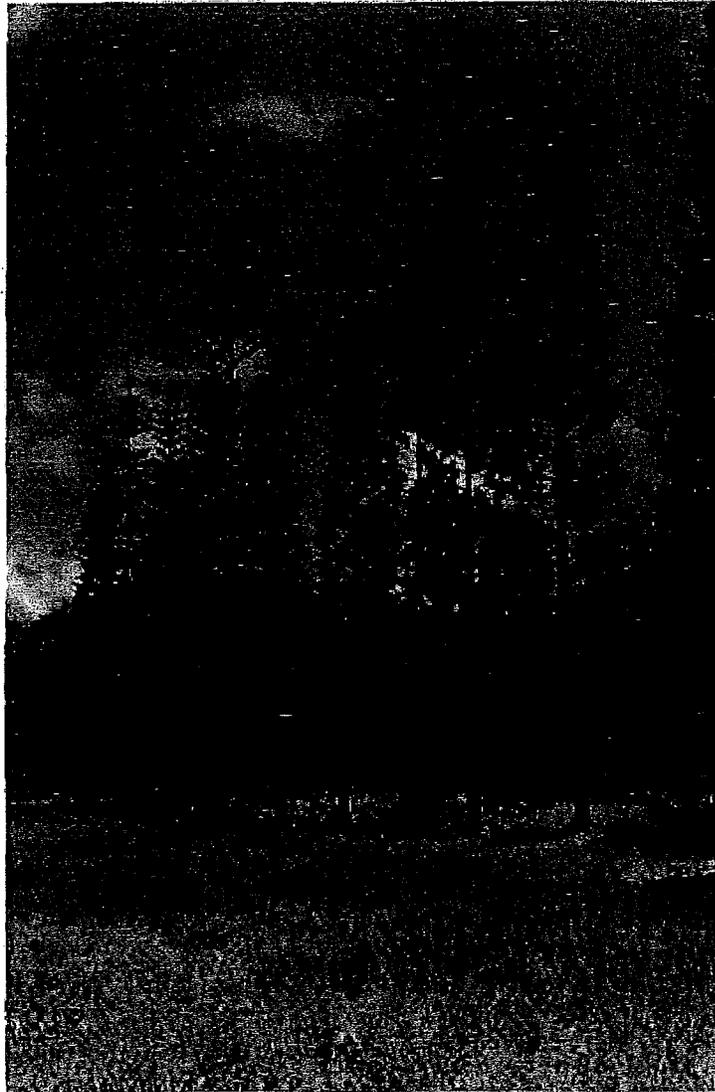
Comparison of Norfolk Island pine and Cook pine

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8/6/15



Cook pine



Cook pine



Bark of Cook pine

Norfolk Island pine images:



Bark of Norfolk Island pine

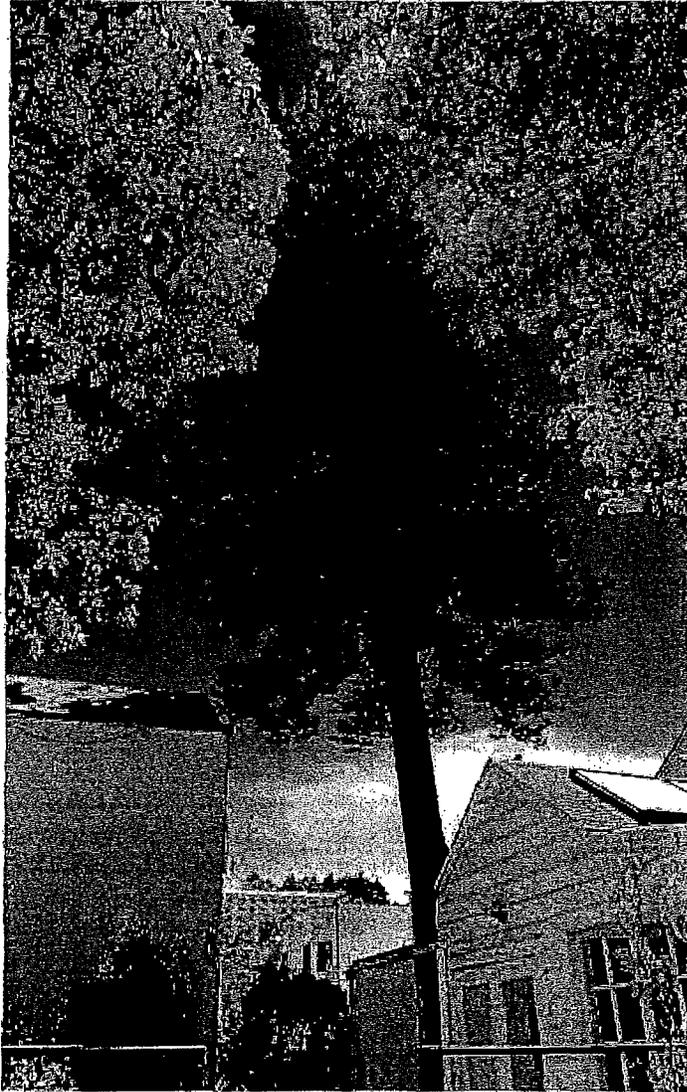


Bark of Cook Street tree.



Norfolk Island pine

Comparison of Norfolk Island pine and Cook pine
Page 8 of 8
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46 Cook Street tree.

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September 30, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco-
Report Addendum

Dear Committee Members,

This letter is an addendum to my August 2, 2015 letter in which I expressed my opinion on the nomination of the Norfolk Island pine for Landmark status.

This addendum addresses the issue of species identification, the issue of rarity, and the historical references inferring the possible age of the tree.

Species Identification:

Dr. Matt Ritter is clear in his opinion that this tree is a hybrid between *A. heterophylla* and *A. columnaris*. This explains the different identification opinions that have been presented. Dr. Ritter also commented on the "Summarized Key Attributes" document. He states, "The sources you are using are not authoritative. Hortus Third is a low quality resource for the genus *Araucaria*. There are true differences between these species, as demonstrated by the published works of Alfos Farjon and others. None of those differences are delineated in this document. As for the quote from George Staples, I agree with him and he and I have talked about this. Both species are in Hawaii (*A. heterophylla* is rare and *A. columnaris* is common). Hybrids are also in Hawaii and in my observations of coning trees in CA, they do overlap in their pollen producing cycles."

In my experience Cook pine grows in warmer climates than San Francisco. For example, it is very common in Florida and commonly seen in Southern California. While the Urban Forest Map lists 15 occurrences of Norfolk Island pine in San Francisco, there are no listings for Cook pine.

I suspect the hybrids of these two species is more common than previously realized and probably is due to nursery propagation sources and the widespread distribution of this tree as an ornamental. Hybrid status is not necessarily significant, unless a hybrid has exceptional qualities that are deemed preferable or superior to the parent species. In this situation, this tree is in good condition, but is not demonstrated to be superior genetically.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco- Report
Addendum
Page 2 of 6
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Rarity:

It has been noted by nomination reviewers that the Urban Forestry Map of San Francisco shows 15 Norfolk Island pines. This number has been used to justify a rating of uncommon in the evaluations. I would like to point out that this map inventory is not comprehensive, as even the subject tree is not shown on the map. Further, I checked with Peter Erlich, forester for the Presidio, on the number of Norfolk Island pines in his inventory. He reports that within the Presidio there are at least 20 trees. None of these are recorded on the Urban Forest Map.

Deciding on whether or not a species is common or uncommon depends upon the specific definition. The nomination form provides the guidance "unusual species in San Francisco or other geographic regions". Based upon this criteria, and the fact that there are at least 36 documented trees in San Francisco (and probably more) as well as the species is common in coastal California, the species (or hybrids) should be classified as common.

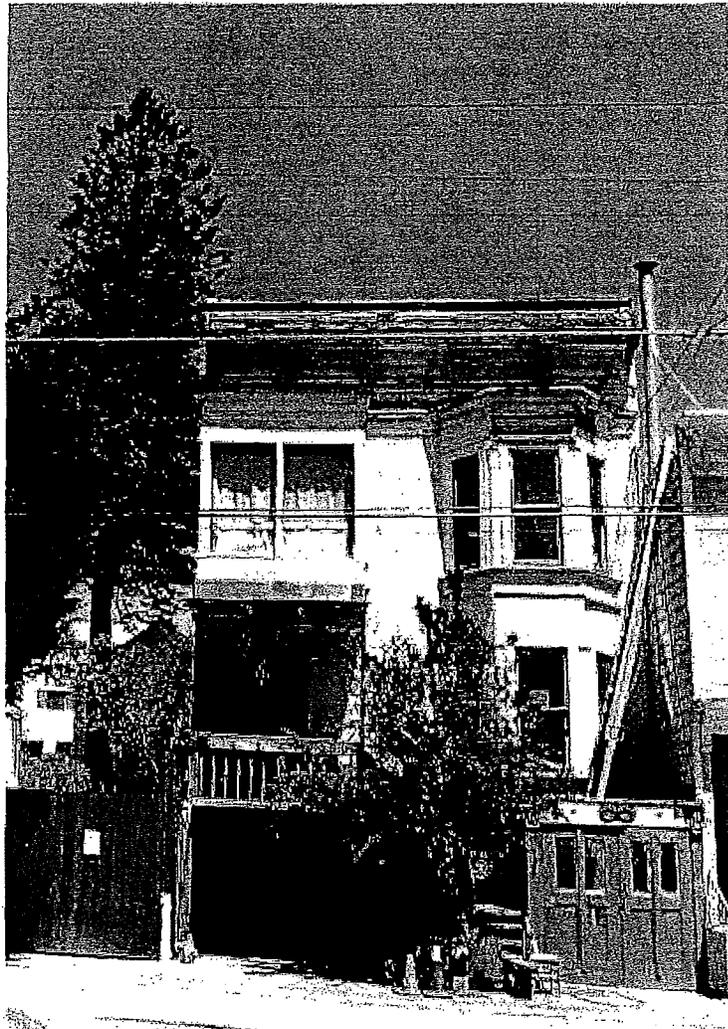
Historical Significance:

I opined in my initial report that the tree probably dates back to the 1940s based upon the trunk diameter, size of the crown, and condition of the tree. A document was produced that purports to show the tree in a 1946-1951 photograph from the SF Assessors Archives. Following are the historical image and a current image from the same perspective.

Attachment C: Photograph from the SF Assessors Office archives dated between 1946 and 1951 (found in SF Public Library's Historical Center). The tree is 13 feet behind the back wall of the house, and is clearly taller than the building, when the angle of the photograph is taken into account.

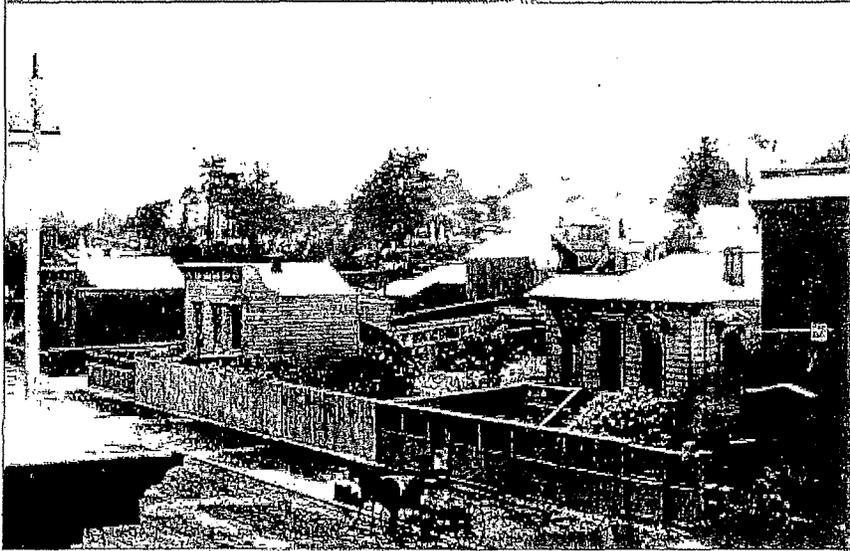


Circa 1946 image showing a Norfolk pine close to the apparent property line. The trunk is barely visible.



Current image showing subject tree located in different location than that shown in the circa 1946 image.

The subject tree is clearly in a different location than the tree shown in the 1946 image. The subject tree is probably a volunteer seedling from the original tree or was planted in that time period. The tree referenced in Christine Svane's August 3, 2015 letter is implied to have been growing in 1908. It is likely that the tree shown in the 1946 image is the 1908 tree that was subsequently removed. The current tree's size and good condition would not be consistent with a tree over 110 years old.



This 1885 image shows no significant trees growing on the property. This image supports the probability that the Norfolk Island pines (or hybrids) were planted after this image, and, one of which is the tree referenced as present in 1908 and shown in the circa 1946 image.



Cook pine in Florida.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco- Report
Addendum
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9/30/15

Please contact me with any questions, or if additional information is required.

Sincerely,

Digitally signed by James MacNair
Date: 2015.10.01 09:01:38 -07'00'

James MacNair
International Society of Arboriculture Certified Arborist WC-0603A
International Society of Arboriculture Qualified Tree Risk Assessor

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FIRM QUALIFICATIONS

MacNair and Associates is a professional arboricultural and horticultural consulting firm providing a complete range of landscape management and evaluative services. Clients include landscape architects, attorneys, corporations, government agencies, property managers, and professions within the construction industries.

MacNair and Associates and its predecessor, Horticultural Technical Services, have successfully completed over 3000 projects throughout the Western United States with services ranging from expert witness testimony to specialized landscape management manuals and vegetation studies. MacNair and Associates is known for providing accurate and practical recommendations supported by site-specific technical data and clearly written documentation.

James MacNair, Principal

James MacNair is a consulting arborist and horticulturist (International Society of Arboriculture Certified Arborist WE-0603A, ISA Qualified Tree Risk Assessor).

Professional experience in the horticultural industry began in 1973 and includes work as a production manager of a viticulture nursery and as owner and vice-president of Skylark Wholesale Nursery. Skylark Nursery was known for the introduction and promotion of Mediterranean and California native plants. Mr. MacNair's extensive knowledge of landscape ornamentals has resulted in lectures and articles discussing their appropriate use and care in the landscape.

Mr. MacNair was a regular guest speaker at water conservation conferences throughout the state in the 1980s and has lectured at various colleges and universities. He received a recognition award for exemplary effort in the promotion and implementation of Xeriscape water conservation in the urban landscape.

From 1984 to 1990, James MacNair was a principal partner of Horticultural Technical Services and since 1990 is the principal of MacNair and Associates. Areas of specialization include arboricultural evaluations and risk assessments, expert witness services, tree loss appraisals, landscape planning for sites with special soil or water chemistry problems, irrigation strategies and plant selection for sites using reclaimed water, and irrigation management techniques including the development of computer scheduling software.

From 1991 through 1997, James MacNair was a principal of Irrigation Management Group (IMG), developers of the water conservation software ET Calc™. Mr. MacNair served as software designer, technical writer, and irrigation management consultant.

In 2010, Mr. MacNair developed the tree/plant appraisal software TreeValue™ for use in the 2007 San Diego County fire litigation cases. He is lead arborist expert for San Diego Fire Lawyers and has supervised the evaluation and documentation of tree and landscape losses for over 200 properties involving 80,000 trees. Advanced database designs, appraisal cost models, electronic field data collection, and GPS locations/mapping procedures were developed as part of this work.

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ARBORICULTURAL and HORTICULTURAL SERVICES

Arboricultural Appraisals and Evaluations

- Use of advanced tree appraisal software (developed by Mr. MacNair) including electronic field data collection, and GPS locations/mapping procedures. Tree appraisals performed using CTLA (Council of Tree and Landscape Appraiser) methods as described in the Guide for Plant Appraisal (9th Edition). Specialized cost models developed and used for analyzing costs for site and landscape remediation.
- Tree evaluations for heritage tree ordinances, including tree preservation, construction protection, mitigation specifications, and long range tree management programs.
- Tree surveys for evaluation of health and structural conditions, including risk assessment.
- Management programs establishing guidelines for pruning, cultural care, and pest and disease control.

Expert Witness

- Forensic documentation and analysis of tree failures.
- Extensive forensic and claim damage experience in over 20 wildfire cases.
- Appraisals of properties damaged by fire, storm, trespass, or accident. Council of Tree and Landscape Appraisers plant appraisal methods used to determine opinions of value.
- View obstruction reports and recommendations.
- Landscape construction defects.

Site Analysis

- Soil sampling for determination of soil fertility, physical characteristics, and identification of chemistry problems. Site-specific recommendations developed for effective use of fertilizers and amendments.
- Review of all environmental parameters likely to affect plant growth. Site analysis provides criteria for appropriate plant selection to ensure successful and functional landscapes.

Landscape Management Manuals

- Performance oriented management specifications for protection and care of the landscape. The Landscape Management Manual provides:
 - Equitable bid evaluations
 - Verification of contract performance
 - Establishment of long-term maintenance program
 - Quarterly task schedules and report formats
 - Documentation of all pesticide and herbicide use
 - Budget analysis and cost projection

- Periodic walk-through evaluations ensure that maintenance is appropriate and allows adjustments in procedures as a landscape matures.

Irrigation Management Programs

- Site specific programs designed to conserve water usage, while promoting plant health. Proper irrigation management reduces incidence of pests and diseases, lowers plant replacement costs, and decreases fertilizer and pruning requirements.
- Site specific procedures for modifying existing irrigation programs. Water requirements are evaluated for maximum conservation of water and reduction of water costs.

James MacNair was a participant in the Department of Water Resource's Landscape Water Management and Master Auditor Training Programs. He has designed computer software (ET Calc™) for calculating landscape water use and irrigation schedules. He was a member of the committee responsible for the publication Water Use Classification of Landscape Species for the Department of Water Resources and the University of California Cooperative Extension.

Plant Selection

- Plant selection for unusual, difficult, or adverse site conditions. Plant selection matrices designed to provide accurate and comprehensive data in an easy to read format. Recommendations are based on extensive field experience and latest horticultural research.
- Review of planting and irrigation plans for cultural compatibility and maintenance efficiency. Pest and disease control, irrigation, fertilization, and pruning requirements are evaluated for minimizing future maintenance costs and optimizing performance.

Plant Procurement Contracts

- The establishment and administration of growing contracts for future projects to ensure availability and quality of plant material. Contract growing protects project quality, without adding to project cost.

Landscape Installation Evaluations

- Plant quality inspections evaluating for proper size, branch structure, root health, and presence of pests or disease. This service assures the installation of quality plants for optimum performance and landscape success.
- Site evaluations to verify conformance to design specifications for plant quality, planting techniques, soil amending, staking, irrigation, and initial maintenance.

Landscape Problem Analysis

- Horticultural evaluation of existing landscape maintenance programs reviewing specific problems or management procedures. Site specific recommendations provided to improve plant health and vigor and protect the landscape improvement asset.

Environmental Restoration and Management

- Complete evaluative and management services for environmentally sensitive projects.
- Vegetation analysis of existing plant species for preservation, revegetation, or management planning.
- Riparian vegetation preservation plans and tree protection guidelines to protect and preserve existing riparian areas and specimen trees during construction and maintenance.
- Revegetation plans for restoring native plant communities. Specifications and procedures developed for specific site requirements. Administration and supervision of seed and cutting collection, propagation and growing contracts, installation, and maintenance.
- Seeding and planting recommendations for effective, long term slope protection and erosion control.

Seminars and Training Programs

- MacNair and Associates is available to provide lectures or training seminars on such topics as plant selection, designing for maintenance efficiency, water conservation, and landscape management.

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Professional Resume for James MacNair

Educational Background

1972- SONOMA STATE UNIVERSITY, Bachelor of Arts, Psychology, graduation with honors.

Subsequent areas of college level study include Arboriculture, Botany, Environmental Science, Irrigation Management, Irrigation With Municipal Wastewater, Plant Ecology, Plant Pests and Diseases, Plant Taxonomy, Soil and Water Analysis, and Viticulture.

Professional Background

1973-1975 Sonoma Grapevine, Santa Rosa, California, and VINEYARD TECHNICAL SERVICES, St. Helena, California. Production Manager of greenhouse operations producing bench-grafted grapevines and potted foliage crops. Mr. MacNair was responsible for the production of over one million grapevines planted in Napa and Sonoma counties.

1975-1984 SKYLARK WHOLESALE NURSERY, Santa Rosa, California. Principal, Vice-president, and Sales Director with responsibilities including marketing, re-wholesale plant purchasing, production, inventory control, and corporate duties. Special emphasis was placed upon the introduction of Mediterranean and California native plants to the landscape trade. Because of his knowledge of the growth habits and cultural requirements of these plants, Mr. MacNair has lectured and written numerous articles on their use in the landscape.

1984-1989 HORTICULTURAL TECHNICAL SERVICES, Santa Rosa, California. Principal/Consulting Horticulturist and Arborist. Professional consulting firm providing horticultural expertise to landscape architects, federal, state and municipal agencies, developers, and homeowners associations.

1991-1997 IRRIGATION MANAGEMENT GROUP, Union City, California. Principal. IMG specializes in the production of irrigation and horticultural computer software. Mr. MacNair served as software designer, technical writer, and irrigation management consultant.

1990-Present MACNAIR AND ASSOCIATES, Glen Ellen, California. Principal/Consulting Arborist (Certified ISA WE-0603A and Member American Society of Consulting Arborists) and Horticulturist. Areas of specialization include arboricultural evaluations, software design, expert witness services, tree damage appraisals, irrigation management, plant selection, and landscape management.

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SELECTED ARBORICULTURAL PROJECTS

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS)- Roadside Vegetation Management Study

- A comprehensive study of Caltrans roadside vegetation management policies and practices, including a detailed inventory of 271 roadside plantings. The study provided an evaluation of Caltrans directives, policies, and procedures as they are implemented through landscape design, construction, and roadside maintenance programs. A cost/benefit analysis was performed comparing four years of maintenance costs associated with the various landscape planting categories.
- The Roadside Vegetation Management Handbook was written for use by Caltrans personnel throughout California. This 350-page management manual covers such topics as irrigation management, plant selection, soil management and fertilization, pruning and tree maintenance, and pest and disease control. Special emphasis was placed on water conservation management practices.

CALIFORNIA DEPARTMENT OF TRANSPORTATION- Broadway Eucalyptus Evaluation and Resistograph Study

- Consulting arboricultural services provided to Caltrans. This project involved a detailed risk evaluation of mature blue gum eucalyptus growing along Hwy 12 (Broadway) in the City of Sonoma. A research project evaluating the effectiveness of the Resistograph™ for detection of internal decay was also performed as part of the evaluation.

CALIFORNIA DEPARTMENT OF TRANSPORTATION- El Camino Real Eucalyptus Evaluation and Resistograph™ Study

- Consulting arboricultural services provided to Caltrans. This project involved a detailed health and structural evaluation of mature blue gum eucalyptus growing along El Camino Real in the City of Burlingame and internal decay analysis utilizing the Resistograph™.

CALPINE- Audubon v. Calpine Wildfire Damage

- Expert witness services assessing the fire damage and claims associated with this 13,000 acre fire. The assignment required extensive damage documentation, repair and mitigation cost analysis, and direct participation in mediation and settlement conferences.

CITY OF EL CERRITO- Landscape Management Plan and Urban Forestry Plan

- This contract was performed in collaboration with Vallier Design Associates of Point Richmond, CA. The project required a review of Government Accounting Standard Board (GASB) requirements as applied to El Cerrito public sites.
- Forty-eight public sites were evaluated and inventoried. Each property was surveyed for the number and condition of trees, landscape characteristics including shrubs and groundcovers occurring, and current maintenance levels and deficiencies. All trees were

described using trunk diameter classifications, health and structure ratings, and any potential hazardous conditions observed. Data spreadsheets and site maps were prepared showing inventory results as well as renovation, replacement, and maintenance costs associated with the landscape plantings and hardscape areas.

- A public survey was conducted to obtain public perceptions, use patterns, and maintenance goals for landscape facilities. An Integrated Pest Management plan was prepared for future implementation.
- An Urban Forestry Plan was completed and included a street tree inventory and city street master plan components.

CITY OF HEALDSBURG- Contract City Arborist

- Contract Arborist providing tree evaluations and risk assessments of city parks and public properties. Review services for Heritage tree removal requests and projects located within Landscape Improvement Districts.

CITY OF RICHMOND- Hilltop Landscape Maintenance District

- This contract included arboricultural recommendations, ongoing landscape planting and maintenance evaluations, landscape irrigation evaluations, irrigation scheduling recommendations, review of existing landscape maintenance program, and program quality control implementation.

CITY OF SONOMA- Broadway Improvements, City Street and Heritage Tree Inventory, and Sonoma Plaza Tree and Landscape Management Plan

- Species selection and nursery procurement for the Broadway Improvement Project. Computerized inventory for identification and assessment of city street and historic trees. Preliminary report for establishment of a city street tree master plan.
- The Sonoma Plaza Tree and Landscape evaluation documents the health and condition of the historic plants growing at the plaza and provides recommendations for their long-term maintenance and care. The evaluation will include a review of current tree and landscape maintenance practices, drainage problems, and the functionality of the irrigation system.

LETTERMÁN DIGITAL ARTS CENTER, PRESIDIO, SAN FRANCISCO- Arboricultural and Landscape Development

- This project provides comprehensive services ranging from development of a historic tree protection program, health and structural evaluations of mature trees, reclaimed water use in the landscape, plant selection review, landscape tree procurement, and preparation of a landscape management plan.
- Over 570 specimen trees were selected and purchased under the direction of Lawrence Halprin and Associates. A tree nursery was established in the Presidio for holding and transplanting of project trees.

SAN DIEGO FIRE LAWYERS- Old Guejito, Rice Canyon, and Witch Creek Fires: Tree/Woodland Damage Assessments and Appraisals

- The assessment of over 180 properties in San Diego County impacted by the October 2007 wildfires. Services include the inventory and documentation of trees killed or damaged by the fires. Currently over 40,000 trees have been evaluated.

- Specialized database software was created to document tree species, trunk diameters, pre-fire condition, and severity of fire damage. Advanced database, electronic field data collection, and GPS locations/mapping procedures were developed and utilized in the evaluations and damage appraisals. Cost models were developed for analyzing for site remediation requirements and cost of cure opinions of value.

SILVERADO HIGHLANDS, NAPA, CA- Arboricultural Evaluations and Native Tree Revegetation

- Evaluation of trees and oak woodland prior to construction of the Silverado Highlands residential development. Tree evaluations included hazard evaluations and assessment of construction impact. Extensive public hearings required and tree protection supervision during construction.

SILVERADO COUNTRY CLUB AND RESORT, NAPA, CA, Tree Inventory and Management Plans

- Tree inventory and management plans for resort areas and 36 hole golf courses. Computerized inventory software used to track requirements of 2,000 trees in this well-known resort and championship golf course.

STANLY RANCH, NAPA, CA- Eucalyptus Windrow Evaluation and Tree Management Plan

- This project has 4600 eucalyptus trees in historical windrow plantings. The City of Napa required an evaluation of the windrow plantings as part of the project Environmental Impact Report.
- Preparation of windrow management plan which consisted of (a) master schedule for phased replacement of individual trees, (b) protocols for: (i) removal of individual trees in a manner which minimizes impact on adjacent trees, (ii) planting of replacement trees, and (iii) protection of remaining trees during construction, (c) program for monitoring and maintaining trees until replacement, (d) monitoring and reporting program for any required mitigation measures, and (e) an initial five year budget for implementation of the Windrow Management Plan.

STERN GROVE FESTIVAL ASSOCIATION, SAN FRANCISCO, CA- Arboricultural Evaluations, Tree Preservation and Protection Plan, Construction Observation

- Evaluation of trees within the project limits of the Stern Grove Concert Meadow. A comprehensive tree protection plan was prepared for this historic site. Tree protection observation was provided throughout the project construction. Detailed resistograph and air spade diagnostic procedures were used for evaluation of a historic eucalyptus tree.

STONEBRAE COUNTRY CLUB, HAYWARD, CA- Arboricultural Evaluations, Tree Preservation and Protection Plan, Construction Observation, Tree Growing Contract

- Documentation and database management of over 3000 trees. A tree preservation and mitigation plan was prepared as part of the project's conditions of approval as well as ongoing tree protection observation. An oak protection brochure was prepared for use by the Homeowners Association.
- Management of a large tree growing contract designed to provide the project with availability of the specified trees, a high quality standard, and purchased at a competitive cost.

MACNAIR
 &
 ASSOCIATES
 CONSULTING ARBORISTS AND HORTICULTURISTS



James MacNair
 Articles, Books, Presentations, and Professional Papers

Date	Title	Publication/Conference Proceedings
1977-1980	Plant Profiles- California Native and Mediterranean Plant Introductions- Article Series	California Landscape Magazine (CLCA)
June 1985	Oak Forest- A Lester Hawkins Legacy	Pacific Horticulture
December 1985	Plant Selection- A Pragmatic Approach	Paper and Lecture- 1985 Xeriscape Conference
May 1986	Native Plants for Planting with Oaks	Landscape and Irrigation News
January 1987	Water Conservation in the Landscape- A Horticultural Perspective on the Interaction of Design, Installation, and Maintenance	Paper and Lecture- 1987 Marinscape Conference
July 1991	Roadside Vegetation Management Handbook	California Department of Transportation
February 1991	Water Conservation and Maintenance- The Technical Requirements	Paper and Lecture- 1991 Northern California Xeriscape Conference
February 1992	Estimating Water Use and Irrigation Schedules for Ornamental Landscapes	Paper and Lecture- 1992 Water Efficient Landscaping Conference
February 1992	Water Use Classification of Landscape Species	Project Participant: University of California Cooperative Extension
June 1993	ET Calc User's Handbook	ET Calc- Water Conservation Software for Landscape Design and Maintenance
February 1994	Estimating Water Use in Landscapes	Landscape and Irrigation News
January 1995	Water Conservation in Commercial Landscapes	CAI Magazine
August 1995	Calculating Irrigation Schedules for Overhead Sprinkler Systems	Landscape and Irrigation News
February 1996	Trees for Rhododendron Gardens	American Rhododendron Society
January 2003	Detection Study Using the Resistograph- Structural Evaluation of <i>Eucalyptus globulus</i>	Study conducted for Caltrans. Presentation to the City of Sonoma City Council.

Selected Arboricultural Project Descriptions
Page 2 of 2

Date	Title	Publication/Conference Proceedings
October 2005	Letterman Digital Arts Center- Landscape Construction and Historic Tree Protection.	Presentation to the Bay Area Landscape Supervisors Association.
January 2006	Root Failure- Douglas Fir	Presentation to the Annual Tree Failure Conference
April 2011	Tree Damage Assessment and Appraisal Mediator Orientation	Presentation to mediators assembled for the Witch Creek and Rice Fire Litigation Cases.
September 2013	WUCOLS Redux- Selecting the Right Plants for California's Future- Plant Water Use Ratings: Inside the Committee Process	Presentation to the WUCOLS 2013 Conference.
January 2015	Wildfire Tree Damage 2007 Witch Creek Fire	Presentation to the 14 th Annual Pest and Disease Symposium
June 2015	Irrigating Effectively with Drip Systems	Presentation to the Trees and Drought- Using Water Wisely Workshop.

EXHIBIT B



ORACLE OAK, LLC

146 Jordan Ave, San Francisco CA 94118 • (415) 225-5567 • larrycostello@me.com

Date: 9/30/15

Submitted to: Landmark Tree Committee of the SF Urban Forest Council

Submitted by: Larry Costello, Consulting Arborist

Re: Landmark Nomination of *Araucaria sp.* at 46 Cook St., SF

Members of the Landmark Tree Committee,

As a follow-up to my comments at the Landmark Tree Committee hearing (8/6/15) concerning the *Araucaria sp.* being considered for landmark status, I offer these additional comments:

1. Tree Identification

Based on the following statement made by Dr. Matt Ritter, Professor of Biology, Cal Poly State University, San Luis Obispo (8/31/15), it appears that the tree in question is a hybrid:

I can tell from the images that this is a hybrid between Araucaria columnaris and A. heterophylla. It sounds from your description as well that it is demonstrating characters between the two. There are many hybrids of those two species in California. One of my graduate students is studying the population genetics and lean of these trees and we're hoping to find the markers necessary to clarify which trees are hybrids in California and which trees are just demonstrating within species variation. I'd call this one a hybrid based on the images though. The bark and leaves of both species are virtually identical and the only reliable character to tell them apart in cultivation is the shape of the canopy and the lean.

From this assessment, some questions can be considered:

Is it Norfolk Island pine (*Araucaria heterophylla*)? No

Is it Cook pine (*Araucaria columnaris*)? No

Is it a named hybrid? No

Are hybrids between *A. heterophylla* and *A. columnaris* rare? No

Is it a 50-50 mix of *A. heterophylla* and *A. columnaris*? Don't know - It could be a 75-25 mix.

Does it have traits that make it more desirable than either species? Don't know.

Does it have traits that make it less desirable than either species? Don't know.

Clearly, there is a lot we don't know about this tree. Rather than it being unique, it's

more of an enigma. In my view, the Committee should know exactly what the tree is if it's being considered for landmark status. In this case, there are a lot of questions.

2. Suitability for the Location

For *Araucaria* species, the Sunset Western Garden Book states the following:
Make impressive skyline trees and are seen in that role in many parks and old estates in California --- but they become so towering that they really do need the space they have in a park or large, open property. And they are not trees to sit under --- with age they bear large, spiny 10-15-lb cones that fall with a crash.

Clearly, it is well recognized that this tree is not intended for small properties, as at 46 Cook St. It may have been suitable when the property was much larger (in the late 1800s), but not now. I doubt that anyone on the Committee would recommend it for planting at its current site. Simply, it is a very large tree in a relatively small space. If the tree should fail structurally (trunk break, uprooting, or branch break), the consequences are likely to be severe. Even the cones could cause a serious injury. It is a tree that is not suitable for its location.

3. Unintended Consequences

The Landmark Tree Committee should give serious consideration to the potential for "unintended consequences" associated with the assignment of landmark status. This case may very well set an unfortunate precedent: buyers of new properties (especially developers) may act quickly to remove notable trees from a newly acquired property due to concerns about the tree(s) being nominated for landmark status. If this tree is landmarked without agreement from the property owner, then future property owners may feel at risk. As a result, some very nice trees may be removed simply out of fear of a landmarking action. This would be highly unfortunate.

With the above in mind, I strongly recommend that you to decline the nomination of this tree for landmark status.

Sincerely,



L.R. Costello
Oracle Oak LLC.

EXHIBIT C

Report on *Araucaria* hybrid at 46 Cook Street

Matt Ritter, PhD

Jason Johns, Master's Candidate

October 26, 2015

Summary:

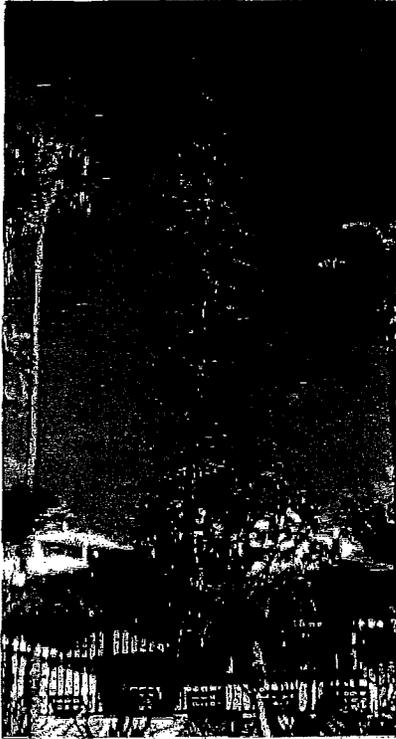
1. Based on our findings the tree at 46 Cook St. is a hybrid.
2. These hybrids are not rare in California
3. The resources previously used to identify the tree at 46 Cook St. are not accurate, authoritative, or reputable.

Araucaria columnaris (Cook Pine) and *A. heterophylla* (Norfolk Island Pine) are both commonly cultivated worldwide. Usually, they are indistinguishable until they reach maturity. The most accurate way to tell them apart is by the open, pyramidal crown of *A. heterophylla* and the dense, columnar crown of *A. columnaris*. *A. heterophylla* also tends to grow vertically straight while *A. columnaris* leans. While their native ranges do not overlap, they are often planted together. Their physical proximity to each other in cultivation, along with their overlapping reproduction cycles presents an opportunity for them to hybridize. We have seen many individuals in California and Hawaii whose canopy, growth direction, and other morphological features show characteristics of both species. Based on these findings, we've deemed these individuals to be hybrids (see figures 1-4). Based on the photos and information shown to us, we believe that the tree on 46 Cook Street in San Francisco is a hybrid of *A. columnaris* and *A. heterophylla*. Hybrids between *A. columnaris* and *A. heterophylla*, like the tree at 46 Cook St., are by no means rare in California.

The identification of the tree at 46 Cook St. as *Araucaria columnaris* is based on three non-authoritative resources for the genus *Araucaria*: The National Register of Big Trees (Australia), *Hortus Third* and *A Tropical Garden Flora*. These three references, cited by the nominator of the Cook Pine at 46 Cook St., are not authoritative, accurate, or reputable for the following reasons. Each attempts to use various morphological characteristics that actually do not distinguish the two species. They are not quality references for species identification in the genus *Araucaria*. Our analysis of collected samples throughout California, Hawaii, Mexico, and other localities where these two species are planted shows that the architecture of the canopy and the morphology of the microsporophylls in the male cones are the only reliable characteristics for distinguishing the two species. The misidentification of several vegetative characteristics as unique to one species or the other discredits the above-mentioned references as reliable sources of accurate information for the genus *Araucaria*.

Our assessment is supported by Altos Farjon's treatment of *Araucaria* in his book, *A Handbook of the World's Conifers: Volume 1*. This treatment is universally considered to be the authority on *Araucaria* as well as many other genera of conifers. Farjon uses the crown of mature trees as the clear distinguishing characteristic between the two species. We have seen several trees both in California and Hawaii that lean, suggesting they are *A. columnaris*, yet their crowns are more sparse and conical than typical *A. columnaris*, suggesting they have some genetic

Figure 1: Laguna Beach hybrid



70.6 ft., ~50 years old

Figure 2: Dana Point hybrid



42 ft., ~25 years old

Figure 3: Ventura hybrid



104 ft., ~130 years old

Figure 4: Santa Ana hybrid



106 ft., ~120 years old

EXHIBIT D

1 Barri Kaplan Bonapart: Thank you, my name is Barri Bonapart and I'm the attorney for
2 ~~the Applicants.~~ [Mr. Rogers]. At the August 6 hearing there were some questions raised as to the historical
3 significance of this tree; there were also questions raised as to the species and the committee wanted
4 additional information on both of those so they could make a decision. With regard to the historical
5 significance although there were allusions made to the street having been connected to the historical
6 figures or historical properties was insufficient and even some contradictory evidence of that
7 presented at the last hearing. There was this excerpt from Here Today which actually was in the
8 Appendix and when read in its entirety seem to suggest that no trees remain from the time of
9 George Smith. We showed a photo at the last hearing from the late 1880s which showed no
10 significant trees on that same block including the so-called sister tree shown in many of the
11 members of the public's photos who've been advocating for landmarking prior to its removal, and
12 that would have appeared in that frame of the 1885 photo. That photo is now part of Mr. McNear's
13 addendum to his first report which you now have; it's on the last page of that report.

14 3:52

15 There is a new submittal apparently unattributed which purports to add to the historical
16 connection, but it doesn't, it's simply duplicative of the last submittal, just repackaged. Included in
17 it, again is a photo purporting to be from the late 1940s or 1950s. In Mr. McNear's addendum he
18 actually compares that photo to a current photo and concludes that the tree pictured in the historic
19 photo is not the same tree, which makes sense. In the historic photo the tree pictured is already
20 quite large and mature. If this were the same tree it would likely be nearing the end of its lifespan, if
21 not already past it. He concludes that the tree in the historic photo has since been removed and that
22 the current tree was at best a seedling at the time. In short, the historic connection has only become
23 more tenuous since the last hearing.

1 The next question was species. Staff raised the issue of whether the species had been
2 correctly identified and she gave her opinion that it had not. First we have concerns with regard to
3 staff's role with regard to substantive issues and I understand that's a question that will be addressed
4 later on after this hearing. Regardless, it was agreed that the parties would seek more information
5 with respect to the species identification and whether the tree was a Norfolk Island pine as everyone
6 including the folks advocating landmarking had been asserting; or whether it was a Cook pine, Cook
7 pines apparently have been more rare in this area. We went to a leading authority to get an answer,
8 Dr. Matt Ritter from Cal Poly. He is a Ph.D. Professor in the Biological Sciences Department and a
9 well-regarded taxonomist specializing in plant diversity and rare species. His opinion is that the tree
10 is not a Cook pine, rather he believes it to be hybrid and not particularly rare because this hybrid
11 species is fairly common in California. I forwarded him the recently submitted documents; again
12 those are documents without attribution, we don't know who put them together, entitled
13 Summarized Key Attributes, which argues now for its classification as a Cook pine. His statement is
14 that this document is simply wrong and relies on sources that in his opinion are "not authoritative."
15 6:12

16 It's important to remember that when Applicants were first pushing for landmarking they
17 identified this tree unequivocally as a Norfolk Island pine. It wasn't until the last hearing when they
18 were sensing that their chances of landmarking were not as good if the tree was a Norfolk rather
19 than a Cook, that they came up with this new source of material identifying the tree as a Cook pine.

20 What does that leave us with? What matters is the criteria that's set forth in the ordinance.
21 So Mr. MacNear, who is here with us, has gone through that criteria. Mr. Costello, who is here with
22 us, has gone through that criteria. Both of these gentlemen, experts in their field, and both known
23 for calling it as they see it, have concluded that this tree is not suitable for landmark status and they

1 will speak to that. It's a backyard tree that's not rare or distinguished; more than that it is, as Mr.
2 Costello tells us, it's unsuitable for its location. In short, it's the wrong tree in the wrong place.

3 Applying the criteria, a landmark designation would be inappropriate. Thank you. And I
4 understand I have time for the rebuttal as well?

5 **Female Speaker:** Yup. So public comments? Two minutes. Any public comment? Please
6 state your name. ...

7 **Richard Worn:** Hi, my name is Richard Worn, I live at 60 Cook Street, it's a couple houses
8 down from the tree in question. I just want to point out quickly about the removal of the tree and
9 being different. This is so big: If you look at the different photos, here's the 0-4651 photo; that's
10 from a different angle. This tree is from alongside of the house; that's going to give you a different
11 angle. A tree like that is sizable and so I disagree with the fact that if it's removed and another one
12 was put in there, that's just sort of physically impossible, but that's not why I'm here and I'm going
13 to rebut that quickly. I have a letter here to verify the species to back up that argument. This is from
14 "To Whom It May Concern: my name is Lorna Monte Brodick, I am the field botany teacher for the
15 Battala Lobos School of Urban Studies, the Blue Ridge School of Urban Studies and many others
16 around the United States. I often have to make very precise and important differentiations between
17 species due to the fact that I study plants with the intention of harvesting them to make herbal
18 medicine that ingested. For this reason I look to often small distinctions to make positive
19 identifications between plants that may look quite similar to a more general eye. For the tree in
20 dispute on Cook Street one can look to Hortus III and read through the technical description of
21 both the *Araucaria columnaris* and the *Araucaria heterophylla* to make that positive identification.
22 Our botanical classification system by nomenclature is based on the reproductive parts of plants.
23 So let's examine the cones of both species to make our distinction and I believe we sent some of
24 these items from Hortus III. Is that my time already?

1 James MacNair: I'll be brief. Regarding the species and I think Dr. Ritter has pretty much

2

3 Male Speaker: Name please?

4 James MacNear: Oh sorry. I'm James MacNear, consulting arborist. I think Dr. Ritter has
5 pretty much laid to rest about the issue of the species and explains why there has been so much
6 controversy about which tree. It's a hybrid so it has characteristics of both. Being a hybrid doesn't
7 mean it's necessarily superior, it just means it has a mixture of genetics between the species and I
8 don't think anyone has demonstrated that this tree is really special in that genetic sense. In terms of
9 the historical or rarity issue I noted that there's been reference to the Urban Forest Map that showed
10 15 Norfolk Island pines in the city. As we drove in on Lombard we saw five just driving down
11 Lombard and turning on Van Ness. I spoke to Peter Erlich in the Presidio, he said they have at
12 least 20. So the numbers are much greater than what's been put out there in terms of the 15. I'm
13 up to at least 50 and I think a lot of those probably are hybrids, I think there are probably a lot more
14 hybrid iterations of this tree than we previously realized.

15 16:10

16 In terms of the historical significance, again I did that comparison with the two photos and I
17 was virtually in the same location as the circa 1946 photo when I took this one and in my opinion
18 it's not the same tree, which makes sense in terms of its condition now. I think the subject tree was
19 probably planted '40s, '50s, maybe when the other trees shown in the '46 photo was removed and
20 someone planted a replacement tree; I think that's very likely.

21 Coordinator Mei Lin Hue: Thank you, next speaker please.

22 Larry Costello: Good afternoon, Larry Costello, consulting arborist. I put together a short
23 report, I don't know if you've gotten it, it was sent out this morning. But there are three key points
24 in the report. One is a tree identification, another tree location or suitability for the location and

1 then there is unintended consequences of landmark action. First tree identification. In my mind
2 Matt Ritter is the statewide authority on tree identification. He is recognized as an authority by
3 people in the professional and certainly if he says it's a hybrid, I believe that. So it's not
4 heterophylla, it's not columnaris. Is it a named hybrid? No. Is it a 50-50 hybrid of the two? We
5 don't know. It could be; it could be 75-25 mix; 75 heterophylla. So there are a lot of questions
6 about its identity. Does it have traits that are more desirable than the species? It may, we don't
7 know. Does it have traits that are less desirable; it? It may, we don't know. So we really don't have
8 a good understanding of the tree that's being landmarked and that's of concern to me - and the
9 hybrids aren't rare according to Matt.

10 Secondly, the suitability of the location. It's just a large tree in a small lot. Perhaps long ago,
11 if that was the tree perhaps it's OK on a large estate but as Sunset says and other references say, it
12 should be in parks and larger properties and open spaces and there's, you know, a risk involved here.
13 If you have any questions I can follow up.

14 19:15

15 **Coordinator Mei Lin Hue:** There's no rebuttal. Committee evaluation is first.

16 **Carla Shortt:** Well at the last hearing I went over my evaluation which was done on the basis
17 that this was a Norfolk Island pine. Also independently, I had mentioned at the last hearing that I
18 had reached out to an expert which was Dr. Matt Ritter; that's who I contacted myself so I am also
19 convinced it is a hybrid if that's what he believes it is. Certainly he knows far better than I do. He
20 indicated to me that while it is not uncommon, certainly he was not aware of a huge quantity of these
21 in San Francisco. I don't know if I need to go over all the physical attributes and everything that I
22 found last time but I think... I'm struggling. I'm struggling with this one a lot because I'm actually
23 sort of intrigued by the notion that it's a hybrid and how many of our Norfolk pines are hybrids and
24 how many are Cook pines and I actually think that does make it a little more significant to me that it

1 may be a hybrid; although if it turns out most of what we have are hybrids then it suddenly becomes
2 more common. But I think we don't know and I do think that that makes it from my perspective
3 more intriguing. But I think there are real challenges to not really knowing what we're landmarking
4 although we have a precedent for that because we did it with Rose's tree. So I'm just struggling. I'm
5 very swayed by the amount of neighborhood support for this and that is one of the factors that we
6 weigh. I am very concerned about the use of the ordinance to prevent development from
7 happening and I worry about potential backlash.

8 I think the unintended consequences that Dr. Costello noted I think are valid concerns and
9 that was something that we talked about early on when the landmark ordinance itself was being
10 created; did we need to worry that people would run out and remove big trees because they were
11 afraid of that, and I don't think we've seen that too much but certainly I think that is something to
12 be aware of. So I'm struggling. I don't know what my vote is going to be at this point.

13 **Rose Hillson:** So Rose Hillson. I'd like to ask Ms. Kathryn Bonapart a question at the end
14 of my comments. So at the full Urban Forestry Council the committee as a whole decided the tree
15 is in good condition; had distinguished form, doesn't provide erosion control, not an interdependent
16 group of trees but it had neighborhood appreciation. I have a list of all the previous landmark trees
17 and all the trees did not hit every single criteria, I do know that. Mine did not hit every single
18 criteria. My tree was also unknown, and still is unknown and it hit the one mark that was rarity
19 because it's the only one in the city. So there was another one, it's a redwood above Market Street;
20 there was community support for it. It didn't hit much of the other ones at all, it was just
21 community support. So I'm sorry to say this in terms of gambling terms, but it's like a crap shoot;
22 you never know who's going to think what and this whole thing is going to end up at the Board of
23 Supervisors if their report decides a certain way. We don't know yet but I'm just putting it out there.
24 I have a question for Ms. Kathryn Bonapart. Could you explain to me? You were going through the

1 picture, the 1885 picture from Bancroft Library and I wasn't sure which tree you were saying was in
2 comparison to the picture in 1946; are you saying this is the tree in the picture that didn't have, or is
3 the tree... didn't have any trees on that lot...

4 **Barri Kaplan Bonapart:** What this photo is meant to show is the absence of large trees in
5 that block. Now the tree in question would be to the right of the frame so you wouldn't be able to
6 tell if it's there or not but the sister tree was over there.

7 **Rose Hillson:** And I don't see it, right. But the neighbors did have the trunk cutting of the
8 other sister tree and if it was true that it's estimated at 120 years, I'm taking 2015 minus 120 years
9 and I'm coming up with 1895; now this is 1885 and if 10 years later the guy had planted these trees,
10 that's one thing we don't know either. It probably never will be figured out but I'm just putting that
11 out there as well because the years and the dates of the photos and what could be calculated back
12 from this year could be another factor that is unknown.

13 **Barri Kaplan Bonapart:** Right, and that's the point, there are always unknown factors...

14 **Rose Hillson:** Yeah, including the species and the hybrid and whether or not...okay, Yes,
15 thank you.

16 **Jon Swae:** I think one of the questions I had at the last hearing was the historic significance
17 of the tree given the information we had at the time. I spoke to the Planning Department's Historic
18 Preservation staff and according to them in order for a tree to be landmarkable based on its historic
19 attributes from their perspective the tree would not have to just be of a certain age but be associated
20 with some exceptional element of history of San Francisco. So as we discussed in the last hearing
21 that the property is mentioned in the Here Today book and is determined to be historically
22 significant but that finding as I learned from the Preservation staff was really the historic significance
23 is really based on architectural significance of the property, the 46 Cook property, and not related
24 necessarily to a person or event associated with the property. So for the nominated tree to receive a

1 landmark designation because of its historic significance would require the tree with the landscape to
2 be associated with a historic event or a person or a historically designed landscape, which I don't
3 think we have evidence for in this case. A good example is the Blue Gum Eucalyptus on Octavia
4 Street which were planted by Mariana Pleasant, who was involved with the underground railroad
5 during the Gold Rush, a clearly historic person at the time. So I don't see how this in my
6 perspective can landmark a tree based on historic associations with past residents or any specific
7 historic event. It's clear that it's a beautiful tree and of quite some age and as I mentioned at the last
8 hearing, I would encourage the council to explore new, alternative protection approaches for trees
9 on private property outside of the landmark tree designation process.

10 27:39

11 **Coordinator Mei Lin Hue:** So I just wanted to note it was asked if it was appropriate that
12 staff provide a report. It's kind of my job to provide a report. The documents that came in from
13 the community members I did identify to Ms. Bonapart who emailed them to us. So she did have
14 that information and the last point you guys have covered, that we have . . . the Urban Forestry
15 Council has evaluated a specimen of unknown species and they have then landmarked so it's not
16 necessarily a problem. OK, we have property owner rebuttal. You have 5 minutes.

17 **Barri Kaplan Bonapart:** Thank you and this is a follow up to Rose, what you were saying
18 about you don't have to hit every criteria. Of course not, I understand that, but we have a very
19 unusual situation here because unlike yours and probably most other landmark situations here if not
20 all of them, it's not the property owner nominating it; you have a backyard tree on the property, the
21 owner of which is objecting to the landmark of his own tree. Indeed he was asked for access to his
22 property for the committee to inspect and he respectfully declined to provide the access because he
23 was opposing the process. Regardless of that objection, a round was apparently taken from his
24 property without permission in order to count rings as you just mentioned. Photos have been taken

1 of his property without his permission. Now apparently a pine cone has been removed from this
2 tree and taken from his property again without his permission and all of this started when he began
3 to embark on a property improvement project which included some tree removal and that's not
4 what the landmark ordinance is for. That is not what this committee is for and as Mr. Costello
5 states in his report if you were to landmark under these unusual circumstances you would not only
6 be harming the credibility of this committee and its good works, you would be encouraging
7 preemptive removal of the large beautiful trees in order to avoid what is happening here - and for
8 these reasons we encourage you to end the matter now. Thank you. And again, we're all available
9 for any questions.

10 **Coordinator Mei Lin Hue:** Discussion and action by the committee.

11 30:06.

12 **Rose Hillson:** On the last note Ms. Bonapart mentioned the fact that yeah, it doesn't hit
13 every single point as far as rarity of species or definite species being known. The fact that my tree is
14 there but it's me putting in the nomination as opposed to some property owner who didn't want it
15 done and the sequoia on Market Street was one landmarked because the property owner didn't want
16 it but it still happened, right, and you had the plans looked at and everything through Planning
17 Department. So we have two things that have already happened in the past. This is a hard one: I'm
18 in the community seat so from that perspective I see the petitions and the enthusiasm and the
19 importance that they place on this large tree and it was the same with the redwood tree. You know,
20 that's why I'm on the council because I represent the community's seat but other than that I'd like
21 to hear your takes on what you've heard today. The three of us... I already know what's going to
22 happen. So it's interesting that we only have three out of five today.

23 **Carla Short:** I think just one note, even if we all vote no today we don't end it today; it will
24 go to full council for a full council vote on it and it will... can potentially even move on to the

1 Board of Supervisors. So this a tough one for me because usually I look for more than one criterion
2 to be met and in the past I have not even, though I really, really value when the neighbors value
3 trees; I'm in my job because I love trees. I appreciate when people care about their environment and
4 their community so I'm certainly very affected by that but historically that alone has not been
5 sufficient to sway me personally to vote for trees and I voted against the giant sequoia on Market
6 Street but it got landmark status anyway. With this one I think we don't have enough on the
7 historical connection to make me feel like we're meeting that criterion as well. The thing I'm
8 struggling with is we don't really know, or I don't feel like I really know, whether it's rare enough for
9 me to feel like this makes sense. I really believe these neighbors love this tree and that it's not that
10 they would like to see it landmarked whether anyone has an intention to remove it or not but the
11 reality is I think they were spurred into action because of a concern that it would be removed, which
12 is a reasonable reason to take action but I'm very uncomfortable with the landmark ordinance
13 potentially being used in that way. So I'm not really sure. But those are my thoughts.

14 **John Swae:** Yeah, I think my two holdouts were the rarity of the species which from what
15 I'm hearing is that it's not super rare and even the hybrids are not super rare and I have seen a lot of
16 Norfolks around the city myself just noticing, paying more attention and that Urban Forest map is
17 definitely not as accurate and some day, hopefully it will be.

18 **Carla Short:** I don't think anyone is relying on that.

19 **John Swae:** The other thing was the historic piece. It was helpful for me to talk to the
20 Preservation folks to clarify that. The property is actually historic because of its architecture from
21 their perspective; we don't have it associated with a key individual or event or something to make it
22 related specifically to that tree. So those were kind of the two big holdouts for me and I don't really
23 see a strong case for either of those.

1 **Carla Short:** Today I don't feel like we have a ton of new information other than I'm
2 convinced that it's now a hybrid. I wish I had clearer confirmation what that meant in terms of its
3 rarity. Matt told me he didn't think they were very common in San Francisco, the hybrids but again
4 he said in order to be sure about that his grad student Whitney to actually take genetic samples.

5 **Rose Hillson:** I have a question. The hybrids that Matt Ritter said are not rare. Is there a
6 peer review paper on hybrids? Someone mentioned there was some flora document and I forget
7 who said it but if that person could come up at the table because I'm trying to find...sorry, I can't
8 read the fine print. Can you tell me which one...

9 One popular theory holds that many Norfolk Island pines in the Hawaiian Islands are all of
10 hybrid origin but pollen of the two species, heterophylla and columnaris, is shed six months apart
11 making hybridization unlikely. These reported hybrid trees are virtually all Cook pines. This is in
12 what document? Tropical Garden Flora. That just makes me wonder if it could be...

13 **Carla Short:** I would just say that if Matt Ritter has a student who's actually taking genetic
14 testing and finding those are hybrids I'd put a little more stock in that. I don't know if this is
15 relevant or not but the book is also from 2005 so a lot may have changed.

16 **Rose Hillson:** So that's it thank you. Are we ready to vote? I'll go first only
17 because I'm in the community seat and because in the past that's what's happened. I sympathize
18 with being property owners or not property owners, figuring out the species or not figuring out the
19 species and all these scenarios have come up before and my vote isn't going to make any difference
20 in today's, not with three of us so I'll just say yes, I support it.

21 **Coordinator Mei Lin Hue:** We actually have to have a motion and a second.

22 **Rose Hillson:** I move that we landmark this unknown hybrid tree at 46-A Cook.

23 **Coordinator Mei Lin Hue:** Just for clarification, make a motion to support landmarking?

24 **Rose Hillson:** Yes.

1 **Coordinator Mei Lin Hue:** A second? We need a motion to deny.

2 **Female Speaker:** [inaudible]

3 **John Swae:** I make the motion to deny the designation.

4 **Mei Lin Hue:** So for clarification, you're making a motion to not support the nomination.

5 **Carla Short:** I'll second that.

6 **Female Speaker:** OK so let's take a roll call vote. Chair Hillson?

7 **Hillson:** No.

8 **Mei Lin Hue:** Member Short.

9 **Short:** Yes.

10 **Mei Lin Hue:** Member Swae.

11 **Swae:** Yes.

12 **Mei Lin Hue:** So we can't get a quorum vote on this one so this motion doesn't pass. That

13 means that the tree nomination will move forward to the full council with no recommendation from

14 the committee. Right? Alright. Item 4 on the agenda. Landmark tree visible identification. The

15 commission will discuss onsite identification of landmark trees. Thank you everybody for being

16 here.

17 **Rose Hillson:** So here's the reason why I put this on the agenda. In terms of the landmark

18 tree markers I brought this subject up because I know Mei Lin and Dan Kida and Carla have been

19 working on these markers for the trees and there's been discussion since 2008 on this and the design

20 is already made and it was voted at the council that these things would be made, and it's sort of been

21 put on the back burner until Dan goes out there and finds time to look at every single tree. That

22 was the last status but as I was sitting at the Historic Preservation Commission meeting because of a

23 presentation that Mei Lin was giving on this Cook tree, an item came up on their agenda about how

24 they're going to get markers for landmarked buildings and I thought well, do they have a funding



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April 27, 2016

Jonathan Givner
Deputy City Attorney
City Attorney Office
San Francisco City Hall
1390 Market Street
San Francisco, CA 94901

Re: **Dale Rogers, 46A Cook Street, San Francisco, CA**
Urban Forestry Council's March 25, 2016 Recommendation
To Landmark a Backyard Tree—Norfolk Island Pine

Dear Mr. Givner,

I write on behalf of Dale Rogers regarding the Urban Forestry Council's ("UFC") March 25, 2016 recommendation to the Board of Supervisors to "landmark" a backyard tree on Mr. Rogers' property, located at 46A Cook St. against his wishes.¹ As has been noted by the leading experts in the field of arboriculture on several occasions in front of the Urban Forestry Council and its subcommittee "this is the wrong tree in the wrong place."

INTRODUCTION

Through six hearings in front of three different administrative bodies, the supporters of landmarking provided a mountain of information, virtually none of which proved to be true. Specifically, there is no verifiable evidence that the tree is rare or has any historical association. However, through a carefully orchestrated media and social media campaign, the supporters of the nomination "rallied the troops" including children and individuals who do not reside in the neighborhood, to "send a message to City Hall." In the words of Shakespeare, the tale these troops offered was, "full of sound and fury, signifying nothing."

Motives and false information aside, the UFC's actions on multiple occasions ran afoul of the procedural and substantive tenets of San Francisco Public Works Code, Article 16, Section 800 *et. seq.* If the Board of Supervisors fails to use its discretion

¹ The corrected address for this parcel is 48 Cook Street.

under section 810(b)(4) to stop this improper landmarking, the unintended consequences will be enormous.

Specifically, once a legal challenge is mounted, the landmark ordinance, an important vehicle for preserving unique specimens, will be permanently undermined. The dangerous message already being relayed to developers and average homeowners alike by this highly publicized campaign is, if you have a tree on your property and are not sure if you will need to have it removed in the future for whatever reason, remove it as soon as possible before others try and prevent you from doing so. There is no larger threat to the protection of San Francisco's urban forest canopy than ill managed laws that encourage thoughtless removals.

FACTUAL BACKGROUND

A. Mr. Rogers' Purchase Of Property in 2012

Mr. Dale Rogers ("Rogers") purchased 46A Cook Street in May 2012.² Mr. Rogers purchased the home with the intent on making a permanent family home for himself, his wife, their twin daughters and his elderly mother-in-law.

At the time of Mr. Rogers' purchase, the property was fairly unkempt condition with basic maintenance and upkeep needed. The grounds of the property were overgrown and infested by mosquitoes.

B. Landscape Work and Notification to Tenants

Prior to the Rogers' purchase of the property, Levi and Jennifer Leavitt became tenants of a carriage house on the property.

The Rogers hoped to make various improvements and to re-landscape the outdoor area. Mr. Rogers routinely performed yard maintenance after he purchased the property. He hired a landscaping crew to trim trees/bushes, trim down all of the grass and clean up the outdoor areas of the property. In advance of the work being done, he would notify the Leavitts and request that they move their vehicles to allow the crew full access to the property. He also was concerned about possible vehicle damage from power tools used in the yard cleanup activities.

As was his custom, he sent the Leavitts an email on April 4, 2015, indicating that he would be performing landscaping and tree work beginning on April 20th and that they should move their vehicles.

On the morning of April 20, 2015, the Leavitts' car had not been moved. In addition, without explanation, Richard Worn, the Rogers' neighbor two doors down at 58-60 Cook Street, was standing around waiting with coffee for the landscaping crew. After

² Title is held by Dale T. Rogers, Trustee of the Dale T. Rogers Trust dated July 15, 1998.

additional requests by Mr. Rogers, the Leavitts moved their car. However, they did not move two motorcycles parked under what Mr. Rogers at that time believed was a Norfolk Island Pine near the carriage house.

Starting the week of April 20, 2015, the crew removed a palm tree from 46A Cook which stood approximately 15 feet from the tree at issue in this matter. In addition, the crew removed another palm and a Norfolk Island Pine from 46 Cook St., an adjacent lot which the Rogers also own.

As part of the clean up and improvement of the property, Mr. Rogers planned on removing the tree at issue in this matter to address maintenance problems, potential liabilities, and to be able to landscape his private property in a more suitable manner for the property per his family's wishes, but the Leavitts continued to refuse to remove at first two, and then one motorcycle that were parked under the tree. As a result, fearing liability concerns if the motorcycle was damaged, the tree crew refused to remove the tree.

C. The Campaign to Landmark the Tree

The original landmarking process was spearheaded by Levi and Jen Leavitt, the Rogers' inherited tenants, and Richard Worn and Vanessa Ruotolo, the Rogers' neighbors two doors down at 58-60 Cook Street³. Prior to the Rogers performing home improvements, including landscaping and tree removal work, *no one had ever sought to protect or landmark any of the trees on the Rogers' property.*

On April 22, 2015, Mr. Worn sent Mr. Rogers a text stating, "Make the right choice. Stop the tree job at 46 Cook Street. You've got the whole neighborhood up in arms. I think the three trees already removed is a good compromise?" Mr. Worn sent a second text message to Mr. Rogers on April 26, 2015, which attacked Mr. Rogers' actions, stating: "I hope you're reconsidering removing the rest of the trees at 46 Cook. Do you realize how much hatred, anger and sadness you have caused already? Show some real strength and humility and stop the job. Find another way."

The next day, Ms. Ruotolo, left a threatening voicemail on Mr. Rogers' phone at 11:17 a.m., in which she states that the "plan on putting up a fight." She indicated she had a friend who would be "calling the news" and that they plan on using whatever "process" they can "to protect this tree." A transcript of Ms. Ruotolo's voice mail message is attached hereto as **Exhibit A**.

True to their word, the neighbors and tenants launched their "fight." First, they contacted the City and found that the tree protection ordinance is not intended for this particular kind of situation. However, in speaking with various individuals to try and see what "process" might be available to them, they found out about San Francisco's

³ Records indicate that Mr. Worn and Ms. Ruotolo purchased their property in December 2010, shortly before the Rogers.

landmark ordinance. They also learned that if they are not the owner of the tree, the only way to get it nominated for landmarking is either to have the Board of Supervisors or the Planning Commission nominate it.

They went to their local Supervisor Mark Farrell. Mr. Farrell advised them he would not nominate the tree. Mr. Farrell did not believe the Ordinance was intended for the purpose of trying to save a backyard tree of no particular significance from being removed and did not want to get involved in what was perceived to be a neighbor dispute.

Undeterred, they went to the Planning Commission. The Planning Commission had never been presented with such a request and did not have notice or other procedures in place to handle it. In the following section, we discuss in more detail the procedural irregularities that followed as a result.

In the meantime, Ms. Ruotolo, began a Facebook campaign against Mr. Rogers. She also started a Change.org petition against him. The posts referred to Mr. Rogers as a "flipper" and "developer" and called him "evil." Most telling, however, is the post that sets forth Ms. Ruotolo's and Mr. Worn's true intentions for creating this campaign:

"If we can convince city hall to save this remaining historic tree, it will send a message to them that we don't ask for zero development, just creative development, respecting the history and natural life of San Francisco. This exact specimen of tree has been landmarked in SF but because this one is in the way of a developer who can make money for the city, they will fight us."

The tenants had their own agenda. During negotiations of their buyout agreement, they "offered" to withdraw their support of landmarking the tree in exchange for an additional \$20,000 payment.

D. "Landmarking" Process to Date

The landmarking process for the tree on Mr. Rogers' property was highly unusual both in how the tree was originally nominated and how the Urban Forestry Council ("UFC") came to finally recommend it for landmarking. The record is fairly voluminous in terms of the documents submitted for and against landmarking, as well as the six hearings that have been held on the matter. Despite the volume of information presented, the basic facts are that (1) the tree is not rare, (2) no historic association can be demonstrated, (3) until Mr. Rogers began performing improvements on his property, no one had ever remarked about the tree in question nor nominated it for landmark status.

1. *Application for Nomination Filed With the Planning Commission*

After Supervisor Mark Farrell refused to nominate the tree for landmarking, Mr. Worn and the Leavitts filled out and submitted a landmark tree nomination form to the Planning Commission. This was the first time that a landmark nomination application

had been submitted to the Planning Commission. The cover letter, which accompanied the nomination form, claimed that (1) the tree was a Norfolk Island Pine; (2) it was over 100 years old; (3) it shared the property with two historically landmarked buildings; and (4) removal of the tree had been deemed unnecessary.

In fact, none of these claims were true. As is described in detail below, the tree is not a Norfolk Island Pine, but a fairly common hybrid. It likely dates back to the 1950's. The buildings on the property are not historic landmarks. There has been no finding or expert analysis indicating that removal had been deemed unnecessary.

The nomination form itself contained the same sort of inaccuracies. A summary of the statements contained in the nomination form is listed below, with explanation of the errors included in footnotes. A copy of the nomination form and exhibits is attached as **Exhibit B**.

- 1) **Rarity – Claim:** The nomination form lists the “Norfolk Island Pine” as rare based on an urban forest map of San Francisco.⁴

Truth: Indeed, even if the species had been correctly identified, testimony by the consulting arborists at the hearings (including the proponents arborist) all agreed that there is nothing rare about the Norfolk Island Pine.

- 2) **Physical – Claim:** The nomination form indicates that Mr. Rogers’ tree is amongst the tallest in San Francisco per the urban forest map and physical observation. In addition, then nomination form claims that the rings of a “sister” tree were counted and based on that analysis ALONE the tree is around 120 years old. The nomination form also claims that the height and weight of the tree allows it to create a “microclimate.”

Truth: The “ring count” was not done on the tree at issue, but on another tree and, to done correctly; an expert in the field must do such an analysis. Lastly, there is no support for the idea that the tree creates a “microclimate.” In addition, if someone had taken a “round” from the Rogers’ property without his permission, this would have necessarily involved trespass and theft.

- 3) **Historical – Claim:** The nomination form claims that “the tree is in between two landmarked buildings on the property—one of the oldest Victorian and carriage house in the Richmond District. The nomination form attached pages from the book “Here Today: San Francisco’s Architectural Heritage” which purportedly supported the historical nature of the property.

Truth: The structures on the property are NOT landmarked.

⁴ The tree was never deemed a Norfolk Island Pine by any arborist prior to the submission, nor is the tree rare. Further, the “urban forestry map” cited in the nomination is an unreliable wiki source.

In reality, 46 Cook St. does not appear anywhere in the body of the book Here Today. There is a one sentence reference in the Appendix that reads as follows: "George J. Smith, a director of Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house."

- 4) **Environmental** – *Claim:* The form claimed that the hawks, crows and owls utilized the tree and that the tree served as a wind barrier.

Truth: No arborist or expert report supports this.

- 5) **Cultural** – *Claim:* The nomination form stressed the neighborhood's support for "saving" this tree and intimated that "personal connections to the media can easily be called upon."

Truth: There were a few people from the "neighborhood" that supported "saving" the tree. Most people who signed the petition were not only not from the "neighborhood," they did not even live in San Francisco. Many were from out of state. The proponents did in fact have connections to the media and called on them resulting in one hearing being a front page Chronicle article and on NBC 6 o'clock news.

- 6) **Additional Comments** – *Claim:* The nomination form claimed that two San Francisco Urban Forestry arborists, as well as the foreman on the crew who removed other trees from the property had deemed removal unnecessary.

Truth: To this day, none of these supposed individuals have been identified nor have their alleged statements been verified.

In short, the nomination was based on misrepresentations, half-truths and pure conjecture. Such tenuous connections are not enough to nominate to landmark a tree even when the nominator owns the property. It certainly cannot be sufficient when the property owner is vehemently opposed to such a designation.⁵

2. *Planning Commission Nominates Tree for Landmarking*

Mr. Rogers received notice of the hearing less than three days before it was scheduled to occur. When asked what the notice period was for such a hearing, the staff

⁵ On June 10, 2015, Mohammed Nuru, Director of the Department of Public Works, sent Mr. Rogers a letter via email informing him that a member of the Planning Commission intended to consider whether to nominate the Norfolk Pine Tree (*Araucaria heterophyllia*) located in the yard of his property as a landmark tree. The letter misidentified Mr. Rogers' address and lot number. The letter also indicated that Director Nuru had issued an "emergency order" pursuant to section 810(d) which now prevented Mr. Rogers from removing the tree without a permit. No hearing date was provided in the letter. The DPW Notice is attached as **Exhibit C**.

replied that there was no prescribed notice period as this was the first time the situation had ever come up. At the hearing, there was much discussion about the process itself and what the Commissioners' role was to be as no one at Planning had ever dealt with this issue. Confusion reigned.

During public comment, Ms. Ruotolo spoke, reiterating many of the same falsehoods contained in the submittal by her partner, Richard Worn, in the nomination form. In addition to Ms. Ruotolo, Rose Hillson spoke. It is important to note that Ms. Hillson is the Chair on the Committee of the UFC that makes the initial determination as to whether to forward the nomination to the UFC for a full vote. When she spoke at the Planning Commission meeting in vociferous support of the nomination, she claimed to do so in her capacity as a "private citizen" and not as a member of the UFC.⁶

In spite of the lack of familiarity with the process, and based on the fallacious assertions on the submittal, and in particular the alleged (and false) assertions of the "property's historic significance," Planning Commissioner Dennis Richards sponsored the resolution nominating Mr. Rogers' tree.⁷ The Planning Commission approved the nomination by a narrow vote of 4-3 and issued a resolution forwarding the nomination to the UFC for further consideration. A transcript of the Planning Commission hearing is attached as **Exhibit D**.

3. Landmark Tree Ad Hoc Committee Meetings

The Ad Hoc Committee's function is to make a preliminary recommendation to the Urban Forestry Council regarding whether or not to landmark a tree. (See UFC Bylaws, Article XIII, Section 6.) Under normal circumstances, the Committee would visit the property, inspect the tree, and fill out their respective nomination forms to rate the criteria.

a. Property Inspection

The Committee requested permission to come on to the Rogers' property to inspect the tree. This permission was declined given the Rogers' objection to the entire process. Regardless, on July 14, 2015, the members of the Ad Hoc Committee and staff visited the Richmond and viewed the tree from the sidewalk and neighboring properties. Certain members also apparently took extensive photography of the tree against the Rogers' permission. Certain members also apparently obtained samples from the tree (e.g., cones and needles) and from the Rogers' property (a "round" from the other pine on

⁶ Ms. Hillson's conflict of interest, as a neighbor of Mr. Rogers' who lives at 115 Parker St., is addressed below in section II(B)(1).

⁷ Without a proper notice period, the Rogers were unable to be represented at the hearing, either by attorneys or arborists, to present their position. Further, he was only permitted five minutes to speak. As part of his time, he requested that the hearing be moved to a date when he could be represented but the Commission refused the request.

the adjacent property which had been removed a few months prior) without permission or authorization.

b. August 6, 2015 Ad Hoc Committee hearing

In advance of the Ad Hoc Committee hearing, the supporters of the nomination provided additional materials to the Committee, none of which provide evidence sufficient to recommend landmarking the tree: 1) two arborist reports now identifying the tree as a Cook Pine and not a Norfolk Island Pine⁸; 2) an unsigned and unverified letter from someone claiming to be the offspring of a prior owner of the property; 3) notes from the library indicating that the property is old; 4) an e-mail from the SF Heritage project manager indicating that the property is "potentially significant" as a historic resource; 5) petitions signed by people most of whom do not live in the neighborhood and many of whom do not even live in S.F.; and, 6) unauthenticated photos of birds flying. Little of the above is verifiable in any way and, even if it were, does not collectively demonstrate that Mr. Rogers' tree meets the criteria to be landmarked. The Supporters' Additional Materials are attached as **Exhibit E**.

In contrast, the Rogers provided the committee with a report from consulting arborist James MacNair, of MacNair & Associates. Mr. MacNair's Report is attached as **Exhibit F**. The hearing had been scheduled for a date on which Mr. MacNair was out of town. The Committee declined Mr. Rogers' request to have the hearing rescheduled so Mr. MacNair's report was submitted in lieu of his personal testimony. He evaluated the tree on the five landmarking tree criteria as follows:

- 1) **Rarity** – He evaluated the tree as a Norfolk Island Pine, a species common in coastal California and Mediterranean climates, including San Francisco. As such, he concluded that the tree was not rare.
- 2) **Physical** – He found no issues with the condition of the tree. He concluded that the tree was 70 to 80 years old, not 120 years as claimed in the nomination form. The tree's location indicated that, rather than planted, it was a volunteer seedling from another tree and was allowed to grow after access to the carriage house was no longer used for vehicular traffic.
- 3) **Historical** – Based on the location of the carriage house driveway, the tree most likely dates to the late 1940s or 1950's. The tree has no historical association.
- 4) **Environmental** – He concluded that as a non-native ornamental species, it had limited use as a wildlife habitat.
- 5) **Cultural** – He noted that Mr. Rogers did not believe that the tree added cultural value to the neighborhood.

⁸ Neither arborist purports to have physically examined the tree.

Because Mr. MacNair could not be there, the Rogers also had renowned consulting arborist Larry Costello appear and present his opinions on the matter. Mr. Costello rebutted the supporters' new assertions that the tree was a Cook Pine. In addition, he reminded the Committee members of the purpose of the Ordinance:

Based upon that and knowing that heterophylla occurs throughout the city in a number of places, many places where it shouldn't, such as backyards, it's really a park tree. This process is really reserved for identifying and protecting remarkable trees, unique trees, one of a kind trees, and I'll have to say this one doesn't qualify in my mind. It is a beautiful tall tree but it's not remarkable, we have others very similar to it, it's not unique. They're in Golden Gate Park. I've seen them in the Marina. I've seen them in the Richmond, and so I'm not aware of historical significance.

Landmark Tree Committee 8/6/15 Transcript, 14:16-10, Exhibit G.

Mr. Costello's opinion that this tree, while nice, is not a candidate for landmarking, has enormous significance. Mr. Costello is not just a renowned and highly regarded consulting arborist; he was on the Urban Forestry Council for years and, in fact, was its Chairman.

Ms. Hui, the staff liaison to the UFC, prepared a staff evaluation, in which she assumed accuracy of the "evidence" the supporters had submitted claiming that the tree was a Cook Pine. Based on that assumption, she concluded the tree was "rare."

In contrast to the professional and scientific presentations by the Rogers' professionals, the supporters appealed to emotion. During public comment 13 members of the public, including the children of the neighbors, spoke in support of the importance of trees in general and "saving" trees. The message was not that this tree was worthy of landmarking, but rather, if the City did not landmark the tree it would be removed. The supporters had also created a video montage of others urging to "save the tree."

After public comment, the members of the committee discussed whether to recommend that Mr. Rogers' tree be landmarked to the full UFC. Member John Swae explained his belief that the tree was not appropriate for landmarking as follows:

I guess to summarize my comments I think while the pine is a beautiful and mature tree that provides significant cultural value to neighbors, contributes to neighborhood character, in my assessment the lack of species rarity and the lack of proven historical association do not make it a successful candidate for landmarking. Under the Public Works Code the distinction of a landmark tree is uniquely reserved for trees of an exceptional, quality, rarity or historical significance.

Landmark Tree Committee 8/6/15 Transcript, 19:21-20:2, Exhibit G.

Member Carla Short, echoing Member Swae's sentiments, also explained that she was not in favor of landmarking as follows:

... we're not comfortable using landmark process just as a means of protecting a tree when it otherwise doesn't meet the criteria; which doesn't mean that it is not extremely valuable and well appreciated, but is this a truly exceptional tree worthy of landmark status? I'm struggling with that. Although part of me would really like to find it to be a tree that we could landmark but personally I think I'm not there. I don't think it is, though it is very notable and I am very moved by the neighborhood's love and appreciation for the tree, I don't think I will be supporting it for landmark status.

Landmark Tree Committee 8/6/15 Transcript, 21:21-22:3, Exhibit G.

Members Kida and Hillan both believed that more analysis was needed of the tree species and the historical association before the committee could act. (*Landmark Tree Committee 8/6/15 Transcript, 22:6-24:21, Exhibit G.*) In particular, they wanted clarification as to whether the tree was a Norfolk Island Pine or a Cook Pine, as, if it were the former, the species would not be considered "rare." The only Committee member certain of her position that the tree should be landmarked was Rose Hillson. Given the desire for more information regarding the species of the tree and the historical association of the tree and upon a unanimous motion the hearing was continued to a further hearing on October 1st 2016. (*Landmark Tree Committee 8/6/15 Transcript, 30:14-20, Exhibit G.*)

b. October 1st Ad Hoc Committee meeting

Prior to the October 1, 2015, hearing the supporters of the nomination and Mr. Rogers submitted additional materials.

The supporters of the nomination submitted a timeline of the "Historical Continuity" of 46A Cook St. The Supporters' Timeline is attached as **Exhibit H**. Although the timeline references that trees were planted on the property, there is no documentation as to when the tree at issue was planted. The supporters included a photograph from 1946 that purports to show the tree at issue as a mature tree, but that representation is baseless, and was rebutted by Mr. MacNair who replicated the photo and demonstrated the tree shown was a different tree no longer there. The supporters also submitted additional information to support the newly identified species as Cook Pine.

The Rogers sought the opinion of Dr. Matt Ritter, a professor of biology at Cal Poly and a world renowned expert in tree taxonomy. Dr. Ritter concluded that the tree was not a Cook Pine, as the proponents were now asserting. Rather, it is a hybrid, which he concluded is "not rare" in California. He also critiqued the sources cited by the proponents as non-authoritative and inaccurate. Dr. Ritter's e-mail opinion report is attached as **Exhibit I**.

Mr. MacNair updated his report regarding the historic significance, or lack thereof. Specifically, he demonstrated that the 1946 photograph provided by the supporters is not of the subject tree by showing a current photograph of the tree taken from the same vantage point showing that it is in a different location. He hypothesized that the subject tree is a "volunteer seedling" of the original tree. In addition, he explained, the tree's size and condition are not consistent with a tree over 110 years old. Mr. MacNair's revised report is attached as **Exhibit J**.

Mr. Costello submitted his own report reiterating his findings that this tree did not fit the criteria. Specifically, Mr. Costello deferred to Dr. Ritter's assessment regarding the tree species. He also opined that the subject tree has grown simply too large for the backyard it currently occupies. Lastly, he cautioned that landmarking this tree against the Mr. Rogers' wishes would set an unfortunate precedent and lead to property owners removing trees simply to avoid the specter of having their trees landmarked. Mr. Costello's report is attached as **Exhibit K**.

Chair Hillson, along with members Swae and Short were present, with members Hillan and Kida absent. (*Landmark Tree Committee Draft Meeting Minutes, 10/1/15 p.1, Exhibit L*)

As with previous hearing, the members of the committee then had a discussion of whether to recommend landmarking.

Since the prior meeting, Member Swae had followed up with the Planning Department's Preservation Staff and learned:

...the historic significance is really based on architectural significance of the property, the 46 Cook property, and not related necessarily to a person or event associated with the property. So for the nominated tree to receive a landmark designation because of its historic significance would require the tree with the landscape to be associated with a historic event or a person or a historically designed landscape, which I don't think we have evidence for in this case.

Landmark Tree Committee 10/1/15 Transcript, 10:21-11:2, Exhibit L.)

Member Swae summarized his position, which had not changed since the August hearing, as follows:

So I don't see how this in my perspective can landmark a tree based on historic associations with past residents or any specific historic event. It's clear that it's a beautiful tree and of quite some age and as I mentioned at the last hearing, I would encourage the council to explore new, alternative protection approaches for trees on private property outside of the landmark tree designation process.

Landmark Tree Committee 10/1/15 Transcript, 11:4-8, Exhibit L.

Member Short also explained why she remained against recommending landmarking, stating in part:

With this one I think we don't have enough on the historical connection to make me feel like we're meeting that criterion as well...I really believe these neighbors love this tree and that it's not that they would like to see it landmarked whether anyone has an intention to remove it or not but the reality is I think they were spurred into action because of a concern that it would be removed, which is a reasonable reason to take action but I'm very uncomfortable with the landmark ordinance potentially being used in that way.

Landmark Tree Committee 10/1/15 Transcript, 13:5-6; 13:8-12, Exhibit L.)

Both Committee members Swae and Short accepted Dr. Ritter's opinion that the tree was not a Cook Pine. (8-9, **Exhibit L**)

Given that the issue of species had now been determined (not a Cook Pine), and no real historic connection was demonstrated, that should have been the end of the process. Unfortunately, Chair Hillson disregarded the facts regarding the history and the professional opinions regarding the species and vociferously continued to advocate for recommending that the UFC landmark the tree. She then made a motion to landmark the tree, but neither of the other committee members seconded the motion. (*Landmark Tree Committee 10/1/15 Transcript, 14:14-22, Exhibit L.*)

Then member Swae moved to deny the designation which member Short seconded. Members Short and Swae voted for the motion to deny designation and Chair Hillson voted against. (*Landmark Tree Committee 10/1/15 Transcript, 15:1-10.*) However, since there was not technically a quorum⁹ the matter moved onto the full UFC without a formal recommendation from the Committee. (*Landmark Tree Committee 10/1/15 Transcript, 15:11-15.*) The draft minutes from the meeting also reflect that it was a 2-1 vote in favor of denying designation. (*Landmark Tree Committee Draft 10/1/15 Meeting Minutes, p.1*)

4. October 27, 2015 Urban Forestry Council Meeting

Member Hillson, the advocate for landmarking, made her report as Chair to the full Council. In doing so, she made multiple misrepresentations, and slanted the presentation in favor of her position. For example, she prepared a "summary" of the two

⁹ Three votes would have been required to prevent the matter from going to the Council. Had either members Hillan or Kida have been present, the matter probably would have died in Committee.

meetings, and a "summary spreadsheet" of the Committee member evaluation forms. The summary spreadsheet placed undo weight on the committee members' initial evaluations which were made prior to either of the hearings and before the consulting arborists and taxonomist had presented their information. The forms were also completed prior to the "historic" connection being debunked. In addition, neither report acknowledges that the evaluations were done without physical inspection of the tree. Member Hillson's Documentation is attached as **Exhibit M**.

Then, member Hillson misrepresented the committee's actions stating, "the second time there were only three of us there and it was voted 2 to 1 to recommend to the council with no recommendation." (*Urban Forestry Council Meeting October 27, 2015 Transcript* ("UFC 10/27/15 Transcript"), 4:18-19, **Exhibit N**.) This is not what occurred.¹⁰ Accordingly, the other members, except for Ms. Short and Mr. Swae, were given a skewed version of what had occurred at Committee.

Even with that skewed presentation, and with Committee members Hillan and Kida not present, the Motion to support the nomination of the tree did not carry with only 5 in favor and 5 against (including Committee members Short and Swae)¹¹. A minimum of 8 votes would have been required to recommend landmarking. Accordingly, the UFC then voted 10-0 to forward the nomination to the Board of Supervisors without a recommendation, indicating that the Council was split 5-5, and forwarding the Board the packet of information that the Council considered. (*UFC 10/27/15 Transcript*, 24:13-16, **Exhibit N**.)

5. Board of Supervisors Resolution

In January 2016, the Board of Supervisors passed a resolution referring the matter back to the UFC for "further review."

6. March 25, 2016 UFC Meeting

At the outset of the meeting, Chair Flanagan, in an unusual turn of events, first incorrectly summarized what had happened at Committee stating "...we dealt with this issue initially at the Urban Forest Landmark Tree Committee meeting; that basically was

¹⁰ Mr. Swae and Ms. Short voted to recommend that the Council not landmark the tree with Ms. Hillson against. (*Landmark Tree Committee 10/1/15 Transcript*, 15:1-10, **Exhibit L**.) Because there were only three members of the committee at the hearing, the committee did not have a quorum, so could not make a recommendation to the full Council. (*Landmark Tree Committee 10/1/15 Transcript*, 15:11-15, **Exhibit L**.)

¹¹ Chair Flanagan moved to support the nomination of the tree and member Carter seconded the motion. (10/27/15 UFC Transcript, 20:19-21:3) A roll call vote was then held which resulted in a 5-5 vote, chair Flanagan along with members Taylor, Carter, Sherwin and Hillson in favor and members Andrew Sullivan, Michael Sullivan, Lacan, Swae and Short opposed. (10/27/15 UFC Transcript, 21:4-22:5.)

a tied vote 2:2". (UFC March 25, 2016 Meeting Transcript ("UFC 3/25/2016 Transcript"), 1:19-2:3, **Exhibit O**)¹² Then, placing enormous pressure on the other members at the outset and prior to the presentation of evidence or comment, Chair Flanagan urged the UFC to recommend landmarking the tree, in particular because of its strong community support. (UFC 3/25/2016 Transcript, 5:3-20, **Exhibit O**.)

As with the prior UFC hearing, Member Hillson provided a "summary" of the Ad Hoc Committee's findings, using the same skewed materials as she had at the UFC's October 27, 2015 meeting. (UFC 3/25/2016 Transcript, 2:11-4:10, **Exhibit O**.)

Then the council opened the matter to public comment. Once again, the supporters had mounted a sophisticated community display of emotional outpouring. Several "members of the public", including the young son of the neighbors, gave impassioned presentations in support of landmarking the tree. Once again, the supporters had also created a video montage of various people imploring the Council to "save" the tree. (UFC 3/25/2016 Transcript, 10:17-11:6.) It was also no coincidence that the San Francisco Chronicle, that same morning, featured the tree in a front page article quoting extensively the neighbors and tenants who were behind this "fight" from the start. A camera crew from NBC news was also present.

The Rogers spoke as well. However, they were afforded no more time than the members of the general public. Mr. and Ms. Rogers each had precisely two minutes to make their case to the Council. This was the same amount of time afforded to a random stranger from outside the community or the neighbor child. Not surprisingly, the Rogers did not have the opportunity to say to the Council most of what they had intended.

After public comment, the committee discussed whether to recommend landmarking the tree. What happened next was the most inexplicable about face one can imagine.

Member Michael Sullivan explained that he would change his prior vote against landmarking and would now support landmarking. (UFC 3/25/2016 Transcript, 20:17-21:10, **Exhibit O**.) He began his statement acknowledging that normally the UFC should "defer to property owners when a tree is in the backyard..." (3/25/2016 UFC Transcript, 20:19-20:20, **Exhibit O**.) However, he stated he was changing his vote *because of Dr. Ritter's findings that the tree was a hybrid!* Having not had the benefit of being at the Committee hearings, what he did not understand or acknowledge was that the finding by

¹² At the October 1, 2015 Ad Hoc Committee meeting, member Swae moved to deny the designation which member Short seconded. Members Short and Swae voted for the motion to deny designation and Chair Hillson voted against. (*Landmark Tree Committee* 10/1/15 Transcript, 15:1-10, **Exhibit L**.) However, since there was not a quorum the matter moved onto the full UFC without a formal recommendation from the Committee. (*Landmark Tree Committee* 10/1/15 Transcript, 15:11-13, **Exhibit L**.) The draft minutes from the meeting also reflect that it was a 2-1 vote in favor of denying designation. (Draft 10/1/15 Meeting Minutes, p.1)

Dr. Ritter that it was a hybrid and not a Cook Pine, essentially eliminated its rarity. Indeed, Dr. Ritter's report stated that the hybrid species was not particularly rare in California.¹³ (*UFC 3/25/2016 Transcript, 21:1-21:2, Exhibit O.*)

Member Manzone believed that the issue was a close call, but had decided to vote for landmarking because "it's a really close call and reasonable minds on both sides can differ." Based on that, she thought she was required to err on the side of landmarking because "the precautionary principle tells us when evidence can fall on both sides, that we need to take the course that's most conservative or most risk-adverse in this case and for me that really means designating it as a landmark because there is such a close call, and again, I think our city policy around the precautionary principle substantiates that."¹⁴ (*UFC 3/25/2016 Transcript, 21:23-22:2, Exhibit O.*)

Member Lacan indicated that he would also be changing his vote from not landmarking to landmarking "after seeing all the community support which is one of the criteria." (*UFC 3/25/2016 Transcript, 22:3-22:11, Exhibit O.*)

Member Hillan, decided to vote to nominate the tree even though he concluded that the tree was common and had no historic significance. (*UFC 3/25/2016 Transcript, 30:2-8, Exhibit O.*) Most startlingly, he voted to nominate the tree even though he believed that the supporters were misusing the landmark process and chastised them for that asking where they were prior to the tree being slated for removal.

But the misuse of the Landmark Tree Ordinance is a problem and I see unfortunately this is another case where the Landmark Tree Ordinance is being used as such a vehicle.

(*UFC 3/25/2016 Transcript, 29:23-30-1, Exhibit O.*)¹⁵

The UFC then voted on the motion. The nomination passed 9-2. (*UFC 3/25/2016 Transcript, 31:4-32:6, Exhibit O.*) Three members had switched their votes from the prior hearing either with faulty reasoning, or no reasoning at all.¹⁶

¹³ Member Michael Sullivan, an attorney, does not purport to be an expert on trees in San Francisco. He is a hobbyist. For him to base his rarity determination on his impressions of trees in San Francisco seems, without providing any additional evidence for this conclusion, deprives Mr. Rogers of due process.

¹⁴As Member Hillan commented later, the precautionary principle could just as easily suggest that the Council should vote against the nomination.

¹⁵ Member Hillan also worried that there was risk with landmarking this tree because of "of potential liability issues should the tree fail. I have no answer for that..." (*UFC 3/25/2016 Transcript, 30:13-17.*)

¹⁶ Perhaps the most curious switch was that of John Swae's. He gave no reasoning for it. However, in Committee at both meetings, he had made it clear that the tree did not meet the

I. Landmarking Legally Improper

The tree landmarking process is set forth in San Francisco Public Works Code, Article 16, Section 800, *et seq.* which is known as the Urban Forestry Ordinance. The ordinance was first enacted in 1995 and was later amended on multiple occasions. Section 803 sets forth the powers and duties of the Urban Forestry Council, created pursuant to San Francisco Environment Code, Chapter 12, Section 1200 *et seq.* Section 810 establishes the process by which trees are landmarked. Landmarking and the UFC have an important place within San Francisco, but that role does not extend to landmarking trees against the wishes of a landowner without sufficient due process or substantive evidence.

A. Issues with Ordinance as Drafted

The Urban Forestry Ordinance, the Urban Forestry Council Ordinance and the Urban Forestry Council Bylaws are not models of clarity. Together these legislative enactments and rules fail to confer jurisdiction to the UFC to make recommendations on the nomination of landmark trees, fail to define key terms, and fail to provide adequate procedural safeguards for a property owner seeking to challenge a tree landmarking nomination.

1. *The UFC Does Not Have the Authority to Engage in Landmark Process*

The Urban Forestry Council has no jurisdiction under the Ordinance as written to opine on whether trees should be landmarked. Section 1200 of the Urban Forestry Council Ordinance provides no such authority. Section 1203(a)(3) of the Urban Forestry Council Ordinance provides the UFC shall establish criteria for landmarking trees, but does not, nor does any other part of section 1203, state that the UFC is to opine on individual landmarking nominations.

Similarly, section 803 of the Urban Forestry Ordinance, entitled "Urban Forestry Council: Additional Powers and Duties," makes no provision for the UFC to provide recommendations on individual initial landmark nominations. Section 804, entitled Jurisdiction, explicitly gives the *Department* jurisdiction over landmarking, but does not mention the UFC. Section 810(b)(3) does detail the UFC's role in the landmarking process, but this section is out of step with the remainder of the Urban Forestry Council Ordinance and the Urban Forestry Ordinance.

The bylaws for the UFC echo the provisions of both the Urban Forestry Council and the Urban Forestry Code. Article III, Section 4 of the bylaws lists the purpose and responsibilities of the Council. This section contains no reference to the UFC's purported function to opine on landmark nominations. The only reference to the UFC's purported

criteria of the Ordinance and could not support it. Indeed, he had made the Motion in Committee to vote against nomination, which, but for the lack of quorum would have carried the day.

role in the landmarking process is Article VI, Section 6 which establishes a Landmark Tree *Ad Hoc* Committee to make preliminary recommendations related to trees nominated for landmarking. Again, like the ordinances that established the UFC, this section of the bylaws bears no relation to the responsibilities laid out in the remainder of the bylaws.

Given that neither Urban Forestry Council Ordinance nor the Urban Forestry Ordinance nor the Urban Forestry Council Bylaws give the UFC the responsibility to make recommendations on trees nominated for landmarking, the UFC overstepped has been overstepping its authority by recommending trees for landmarking.

2. Lack of Appeals Process for Landmarking

Section 810 codifies the tree landmarking process, but does not provide any mechanism for an administrative appeal in the event the Board of Supervisors landmarks a tree. Admittedly, section 810(f)(2) does provide for an appeal if a private property owner is denied a permit to remove a landmarked tree. However, the removal process must be undertaken at the private property owner's expense. The drafters of this ordinance understandably may not have anticipated that property owners would be forced to defend themselves when other members of the community sought to landmark a tree on their property.

3. No Evidentiary Requirements To Landmark Trees on Private Property

Section 810 contains on evidentiary standards for how the UFC or the Board of Supervisors makes a decision on whether to landmark a tree. Administrative proceedings are not required to abide by the rules of evidence, but no evidentiary standards raises the specter of due process concerns, particularly when the decision impacts the future use of private property. Ms. Hui did state to the Planning Commission that the standard for landmarking was a "high threshold" but she did not expand upon what that meant. Here, the UFC has recommended a tree for landmarking based on zero credible evidence that the tree is (1) rare or (2) that the tree has a historic association. The UFC conducted an extensive debate but failed to rigorously assess the validity of the evidence submitted which purportedly supports landmarking.

B. Egregious Procedural Irregularities

The landmarking process of Mr. Rogers' tree has been plagued by egregious procedural irregularities that both run afoul of the protections set forth in the landmarking ordinance and UFC bylaws, as well as violate Mr. Rogers' basic due process rights.

1. Rose Hillson's Clear Conflict of Interest

Rose Hillson is the chair of the UFC *Ad Hoc* Committee and a member of the UFC. She presented to the Planning Commission as a private citizen in favor of the nomination. She voted to landmark the tree in committee and voted to landmark at both

UFC meetings on the subject. Indeed, she arguably played the most active role in the process performing her own research (including obtaining samples either by trespass or theft) and presenting twice (in skewed fashion) the "history" of the proposed nomination to the UFC. However, she clearly violated the UFC's bylaws regarding conflicts of interest, set forth in Article VII, Section 1 of the UFC Bylaws, as well as the San Francisco City Attorney's Good Governance Guide.

The UFC bylaws require that members who have a conflict of interest not participate in votes. Conflicts are to be assessed on a case-by-case basis in consultation with the City Attorney's Office. Part Two of the City Attorney's Good Governance Guide details situations in which a public official has a conflict of interest. The guide notes that decisions impacting the value of an official's real property amounts to a conflict of interest. See Part Two, section II(a)(5)(b).

As it turns out, Ms. Hillson owns property two blocks over from the Rogers' property. Arguably, Ms. Hillson should have been required to recuse herself. However, the Rogers were never given the opportunity to raise this issue as it was never even disclosed by her and only discovered subsequent to the hearings.¹⁷

2. Nomination Flawed Pursuant to Section 810(b)

Section 810(b)(1) allows the following parties to nominate a tree for landmarking: (1) the property owner whose property contains the subject tree; (2) the Board of Supervisors, Planning Commission, or Landmarks Preservation Advisory Board by resolution; or (3) the director of any City agency or department.

In this case the Planning Commission, after a 4-3 vote, passed a resolution nominating the tree. However, the Commission had little input into the nomination. A neighbor and tenants of Mr. Rogers submitted the nomination form to the Planning Commission. The nomination form misrepresented the species of the tree, the age of the tree and the historic nature of the property. In addition, the nomination form attached absolutely no supporting evidence, aside from the accounts of the individuals who submitted the nomination.

Mr. Rogers was unrepresented due to the lack of notice and then only given five minutes to implore the commission to not nominate his tree for landmarking. He was unable to complete his presentation in that time.

During both the June 18, 2015 and July 2, 2015 hearings, multiple commissioners expressed that they did not have expertise on trees. Commissioner Hillis stated that he would have liked to have had more information from which to make this decision. Similarly, Commissioner Richards, the very commissioner who had supported the tree nomination, stated that he had no idea whether this was a landmark tree or not. The

¹⁷ Besides not being impartial due to her proximity to the address of the tree in question, Ms. Hillson has been a longtime proponent of landmarking trees in San Francisco. Prior to her term on the UFC she successfully landmarked a tree on her own property.

Commission took no efforts to verify the contents of the nomination application. Based on little more than public comment and the nomination form, the Planning Commission nominated Mr. Rogers' tree. The utter lack of investigation goes against the spirit, if not the letter of the ordinance.

3. *Nomination Form Does Not Track Factors Set Forth in 810(f)(4)*

Pursuant to section 810(b)(2) nominations are to contain the following:

Nominations shall be made in writing to the Urban Forestry Council and shall include the basis for the nomination, which may address one or more of the adopted designation criteria, including the factors listed below in Section 810(f)(4)(A)-(E) below; the lot, assessor's block, and street address of the subject property; one or more pictures of the tree; and any other information that the nominating property owner or entity believes would be pertinent to the nomination.

The criteria listed in Section 810(f)(4)(A)-(E) are:

- (A) Size, age, and species;
- (B) Visual characteristics, including the tree's form and whether it is a prominent landscape feature;
- (C) Cultural or historic characteristics, including whether the tree has significant ethnic appreciation or historical association or whether the tree was part of a historic planting program that defines neighborhood character;
- (D) Ecological characteristics, including whether the tree provides important wildlife habitat, is part of a group of interdependent trees, provides erosion control, or acts as a wind or sound barrier;
- (E) Locational characteristics, including whether the tree is in a high traffic area or low tree density area, provides shade or other benefits to multiple properties, and is visually accessible from the public right of way; and
- (F) One or more criteria that qualify the tree as a hazard tree pursuant to Section 802(o).

The criteria on the nomination and evaluation forms are (1) rarity; (2) physical; (3) historical; (4) environmental; and (5) cultural. Rarity is not a criteria under the ordinance nor is "rare" even defined by the Ordinance. As such, the consideration of rarity as key criteria is improper under the Ordinance. In addition, community support,

referred to as “neighborhood appreciation” on the nomination forms, is also not a criteria listed in the ordinance.

The forms also do not provide a dedicated space to list or analyze any potential hazards. These Issues with the forms are of much less import when the property owner is supportive of the process. However, where, as here, the property owner is against landmarking due process mandates that the ordinance be followed. As such rarity and community support should not have been considered by the UFC. Based on comments at the March 25, 2016, hearing, at minimum, members Hillan, Michael Sullivan, Manzone and Lacan voted to landmark the tree on these improper bases.

4. Lack of Quorum at Ad Hoc Committee Meeting

Article VII, Section 6 states that the Landmark Tree Ad Hoc Committee shall make preliminary recommendations to the full Council. Article XI, Section 1 requires that the affirmative vote of the majority of the voting members is required for approval of any matter.

A hearing was conducted on August 5, 2015 and a further hearing was scheduled on October 1, 2015, to allow the Committee to further research the species of the tree and the historical association.

Only Committee Chair Hillson, Member Swae and Member Short were present at the October 1, 2015, hearing. At the conclusion of the hearing, chair Hillson made a motion to support landmarking, but neither of the other members seconded her motion. Then member Swae made a motion to deny landmarking and member Short supported that motion. Despite the fact that a majority of the members present at the Ad Hoc Committee hearing voted to deny the landmarking, the matter proceeded to Council without that recommendation due to the technical absence of a quorum.

5. Lack of Written Findings

Pursuant to section 810(b)(3) the UFC is required to forward written findings to the “affected property owner.” No such findings have been received by the Rogers, ever.

6. Member Hillson and Chair Flanagan Misrepresented Actions of Ad Hoc Committee

Both Member Hillson and Chair Flanagan misrepresented the outcome of the October 1, 2015 *Ad Hoc* Committee hearing to the full UFC (*UFC 10/27/15 Transcript 4:18-20, Exhibit N; UFC 3/25/16 Transcript 1:19-2:3, Exhibit O.*). This almost certainly influenced the Council to vote in favor of the nomination.

7. Facts Did Not Change Between Votes of Council, But Three Members Changed Votes

The vote at the October 27, 2015 hearing was 5-5. At the March 25, 2016, hearing the vote was 9-2 to landmark the tree. No new material evidence was provided to the UFC between the two hearings.

It is a troubling oddity that three members of the UFC switched their votes from the first to the second hearing when no new evidence was brought forward by the supporters of the nomination, particularly when one of those members was the very individual in Committee who made the Motion to recommend *against* the nomination.

C. Substantive Decision Discounts Clear and Undisputed Facts

Aside from the egregious irregularities in the process by which this tree came to be recommended for landmarking, substantively the evidence does not demonstrate that this tree should be landmarked.

Members of the UFC and staff have stated during this process that there is a "high threshold" to landmark a tree. The *Ad Hoc* Committee and the UFC conducted lengthy debates and pored over a substantial amount of data during the process. However, the mountain of data when analyzed based on the criteria set forth in the ordinance requires not landmarking this tree.

Although the criteria set forth in Section 810(4) are not further defined, the tree does not possess *any* of the characteristics necessary to support landmarking. Rather, as the record clearly indicates, the UFC has based its recommendation on inaccurate facts and inappropriate criteria (i.e., community support, the "precautionary principle", and "rarity").

II. Consequences

A. Rogers' Immediate Legal Action

As outlined at length in section II above, the landmarking process in this case has been plagued both by procedural irregularities and a failure to apply the actual landmarking criteria set forth in section 810(f)(4). The landmarking of a tree on private property against the owner's wishes, particularly when the tree at issue does not satisfy *any* of the necessary characteristics, amounts to an unconstitutional taking.

Should the Board of Supervisors landmark the tree, disregarding the glaring procedural problems that defined this process and the UFC's faulty substantive analysis, the Rogers will be forced to seek a writ of mandate, pursuant to C.C.P. 1085 or in the

alternative a writ of administrative mandate, pursuant to C.C.P. 1094.5, to overturn the landmarking and challenge the Urban Forestry Ordinance as a whole¹⁸.

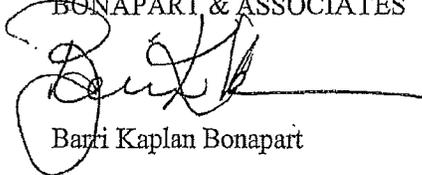
B. Harmful Public Policy Implications: Unintended Consequences

Aside from the direct consequences of any legal actions, landmarking the tree will defeat the very goals of the Ordinance. If the City landmarks backyard trees against a property owner's wishes, particularly under circumstances as flimsy as these, then developers and average property owners will rush preemptively to cut down trees thereby harming San Francisco's urban forest canopy.

For all of the above reasons, we request that your office advise the City, and in particular, the Board of Supervisors, against approving an Ordinance establishing this tree as a landmark.

Best Regards,

BONAPART & ASSOCIATES



Bari Kaplan Bonapart

BKB:mg
Enclosures

cc: Manu Pradhan w/encs.
Mark Farrell w/encs.
Land Use and Transportation Committee w/encs.

¹⁸ Further, at the appropriate time, the Rogers may also file an action for inverse condemnation against the City. This process could lead to the invalidation of the entire Urban Forestry Ordinance and result in the City being liable for significant damages.

Exhibit "A"

File: Vanessa-threat-VM-042715

Duration: :53

April 27, 2015 at 11:17 a.m.

_____ I'm a resident and homeowner on Cook Street. I'm calling to let you know that I'm waiting to hear back from District 2 Supervisor Mark Farrell. There is a precedence in our district to protect privately owned trees from being cut down so we plan on pursuing that. Again we're hoping that you do the right thing and reroute whatever pipes you need to reroute around the tree. So we plan on putting up a fight and I have a friend whose calling the news whose also going to come, will come and tell _____ protest we plan on having whatever process we did plan on having to protect this tree. I just want to let you know that if you continue to pursue this there will be a fight and it's your choice.

[end]

Exhibit "B"



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19404

HEARING DATE JUNE 18, 2015

Date: June 18, 2015
Project Address: **46A COOK STREET**
Zoning: RH-2 (Residential House, Two-Family) District
40-X Height and Bulk District
Block/Lot: 1067/032

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION OF INTENT INITIATING THE NOMINATION OF THE NORFOLK ISLAND PINE (*ARAUCARIA HETEROPHYLLA*) TREE AT 46 COOK STREET FOR LANDMARK TREE STATUS PURSUANT TO PUBLIC WORKS CODE SECTION 810(B), ACKNOWLEDGING THE TEMPORARY DESIGNATION OF SUCH TREE PURSUANT TO PUBLIC WORKS CODE SECTION 810(D), AND AUTHORIZING OTHER OFFICIAL ACTS IN FURTHERANCE OF THIS RESOLUTION.

WHEREAS, The Board of Supervisors adopted Ordinance No. 17-06, which amended the Urban Forestry Ordinance, Public Works Code Sections 801 et seq. concerning landmark and significant trees. A copy of said Ordinance is on file with the Clerk of the Board of Supervisors in File No. 051458 and is incorporated herein by reference; and

WHEREAS, As part of this implementation of Ordinance No. 17-06, the Urban Forestry Council, after duly noticed public hearings, developed criteria and procedures for the designation and removal of landmark trees and recommended that this Board of Supervisors adopt such criteria and procedures. Said criteria and procedures were subsequently adopted by Resolution No. 0440-06 which is on file with the Clerk of the Board of Supervisors in File No. 060487 and is incorporated herein by reference; and

WHEREAS, Trees provide numerous environmental, social, and economic benefits such as reducing storm water runoff, reducing energy use, improving air quality, increasing property values, shading for tenants, and promoting wildlife habitat; and provide residents with a source of serenity in the inner city; and

WHEREAS, The purpose of this resolution shall be to initiate landmarking proceedings for one Norfolk Island Pine (*Araucaria heterophylla*), located on Assessor's Block 1067, Lot 032; and

WHEREAS, The tree that is the subject of this resolution satisfies many of the designation criteria in Public Works Code Section 810(f)(4)(A)-(E); now, therefore, be it

RESOLVED, The Planning Commission, pursuant to the Public Works Code Section 810(b), hereby adopts this Resolution of intent to initiate a landmark tree nomination for the Norfolk Island Pine (*Araucaria heterophylla*) located at 46A Cook Street, Assessor's Block 1067, Lot 032; and, be it

FURTHER RESOLVED, This Commission acknowledges the temporary designation of such tree for landmark tree status pursuant to Public Works Code Section 810(d); and, be it

FURTHER RESOLVED, The Commission directs the Commission Secretary to forward this Resolution and accompanying documents contained in the file to the Urban Forestry Council, and due to the urgent nature of the situation, to urge the Urban Forestry Council to expeditiously complete the landmark tree designation review for the subject tree; and, be it

FURTHER RESOLVED, The Commission urges the Director of Public Works to immediately notify the affected property owner of the nomination and inform said owner of the special permit and approval requirements for removal of landmark trees under Public Works Code Section 810(f) if such notification has not yet occurred.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 2, 2015.

Jonas P. Ionin
Commission Secretary

AYES: Hillis, Johnson, Moore, and Richards
NOES: Fong, Wu, Antonini
ABSENT: None
ADOPTED: July 2, 2015



SAN FRANCISCO PLANNING DEPARTMENT

Landmark Tree Nomination Case Report

Hearing Date: July 2, 2015
Project Address: 46 Cook Street
Zoning: RH-2-Residential House, Two Family
Block/Lot: 1067/033
Property Owner: Dale T. Rogers Trust
P.O. Box 590814
San Francisco CA, 94159
Staff Contact: Jon Swae – (415) 575-9069
jon.swae@sfgov.org
Reviewed By: AnMarie Rodgers – Senior Policy Advisor
anmarie.rodgers@sfgov.org

1650 Mission St.
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Planning
Information:
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BACKGROUND

On June 18th, the Commission considered whether to approve the nomination of a Norfolk Island Pine tree located in the rear yard of a private property (46 Cook Street) for landmark status. The Commission decided to continue the item until the July 2nd hearing. A neighboring resident has completed a landmark tree nomination application and requested the Commission to consider initiating the nomination and the landmark tree nomination process. On June 10th, the Director of Public Works issued an Emergency Protection Order (EPO) temporarily protecting the tree and requiring a permit and review by Public Works staff of any proposed removal of the tree. The EPO (attached) is currently protecting the tree during consideration by the Commission on whether to pursue the landmark nomination.

Commission approval of the landmark nomination will NOT grant landmark status to the tree. It will start the landmark tree nomination and evaluation process (described below). The action before the Commission is to consider approval of a resolution to nominate the tree on the subject property; thereby enabling further consideration of landmarking by the Urban Forestry Council (hereinafter "UFC") and, upon advice of the UFC, final landmark consideration by the Board of Supervisors.

LANDMARK TREE NOMINATION PROCESS

- Per the Public Works Code (Article 16, [Sec 810](#)), trees are capable of being nominated for landmark designation by the Board of Supervisors, Planning Commission, Historic Preservation Commission, city department heads or by property owners with a tree of exceptional quality or significance on their property. Additionally, members of the public may request one of the authorized nominators above to nominate a tree.
- Once nominated, a tree receives protected status throughout the landmark tree evaluation process. It should be noted that this particular tree has already received protection through an Emergency Protection Order issued by the Director of Public Works.

- Once a nomination is received, the UFC will conduct a formal evaluation of the tree for landmark status and make a recommendation to the Board of Supervisors. This process involves the following:
 1. A hearing at the Urban Forest Council's Landmark Tree Committee where both the property owner and nominating party will have the opportunity to testify and provide evidence about the characteristics of the tree that pertain to landmark decisions. The Landmark Tree Committee will vote on whether to forward the nomination to the full Urban Forestry Council with either a recommendation to landmark the tree, a recommendation NOT to landmark the tree, or with no recommendation.
 2. A hearing at the full Urban Forestry Council, where the UFC will vote on whether to forward the nomination to the Board of Supervisors with either a recommendation to landmark the tree, a recommendation NOT to landmark the tree, or with no recommendation.
 3. Three hearings at the Board of Supervisors including a Committee hearing and two hearings at the Full Board. The Full Board will vote to make the final decision on whether to grant landmark status to a tree or not.

TREE & PROPERTY INFORMATION

As of the writing of this case report, City staff have limited information on the tree proposed for nomination. The nomination application (attached) submitted by the neighboring property owner includes photos of a Norfolk Island Pine tree of large stature located in a rear yard with a stated estimated age of 100+ years.

The Planning Department's Property Information Map indicates that the building (built date of "1900"¹) located on the parcel is a Type A - Historic Resource. Featured in the book, *Here Today: San Francisco's Architectural Heritage*, the text related to the subject property reads, "46 Cook Street (c. 1870) George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery. Today all that remains on his property is a one-story Italianate home and carriage house."² San Francisco's practice of historic preservation would traditionally protect landscaping on properties identified as known historic resources where the landscaping is determined to be a significant feature of the property or significant to the setting of the property. In this case, the property's designation of "Type A" indicates that property is a known historic resource but the reference to the significance of the "many trees obtained from the cemetery" in relationship to the tree proposed for nomination would need further research. Planning Department staff has determined that no current or proposed projects under the dripline of the tree would be affected by the nomination. The nomination would not result in any delay or interference with a pipeline development project.

If the nomination is approved by the Commission, Urban Forestry Council members and Department of the Environment staff will conduct a site visit to evaluate the tree and conduct a formal evaluation

¹ Properties recorded with a built date of 1900 may indicate the actual built date but more likely indicate an unknown, but early, date of construction.

² Roger Olmsted & T.H. Watkins, *Here Today: San Francisco's Architectural Heritage* (San Francisco: Chronicle Books, 1978).

including assessments of rarity, physical attributes, historical significance, environment and cultural relevance.

PLANNING DEPARTMENT RECOMMENDATION

Given the property's historic significance and the images provided in the nomination application, staff feels the tree is worthy for further evaluation for landmarking by the City's designated urban forestry advisory body, the Urban Forestry Council. The Department recommends the Commission initiate the nomination process for the tree located at 46 Cook Street by approving a resolution stating this.

ATTACHMENTS

- A. Landmark Tree Nomination Form (46 Cook Street)
- B. Public Works Tree Protection Order (46 Cook Street)

Dear San Francisco Planning Commission Member,

Thank you for taking the time to give this Landmark Tree Nomination Form for the Norfolk Island Pine residing at 46 Cook St. your attention.

This cover letter serves to reiterate the importance of timely and immediate action on this issue, should you choose to participate in the cause. You are the last hope of preserving this final remaining magnificent tree on the property so we hope your interest will align with that of the folks in this neighborhood, and city. This particular tree has provided health and well-being to our neighborhood for over the last century, and preserving it directly aligns with San Francisco's General Plan objective to maintain the desirable quality and unique character of the city.

The Norfolk Island Pine described in this Landmark Tree Nomination Form shares the property with two historically landmarked buildings, sharing a priceless piece of San Francisco history and continuously providing benefits to the local community as described in the form. Additionally, removal of the tree has been deemed unnecessary by several sources, also described in the attached form.

If you feel as strongly as numerous San Francisco residents about the unnecessary removal of this historic tree, an immediate nomination to propose landmark status for this tree is necessary. The crews were on-site all last week and could show up again any day to begin cutting down this tree. The urban forestry office explained that a nomination will result in the tree being temporarily protected while a decision is being made.

Additionally, a local television news channel has been alerted of the situation and is prepared to cover the issue and the organized protest should the tree removal process begin.

We are not asking you to make a decision to save or not save this tree. The city has an established process to determine what types of trees should be protected. All we ask of you is swift action to initiate the established process by nominating this tree for review. We trust the process will render the appropriate decision about whether or not the tree will be landmarked.

Thank you for your time and attention. We look forward to a response as soon as possible.

If any additional information is needed, feel free to reach out to any of the following individuals:

Richard Worn (neighbor and landmark tree form submitter): 415.307.9699

Levi Leavitt (property tenant): 808.635.7959

Jen Leavitt (property tenant): 661.373.6970

SAN FRANCISCO URBAN FORESTRY COUNCIL

Landmark Tree Nomination Form

Disclaimer: Any information you include on this form will be part of the public record. Anyone may request to see the information you submit for a landmark tree nomination. For more legal information, see the last page of this form.

Who can nominate a landmark tree?

- The Board of Supervisors, Planning Commission, and Landmarks Preservation Advisory Board may nominate a tree.
The head of a City department or agency may nominate a tree on property under their jurisdiction. City departments and agencies should conduct an internal approval process before nominating a tree.
A property owner may nominate a tree on his or her property.
A member of the public may ask an authorized nominator to nominate a tree.

Please note that a permit will be required for any future removal of a landmark tree.

Pursuant to Ordinance 0017-06 and Public Works Code 810, the Urban Forestry Council requests the following information.

I am one of the following authorized nominators

- Property owner
Board of Supervisor member
Head of a city department or agency
Planning Commission member
Landmarks Preservation Advisory Board member

Authorized nominator (Supervisor, Planning Commission, Landmarks Advisory Board, Head of City Department, Property Owner):

Member of the public who initiated nomination (if applicable):

Name
Address
Address
Phone (day)
Fax #
Email

RICHARD WORN
Name
60 COOK STREET
Address
SAN FRANCISCO, CA 94118
Address
415.307.9699
Phone (day)
Fax #
w-chamb@yahoo.com
Email

I am an authorized nominator and I support this nomination.

I am the property owner and I grant permission for city staff to evaluate the nominated tree on the property with advance notice.

Signature
Date

Signature
Date

SAN FRANCISCO URBAN FORESTRY COUNCIL

2

The Urban Forestry Council will use the following criteria to evaluate each potential landmark tree. If you need more space to describe the tree, please attach additional sheets.

TREE DESCRIPTION

Tree name (species and common name): ARAUCARIA HETEROPHYLLA (NORFOLK ISLAND PINE)

Number of trees: ONE

Street address: 410 COOK STREET, SAN FRANCISCO, CA 94118

Location of Tree: Front yard Rear yard Side yard Corner-side yard
 Public right-of-way Public lands Not sure
 Other: _____

If the tree which extends beyond multiple properties:

Which part of the tree does so?

Trunk Canopy

Where in the neighboring area?

Front yard Rear yard Side yard Corner-side yard

GPS units (OPTIONAL): _____

Height ± 100 feet

Average canopy width 30 feet
Distance from one edge to opposite edge of tree canopy

Circumference at chest level 114 inches
Distance around trunk at 4.5 ft off the ground. <http://www.isa-arbor.com/publications/tree-ord/heritage.aspx>

Circumference at ground level 138 inches
Distance around trunk on the ground where the trunk meets the soil.

Rarity

Rarity: Rare Uncommon Common Other
 Unusual species in San Francisco or other geographic regions.

Comment: THE URBAN FOREST MAP OF SAN FRANCISCO SHOWS ONLY
10 NORFOLK PINES LISTED IN THE CITY.

Physical

Size: Large Medium Small
 Notable size compared to other trees of the same species in San Francisco.

Comment: APPEARS TO BE AMONGST THE TALLEST IN SAN
FRANUSCO PER THE URBAN FOREST MAP AND PHYSICAL OBSERVATION

Age: Significantly advanced age for the species.

Comment: BASED ON A TREE RING COUNT OF THE NORFOLK PINE'S "SISTER"
TREE WHICH WAS RECENTLY REMOVED, THE TREE IS AROUND 120 YEARS OLD.
POSSIBLE DATING CAN ALSO BE DERIVED FROM EXHIBITS B.1-B.3.

Distinguished form: Yes No
 Tree is an example of good form for its species, has a majestic quality or otherwise unique structure.

Describe: THIS NORFOLK PINE'S UNIQUE SYMMETRICAL STRUCTURE
AND SIZE DOMINATES THE NEIGHBORHOOD. SEE EXHIBITS A.1-A.7.

Tree condition: Good Poor Hazard
 Consider overall tree health and structure, and whether or not tree poses a hazard

Describe: THE TREE'S HEIGHT AND LOCATION ENABLES IT TO FREQUENTLY
COLLECT FOG FROM THE SKY AND CREATE A MICROCLIMATE, ENSURING
INDEFINITE WATER SUPPLY TO THE TREE AND SURROUNDING CANOPY.

Historical

Historical Association: Yes None apparent
 Related to a historic or cultural building, site, street, person, event, etc.

Describe nature of appreciation: THE TREE IS IN BETWEEN TWO LANDMARKED
BUILDINGS ON THE PROPERTY - ONE OF THE OLDEST VICTORIAN AND
CARRIAGE HOUSES IN THE RICHMOND DISTRICT.

Profiled in a publication or other media: Yes Unknown
 Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.
 Describe coverage: SEE EXHIBITS B.1-B.3.

Environmental**Prominent landscape feature:** Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: THIS STRIKING AND LARGE TREE CAN BE CLEARLY SEEN FROM MANY PARTS OF THE INNER RICHMOND. SEE EXHIBITS A.1-A.7.**Low tree density:** Low Moderate High

Tree exists in a neighborhood with very few trees.

Describe: IT IS THE TALLEST IN ITS NEIGHBORHOOD, AS WELL AS SEVERAL SURROUNDING NEIGHBORHOODS.**Interdependent group of trees:** Yes No

This tree in an integral member of a group of trees and removing it may have an adverse impact on adjacent trees.

Describe: _____

Visible or Accessible from public right-of-way: Yes No

High visibility and/or accessibility from public property.

Describe: DUE TO ITS HEIGHT, THE TREE IS VISIBLE FROM SEVERAL NEIGHBORHOODS NORTH, SOUTH, EAST, AND WEST. SEE EXHIBITS A.1-A.7.**High traffic area:** Yes No

Tree is located in an area that has a high volume of vehicle, pedestrian or bike traffic and has a potential traffic calming effect.

Describe: ALTHOUGH LOCATED ON A DEAD END STREET, THE TREE IS A 1/2 BLOCK FROM GEARY BLVD, AND A HIGH PEDESTRIAN THOROUGHFARE DUE TO THE PEDESTRIAN PASSAGE WAY TO EUCLID ST. AT THE END OF COOK ST.**Important wildlife habitat:** Yes No

Species has a known relationship with a particular local wildlife species or it provides food, shelter, or nesting to specific known wildlife individuals.

Describe: FOR EIGHTEEN YEARS I HAVE SEEN MANY HAWKS, CROWS, OWLS, ETC UTILIZE THIS TREE FOR THEIR NEEDS**Erosion control:** Yes No

Tree prevents soil erosion.

Describe: _____

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

Describe: SINCE THE REMOVAL OF THIS NORFOLK PINE'S "SISTER" TREE ON 4-20-2015, THE PROPERTY TENANTS AND I HAVE NOTICED THE NEGATIVE EFFECTS OF ONE LESS TREE. DEFINITELY EXPERIENCING MORE WIND AND SOUND Page 4 FROM THE NEIGHBORING SCHOOL. SEE EXHIBITS C.1-C.3.

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Cultural

Neighborhood appreciation: Yes None apparent

Multiple indicators such as letters of support, petition, outdoor gatherings, celebrations adjacent or related to tree, etc. Attach documentation:

Describe: WHEN THE "SISTER" TREE WAS REMOVED AND THIS ONE WAS SLATED FOR REMOVAL THE ENTIRE STREET WAS UP IN ARMS. A PETITION CAN BE PROVIDED UPON REQUEST.

Cultural appreciation: Yes None apparent

Particular value to certain cultural or ethnic groups in the city.

Describe nature of appreciation: _____

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

Describe contribution: THE TREE IS SO MAJESTICALLY PRESENTED IN THE NEIGHBORHOOD THAT IT ALMOST DEFINES THE NEIGHBORHOOD. SEE EXHIBITS C.1-C.3.

Profiled in a publication or other media: Yes Unknown

Tree has received coverage in print, internet, video media, etc. **Attach documentation** if appropriate.

Describe coverage: PERSONAL CONNECTIONS TO THE MEDIA CAN EASILY BE CALLED UPON.

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

Describe, attach photo if possible: SEE EXHIBITS A.1-A.7 AND C.1-C.3.

Additional comments

PRESERVING THIS TREE PROVES MORE IMPORTANT SINCE IT'S "SISTER" TREE, ANOTHER EQUALLY MAGNIFICENT NORFOLK PINE ON THE PROPERTY, WAS REMOVED ON APRIL 20TH, 2015. TWO ARBORISTS FROM THE SF DEPARTMENT OF URBAN FORESTRY CAME AND DEEMED REMOVAL UNNECESSARY. THE FOREMAN OF THE CREW WHO REMOVED TWO PALMS AS WELL AS THE "SISTER" NORFOLK FROM THE PROPERTY ALSO DEEMED REMOVAL UNNECESSARY, BUT WERE CONTRACTED TO DO THEIR JOB FROM THE PROPERTY OWNER AND SUSPICIONED REAL ESTATE INVESTOR, DALE ROGERS. IT WASN'T UNTIL DALE WAS PRESSURED BY US THAT HE HELD OFF ON CUTTING DOWN THIS LAST LARGE TREE ON THE PROPERTY. HOWEVER, WE ARE STILL UNCLEAR OF HIS INTENTIONS, WHICH MAKES AT LEAST TEMPORARY PROTECTION OF THIS TREE VITALLY IMPORTANT! HIS CREWS COULD SHOW UP ANY DAY FOR REMOVAL OF THIS PRECIOUS TREE. THIS NORFOLK ISLAND PINE PROVIDES HOMES, FRIENDSHIP, AND SOLACE TO MANY LIVING THINGS IN THE NEIGHBORHOOD - AND WE TRUST THE CITY'S PROCESS FOR PROTECTION.

SAN FRANCISCO URBAN FORESTRY COUNCIL

If you have any questions about this form, tree terms or tree concepts, please contact the Urban Forestry Council staff (below). It is acceptable if you cannot provide some of the information requested on this form.

A photograph of the tree must be submitted with this form.

Please attach **optional** supporting documents such as letters, arborist report, etc.

Send to: Urban Forestry Council, c/o Mei Ling Hui, 1455 Market Street, San Francisco, CA 94102
OR meiling.hui@sfgov.org

Any information you submit will be part of the public record.

The Public Records Act defines a "public record" broadly to include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics." Govt. Code § 6252(e). The Sunshine Ordinance defines "public information" as the content of "public records" as defined in the Public Records Act. Admin Code § 67.20(b). Pursuant to the Public Records Act and Sunshine Ordinance, this document is a public record and will be available to the public upon request, at the hearing site, at the San Francisco Main Library, and on the Urban Forestry Council's website. Admin Code §§ 8.16, 67.7 (b), and 67.21(a).

Application received date _____	Received by _____
Tree evaluation form _____	UFC recommendation date _____
Board of Supervisors Decision _____	
Landmark Tree # _____	Title recorded date _____

EXHIBIT A.1

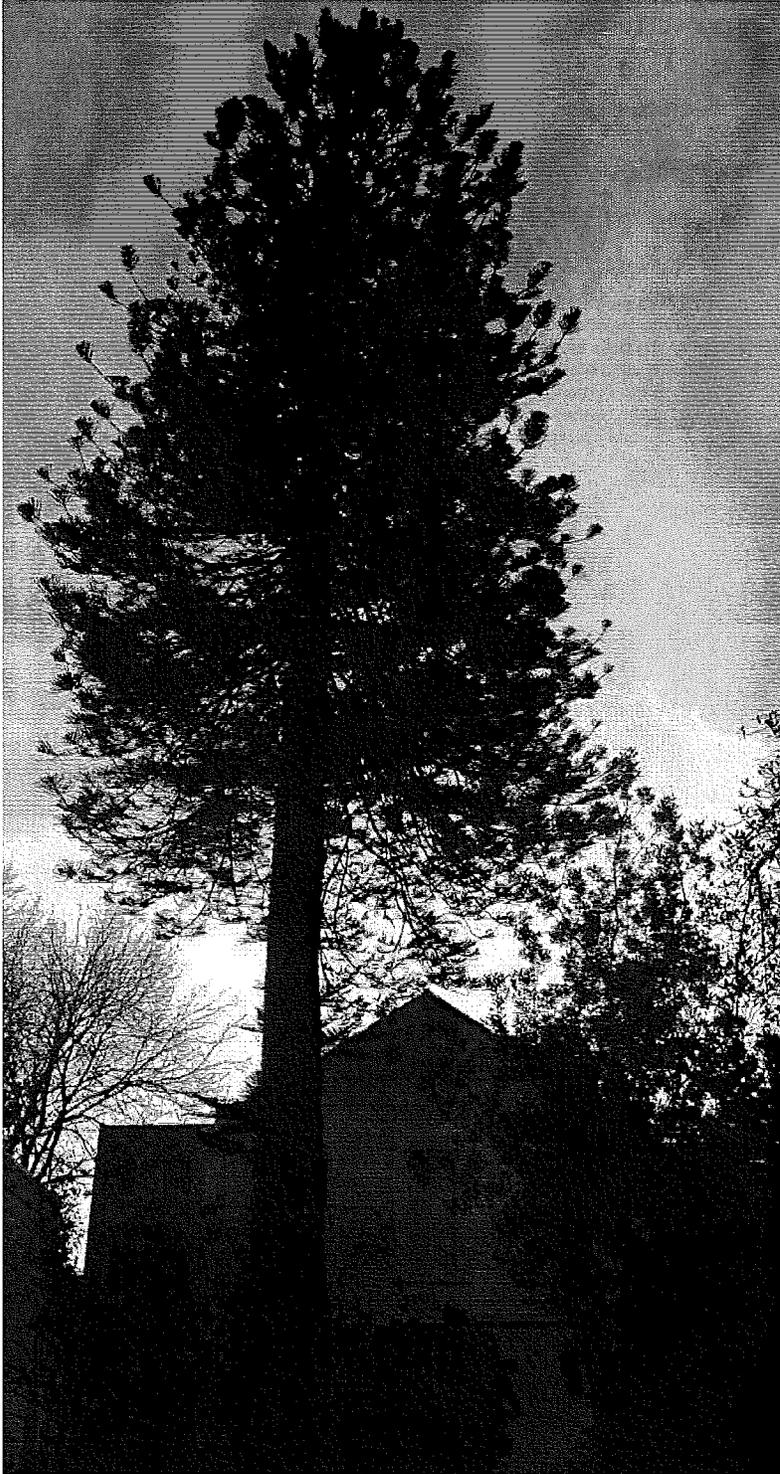


EXHIBIT A.2



EXHIBIT A.3

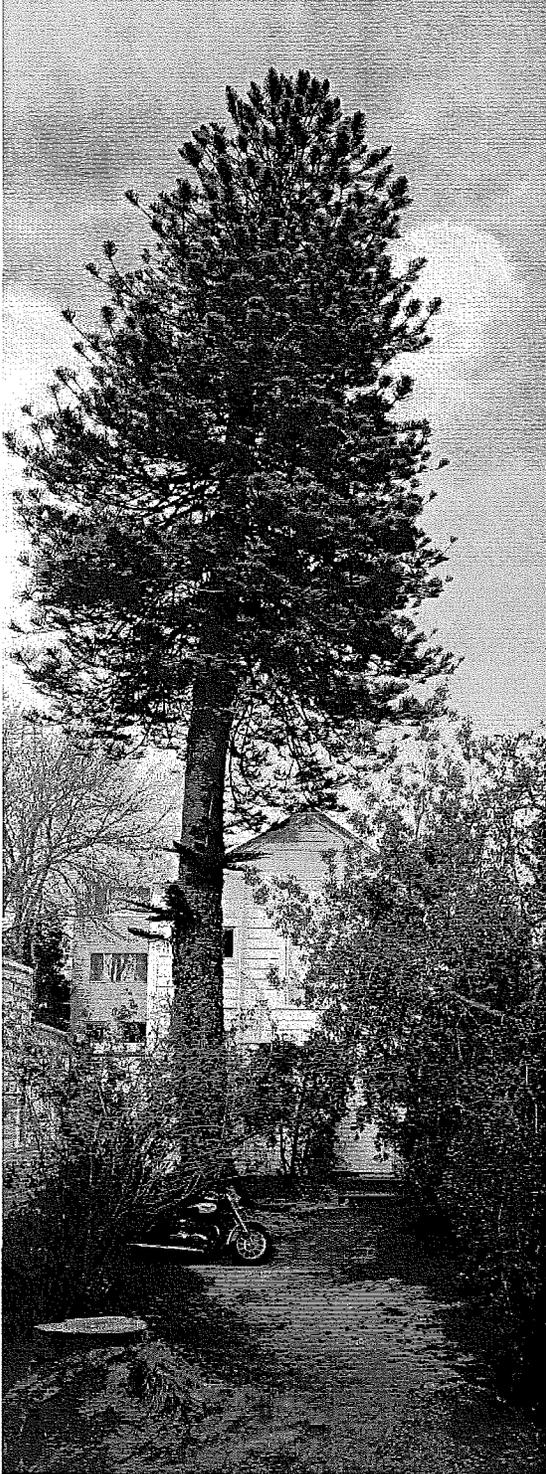


EXHIBIT A.4

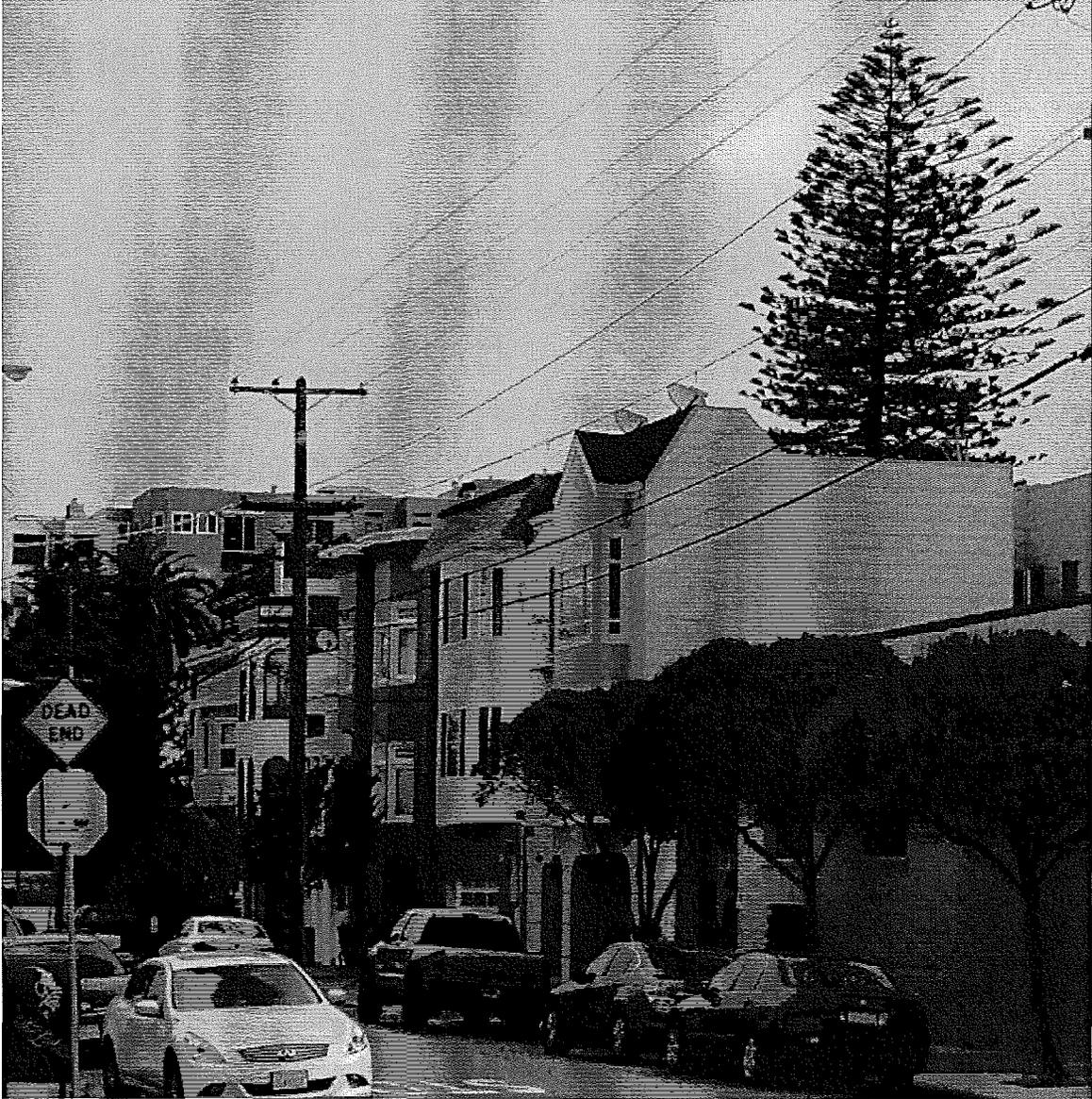


EXHIBIT A.5



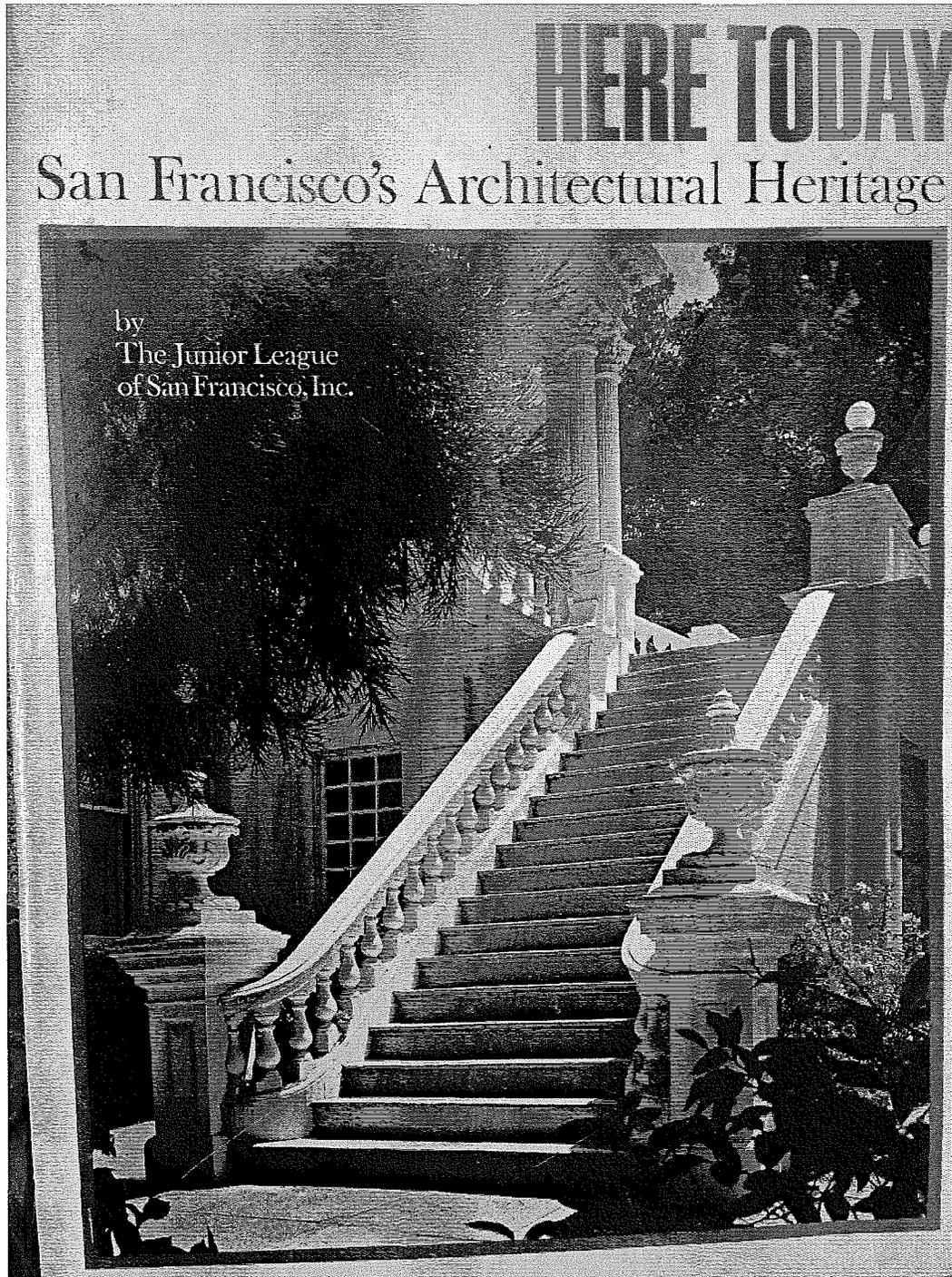
EXHIBIT A.6



EXHIBIT A.7



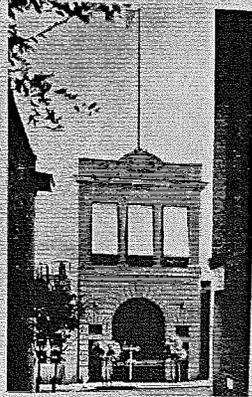
EXHIBIT B.1



Book Cover of *Here Today*

EXHIBIT B.2

\$14.95



HERE TODAY

are 2,500 buildings and residences built prior to 1920 in San Francisco, San Mateo and Marin counties which—hopefully—will not be Gone Tomorrow.

HERE TODAY

is a unique look at San Francisco's architectural heritage: a handbook and tour guide to the fabulous chateaux of the Peninsula, public buildings designed by noted architects and outstanding buildings by anonymous practitioners of "Carpenter's Gothic."

HERE TODAY

is the result of almost five years of research by 200 dedicated women—members of the Historic Sites Project of the Junior League of San Francisco—who conducted block-by-block surveys to compile the information, never before available in one source.

HERE TODAY

is a detailed look at the best of San Francisco's architectural past, evaluated by historians R. R. Olmsted and T. H. Watkins and illustrated by architectural photographer Morley Baer.

HERE TODAY

is a valuable guide to contemporary San Francisco and its environs, which time will make a priceless reference work for historians, architects, city planners and all those who love this area.

EXHIBIT B.3

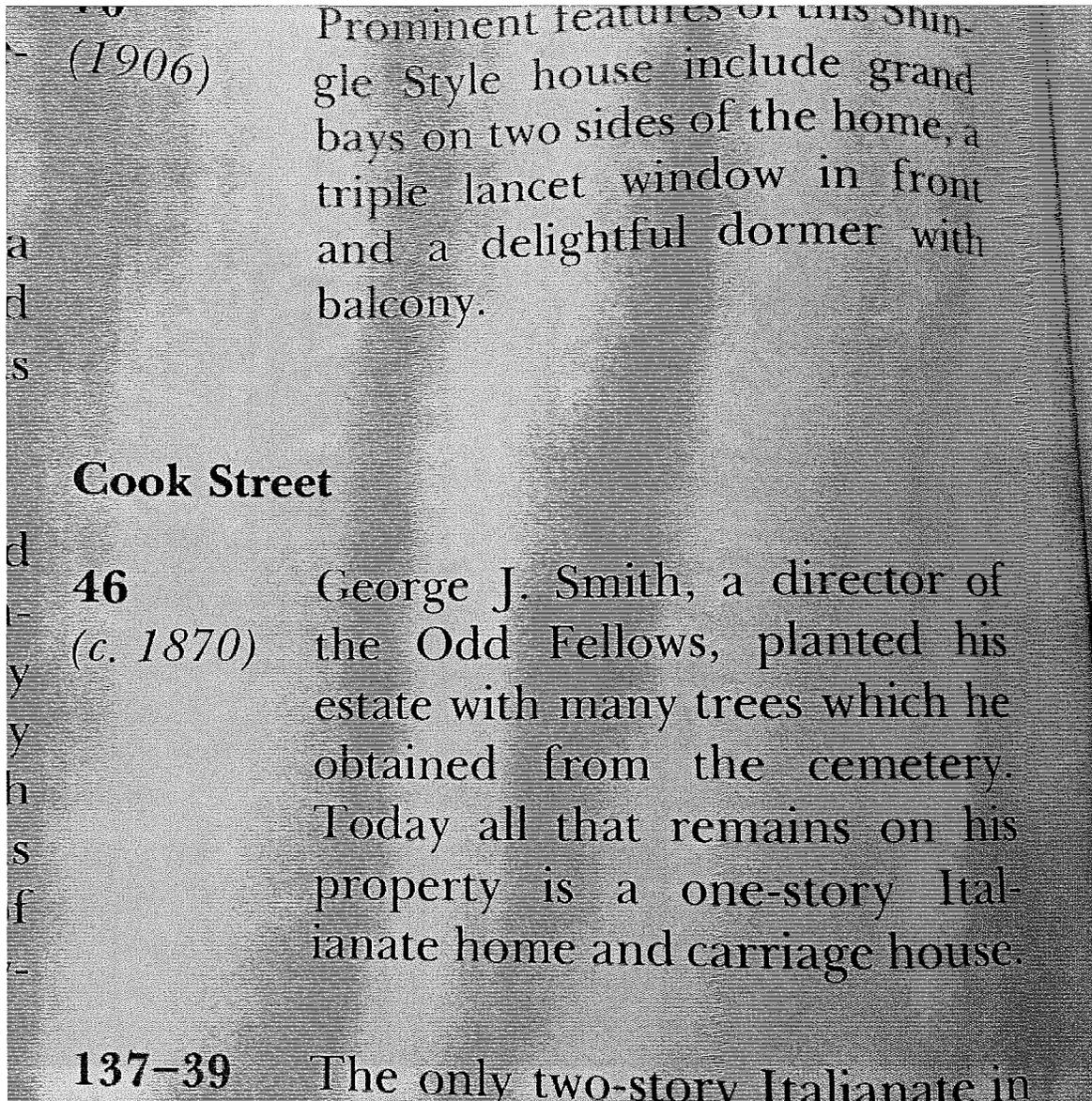


EXHIBIT C.1



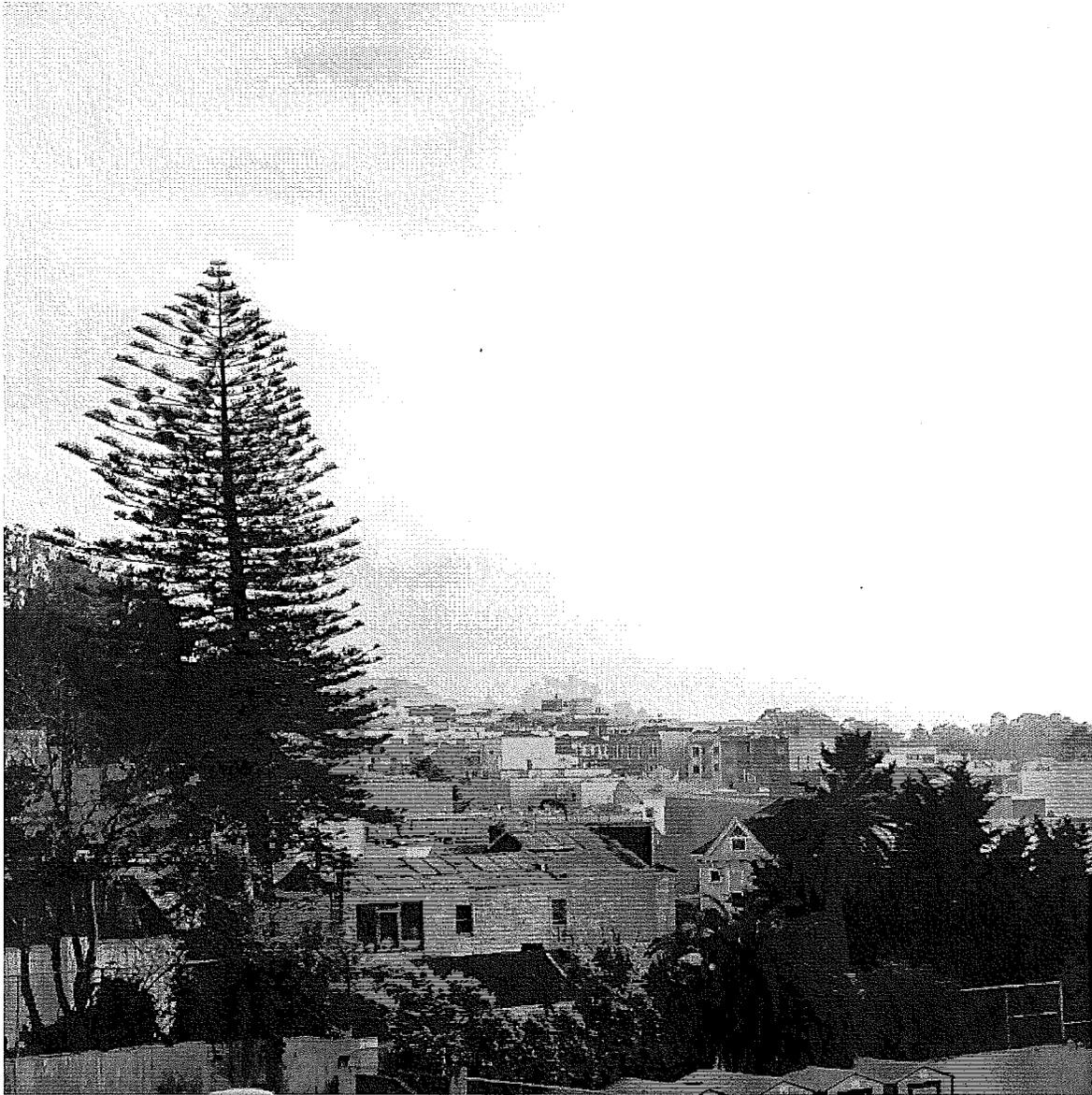
Taken 4/20/2015

EXHIBIT C.2



Taken 4/21/2015

EXHIBIT C.3



Taken 4/23/2015



Edwin M. Lee
Mayor

Mohammed Nuru
Director

San Francisco Public Works
1 Dr. Carlton B. Goodlett Pl.
Room 548
San Francisco, CA 94152
tel 415 554-5920

sfpublicworks.org
facebook.com/sfpublicworks
twitter.com/sfpublicworks

June 10, 2015

DALE T ROGERS TRUST
c/o DALE T ROGERS TRUSTEE
P.O. BOX 590814
SAN FRANCISCO CA 94159

Via email to daletrgers@alumni.uga.edu and US Mail

Re: Designation of Norfolk Pine Tree at 46 Cook St. under the jurisdiction of the
Department of Public Works

Dear Property Owner,

This letter serves to inform you that a member of the Planning Commission has contacted the Department of the Environment to indicate his intention to nominate the Norfolk Island Pine Tree (*Araucaria heterophylla*) located in the yard of your property at 46 Cook Street (Assessor's Block 1067, Lot 032) in San Francisco for Landmark Tree Status. The process to nominate the tree must now go before the Planning Commission, and then will be referred to the Urban Forestry Council, which will then forward the nomination to the Board of Supervisors for a hearing in the near future.

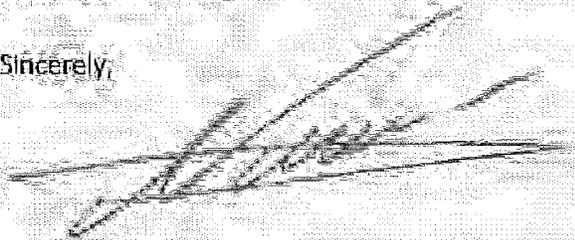
In accordance with Section 810 (d) of the Public Works Code, I am issuing an emergency order designating this tree under the jurisdiction of Public Works, and notifying you that the tree cannot be removed without permit:

Director of the Department shall have the authority to issue an emergency order that temporarily designates a tree on private property or on any property under the jurisdiction of the Department to prevent the immediate removal of a tree. Upon initiation of a nomination pursuant to this Section, the entity initiating nomination shall immediately inform the Director who shall immediately cause a notice to be provided to the relevant department or private property owner informing them of the special permit and approval requirements pursuant to Section 810(f).

Therefore, this tree may not be removed without going through the special permit process from the Department of Public Works that is set forth in Public Works Code Section 810(f). Additional rules also apply to maintenance of the tree and any construction work on the property that may affect the tree. We encourage you to review the landmark tree designation process, which involves public hearings at the Urban Forestry Council and Board of Supervisors, and other applicable requirements.

that are found in the Public Works Code Section 810. This law can be found at any local library or online through the City's website at sf.gov.org. Please contact the Urban Forester at (415) 554-5349 if you have any questions regarding this matter or if you would like us to send you the relevant portions of the Public Works Code.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Mohammed Nuru', is written over a set of horizontal lines. The signature is somewhat stylized and overlaps the lines.

Mohammed Nuru
Director

Exhibit "C"



Edwin M. Lee
Mayor

Mohammed Nuru
Director

San Francisco Public Works
1 Dr. Carlton A. Goodlett Pl.
Room 348
San Francisco, CA 94192
Tel 415-554-8920

sfpublicworks.org
[facebook.com/sfpublicworks](https://www.facebook.com/sfpublicworks)
twitter.com/sfpublicworks

June 10, 2015

DALE T ROGERS TRUST
c/o DALE T ROGERS TRUSTEE
P.O. BOX 590814
SAN FRANCISCO CA 94159

Via email to daletrogers@alummi.haas.org and US Mail

Re: Designation of Norfolk Pine Tree at 46 Cook St. under the jurisdiction of the
Department of Public Works

Dear Property Owner,

This letter serves to inform you that a member of the Planning Commission has contacted the Department of the Environment to indicate his intention to nominate the Norfolk Island Pine Tree (*Araucaria heterophylla*) located in the yard of your property at 46 Cook Street (Assessor's Block 1067, Lot 032) in San Francisco for Landmark Tree Status. The process to nominate the tree must now go before the Planning Commission, and then will be referred to the Urban Forestry Council, which will then forward the nomination to the Board of Supervisors for a hearing in the near future.

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that are found in the Public Works Code Section 810. This law can be found at any local library or online through the City's website at sf.gov.org. Please contact the Urban Forester at (415) 554-5349 if you have any questions regarding this matter or if you would like us to send you the relevant portions of the Public Works Code.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mohammed Nuru', written over a horizontal line.

Mohammed Nuru
Director

Exhibit “D”

1 San Francisco Planning Commission

2 Thursday, July 2, 2015

3 [14:40]

4
5 **Chair:** Let's move on to Item 5, for 46 Cook Street. This is the consideration of Landmark
6 nomination of a tree at this property.

7 John Swae: Good afternoon Commissioners, my name is John Swae with department staff.
8 You're here to consider the landmark nomination of a tree. The City's Landmark Tree program was
9 designed to protect rare, exceptional trees in San Francisco from damage and removal. We currently
10 have about 17 individual trees that are protected under the program and five groves of trees. On
11 June 18 the Commission considered a request to approve the nomination of a Norfolk Island pine
12 tree located in the rear yard of 46 Cook Street for landmark tree status. The item was continued
13 until today's hearing. An emergency protection order was issued by the Director of Public Works
14 and is currently providing temporary protection for the tree. The subject property built in 1900 or
15 earlier has been identified by the department as a Type A Historic Resource and was featured in the
16 book Here Today, San Francisco's Architectural Heritage, where it was noted that the Director of
17 the Odd Fellows planted this estate with many trees which he obtained from the nearby cemetery.
18 The department staff has determined that no current or proposed development projects would be
19 affected by the nomination. If the nomination is approved by the Commission, Urban Forestry
20 Council members and Department of the Environment Staff will conduct a site visit and a formal
21 evaluation to assess the tree's suitability for landmarking. A nomination today will not grant
22 landmark status to the tree. It will however begin the process for consideration of landmarking by
23 the Urban Forestry Council and a final decision by the Board of Supervisors.

1 Given the property's historic significance and the images provided in the nomination
2 application the staff feels the tree is worthy of further consideration for landmarking by the Urban
3 Forestry Council and Board of Supervisors. The Department recommends the Commission initiate
4 the landmark tree nomination process for the Norfolk Island pine located at 46 Cook Street by
5 approving a resolution today stating this.

6 **Male Speaker:** Opening it up for public comment.

7 **Male Speaker:** Maybe we should hear from the property owner.

8 **Male Speaker:** Okay. This is an unusual one.

9 **Male Speaker:** As the property owner you can have five minutes

10 **Dale Rogers:** Good day, again, thank you. I'm Dale Rogers, I'm the property owner. Now
11 that I've had a chance to look at what's been going on here. So thank you. Let's see, I don't know
12 where to begin but I looked at this form and what the report is and there are several mistakes and
13 I'll go through those but I just....Once again the Supreme Court 8:1 enforced property rights,
14 private property rights that are embedded in the 5th Amendment of the Constitution. They did it last
15 year, they did it the year before and they keep doing it. So, and somebody, neighbors, are trying
16 to...it's basically a taking of my property. So. Now back here....So the property is, the address is
17 not 46 Cook Street, it's 46-A Cook Street. It is Lot 32, not Lot 33. The Urban Forestry sent two
18 representatives out, one on a Monday and they clearly told the neighbor that it's my private
19 property, it's in the back of the yard, it's not under their jurisdiction and they understood the right of
20 eminent domain and that the party had to purchase the property if they wanted the tree. They tried
21 again on Wednesday or Thursday. Another person came out, I talked with that person and they
22 wanted to investigate the "historical perspective" and they would let me know in a couple days. I
23 got a hold of them finally, a week later on May 1st and Aaron told me very clearly that it's not in our
24 jurisdiction, it's private property, it's a nice tree but it's your private property.

1 Then the neighbors consequently went to the normal process which is the supervisor and
2 the supervisor's office, Mark Farrell: once again, it's private property. This is a neighbor dispute,
3 this is not something that the supervisor's office will support. It's eminent domain, and takings
4 require just remuneration to the owner. So then they went shopping around apparently and they
5 found per this letter from the DPW that got sent to me out of the blue, basically a commissioner,
6 and I guess it was Commissioner Richards who claimed to nominate the tree. OK, so now as I go
7 through this nomination form I did have an arborist come out, James McNear, he's been doing this
8 for 40 years, he's a consulting arborist for the Presidio Trust, he's the arborist for the City of
9 Healdsburg, his resume is nine pages. I have just a few comments from him because we have
10 done a lot in the last couple of weeks here trying to . . . just doing this. The tree, it's not rare. We
11 don't know what the definition of rare is but basically it's a common tree, it's an imported tree, like
12 the Eucalyptus in San Francisco. So it's very common in nurseries, it's all over the place. Let's see.
13 Clearly somebody tried to count some rings. You can't count rings on a tree without doing the
14 proper things, it's very difficult. So based on the diameter of the tree it's estimated to be about 70
15 years old and there's absolutely no evidence that this tree was planted by the original builder of the
16 house. When I bought the house it came from another family that had been living there about 100
17 years or something, a long time. Then let's see. The tree visible. If you go to the parking lot above
18 my house then yes, you can see the tree very well but you can't even see the tree from the front of
19 my house unless you very specifically position yourself. There's only certain points that you can
20 even see this tree. So it's not highly visible. Let's see. It's only one tree, it's not native to the area so
21 it's not a native food source for any type of animals....

22 **Male Speaker:** Sir, your 5 minutes are up but I'm sure the Commissioners may have some
23 additional questions for you later.

24 **Rogers:** OK thank you

1 **Male Speaker:** Opening it up to public comment, Nancy Werfel.

2 **Nancy Werfel:** Good afternoon, commissioners. I'm Nancy Werfel, long-time resident of
3 the Sunset District and former member of the Park, Recreation, Open Space Advisory Committee.
4 I'm here to urge you to approve the resolution to initiate nomination to landmark the Norfolk
5 Island pine at 46-A Cook Street. I believe the Planning Commission has good reason to initiate this
6 process, to show regard to fellow Commissioner Richards who has brought this matter to your
7 attention; to staff member Swae who is your representative on the Urban Forestry Council; to
8 Director of Public Works Nehru (?) who issued the emergency protective order for this tree; and to
9 the neighbors who are providing a public service by asking for landmarking of this important 100
10 year old tree in their community; and especially to respect the law, the law enacted to recognize
11 important trees and to provide a comprehensive evaluation process with public hearings to
12 determine if a tree qualifies for landmark status. These should be enough reasons to begin a formal
13 examination of the nomination. If you wish further information on the progress of the evaluation
14 you could request periodic updates from Mr. Swae who sits on the council. I have confidence in the
15 process set up to determine the appropriateness of recognizing a tree worthy of landmarking. I ask
16 you to please approve the initiation of the resolution. I want to urge you to respect the law that was
17 created exactly for this, and it specifies talking about keeping private property trees available for the
18 future. Thank you for your consideration of my comments.

19 24:24

20 **Male Speaker:** Is there any additional public comment on this item?

21 **Vanessa Ruotolo:** Hello, I'm Vanessa Ruotolo, I'm not the neighbor of whom Mr. Rogers
22 was speaking, I live next door. We've grown up the last 20 years with that tree, actually with the
23 remaining tree. There were four trees and three have been cut down. One other Norfolk pine has
24 been cut down which is the one we counted 120 rings around. That one has been cut and two 100

1 year old palm trees. I would just like to say to call a 100 plus year old tree common is yes, perhaps
2 the tree itself is but it has been noted in historic documents that the owner of that historic landmark
3 building planted the trees around there, so we have proof that that happened. And I just . . . It is a
4 host to so much natural life that we've grown up, my child has grown up, who have lived there
5 longer than any of us, and it serves as its own kind of massive dripline watering system. Two
6 arborists have come and said it poses no threat to anything, non-invasive. There's no fire risk. It
7 survived two earthquakes. It's not a hazard to children. For the last 20 years no branches have
8 fallen. To call it common is a sad statement for a tree that's probably 120 years old of which there is
9 only one more standing; there were four trees. It has changed so much already. The wind, there's
10 more wind, there's more noise. It's really an important tree for our neighborhood, for our family,
11 for the families around us and for all of the nature: the owls, the hawks, the massive number of birds
12 that take refuge there. Anyway I'm not very good at this but I just find it kind of shocking that we
13 can't find a way to save it, thank you.

14 **Male Speaker:** Thank you.

15 26:43

16 **Rose Hillson:** Good afternoon Commissioners, Rose Hillson. I'm on the Urban Forestry
17 Council but I do not speak for them; I'm also the Chair of the Landmark Tree Committee and I
18 don't speak as that either. I speak as a private citizen. I'm here to support Planning Department's
19 recommendation to initiate the nomination. As Planner Swae stated it has nothing to do with
20 landmarking a tree at this Commission. It goes through the Urban Forestry Council, and Council
21 Coordinator Mei Ling Hui is here sitting with Planner Swae for any questions and they did a
22 spectacular job at the last meeting explaining the process. So I'm just here to support the
23 nomination process, this is how it works, and I'd like to see how it goes from now on. All these

1 arguments about trees and birds, that all gets ironed out at the council, but it's interesting to hear
2 what they have to say right now. Thank you.

3 **Male Speaker:** Is there any additional public comment on this item? Not seeing any,
4 public comments closed. Commissioner Richards.

5 **Commissioner Richards:** A concern I have as City Attorney is this indeed a taking if it's in
6 the backyard of a house and are we on firm legal ground if we were to nominate this or if we were to
7 push forward with the nomination process?

8 **Susan Cleveland-Knowles:** Commissioners, Deputy City Attorney, Susan Cleveland-
9 Knowles, this is the first time that I've heard an argument raised about this particular statute being a
10 taking of property. This is one of the city's land use regulations. In general the courts have upheld
11 these types of requirements as legitimate exercises of the city's police power. If the nomination
12 continues today and moves forward we will of course evaluate any specific legal claims that are made
13 during that process and advise city departments accordingly.

14 **Commissioner Richards:** So in your opinion then the property owner will have a fair
15 hearing on his claims based on this nomination.

16 **Susan Cleveland-Knowles:** Yes, this is just a nomination at this point

17 **Commissioner Richards:** Great. I was supportive of this nomination before, I think I'm
18 more supportive now that the staff came out and actually recommended it because we had more
19 time to think about this. We have the property owner more time to come back and give us reasons
20 why we should or shouldn't move it forward. The property owner should be covered in the process
21 if anything does get discovered that this is indeed a taking. My worry, and I went back and actually
22 looked at the video and I asked the property owner I think twice was did you cut down the tree on
23 the right and the response that I got from the property owner was "I didn't cut down that tree on
24 that lot." I think what he was trying to say was there's probably more than one lot here, there may

1 be how many lots are here? Three, two? Three. So you didn't cut down the tree on this lot, you cut
2 down the tree on this lot because this tree looks like it's been cut. This is a photo. So my fear is if
3 we don't move this forward this tree is going to fall too and I think that we should let the experts
4 determine whether it's a landmark tree or not and let the experts in the legal community determine
5 whether this is a taking; but if we don't nominate this or move it forward I think we're not doing
6 what we should be doing which actually comes into the Planning Code and all the things we do
7 every week. So I move to nominate the tree.

8 **Male Speaker:** Second

9 **Male Speaker:** Commissioner Antonini?

10 **Commissioner Antonini:** Yeah, I have a few questions maybe for the property owner, if
11 you want to come up for a second, I have a question for you. It's a big tree, presumably it has
12 extensive roots, it survived a long time. What are those roots doing, are they damaging the house or
13 are they damaging the property in any way?

14 **Dale Rogers:** Well nothing grows underneath the tree and the branches fall off all the
15 time, they severely overhang onto the next lot, it's a messy tree. I would prefer to plant trees
16 appropriate to the lot which are flowering crabs and apples, natural stuff, as opposed to something
17 that just totally...it's just inappropriate for the place and the roots, they get into the sewer system
18 and it's the wrong tree in the wrong place. I planted hundreds of trees in my life. My family was
19 part of the Morton Arboretum for decades, I've given lots of money to the Nature Conservancy. So
20 I'm not like... I just want to get moved in somehow.

21 **Commissioner Antonini:** Thank you, appreciate your comment, I have a couple of other
22 comments. I can certainly sympathize... You're finished for now. Thank you. Having had some
23 large acacia trees that were planted in front of my house years ago, when they first were put in they
24 might have been fine but after 60 years or 70 years the roots were taking over the sidewalk, taking

1 over the lawns, branches falling almost on the house and fortunately I got them out of there and we
2 put in some appropriate trees who if properly maintained will not grow to inappropriate heights. So
3 I think that's part of the argument. The other question I have is for staff I guess. I think we said
4 there were eight or 10 landmarked trees on private property, is that correct, I forget the exact
5 number.

6 **Male Speaker:** Yes and I defer to Mei Lin Hue from the Department of Environment. We
7 have about eight on private property, yes.

8 **Commissioner Antonini:** And how many of those are in the backyard?

9 **Male Speaker:** All eight of them

10 **Commissioner Antonini:** They all happen to be in the back. So this is not a precedent-
11 setting, there are others that are in the backyard.

12 **Male Speaker:** No. There was one that was recently landmarked in the backyard.

13 **Commissioner Antonini:** Okay, Thank you. So that was one thing, I'd like to speak to
14 the representative from the Urban Forestry Council. I understand there is one here. I guess it's
15 Rose Hillson, I thought it was somebody else.

16 **Mei Lin Hue:** Hi, everyone my name is Mei Lin, I'm from the Department of the
17 Environment and I'm Urban Forestry Council staff coordinator.

18 **Commissioner Antonini:** So if we were to forward this on to your council what sort of
19 factors are going to be used to evaluate whether this tree has to be preserved or not.

20 **Mei Lin Hui:** So all of the criteria are outlined in the nomination packet which is in your
21 report, it should be in your packet. There are five overall criteria. It's rarity, physical characteristics,
22 historic association, cultural association, so important to people at Keesaw gardens, that's an
23 example. And environmental benefits that the tree provides.

1 **Commissioner Antonini:** And you also evaluate environmental disadvantages. Trees that
2 are invasive or something, that would be a reason not to approve it I would expect.

3 **Mei Lin Hui:** Potentially. None of the trees have to exhibit all of the criteria. One of the
4 trees for example, actually Rose's tree, is the only surviving specimen of a manzanita so that her tree
5 was landmarked because it's the only one left. It may not have met other criteria. So it doesn't
6 require that the tree meets all the criteria, just well enough.

7 **Commissioner Antonini:** I'm just asking that you look on both sides of the issue in some
8 of these things.

9 **Mei Lin Hui:** For sure

10 **Commissioner Antonini:** The effects, good and bad

11 **Mei Lin Hui:** Absolutely.

12 **Commissioner Antonini:** Thank you, now I understand it. Appreciate the input. Because
13 for the benefit of the public it's important. I know they may disclose some things we haven't heard
14 yet, I'm not sure that it's particularly a rare tree and I'm not sure whether it would be landmarked or
15 not but I'm a little concerned that if I pass this on or we pass it on to another group then we lose
16 our ability to say yes or no on it. So I'll probably make my decision today as to whether I think the
17 tree should stay or not and we'll find out what the rest of the Commission does.

18 **Male Speaker:** Commissioner Johnson

19 **Commissioner Johnson:** Thank you very much. I like the process because I'm not an
20 arborist and there's a lot of things that go into whether or not a tree should be landmarked and I'm
21 not here to discuss that today. I will just ask a quick question. Is this the first time that we're
22 actually going through this process; is it for the city wide or just the Planning Commission.

23 **Male Speaker:** For the Planning Commission this would be your first nomination

24 **Commissioner Johnson:** OK, but there have been other nominations through other....

1 **Male Speaker:** ...Either department heads or other agencies

2 **Male Speaker:** Commissioner Moore

3 **Commissioner Moore:** Following up on Commissioner Johnson, the Planning
4 Commission in the last six to eight years has strongly supported a process that would help with
5 landmarking trees and it has finally come around with institutional responsibility being within
6 Department of the Environment and the Forestry Council which I'm very happy of. For us it is a
7 land use, open space, as well as streetscape and a greening question and I think protecting trees is
8 very much in line with that policy. For clarification to the owner, in rear yards there are no sewers
9 which could be impacted by this tree; sewers are in the public right of way with lateral lines coming
10 to the footprint of your house. That's number one; number two is these types of trees have totally
11 vertical tap roots which do not spread laterally and therefore any potential impact on foundation,
12 etc. is somewhat minimized. That is not to say that the Forestry Department themselves will
13 determine the physical health as one of the criteria, and that goes without saying. It's in nobody's
14 interest to have trees which might topple in case of strong winds or earthquakes and as far as that is
15 concerned, I am in strong support and that is all we're doing is supporting it, but we are not
16 responsible for making the final decision.

17 **Male Speaker:** Commissioner Hillis

18 **Commissioner Hillis:** I'm okay moving this forward. I think there's a process beyond us
19 that's going to get into obviously much more detail on the tree and evaluating the tree. Just a
20 question for the Department of Environment. Has there been trees nominated where you've
21 recommended no to landmarking?

22 **Mei Lin Hui:** Yes. Overall since the process was codified in its current form we've had 43
23 total nominations and 13 of those were ultimately landmarked.

24 **Commissioner Hillis:** So it's a fairly robust process after this where you look at...

1 **Mei Lin Hui:** It's a high threshold

2 **Commissioner Hillis:** So that's good to know. I think just in the future it would be great
3 for us, not necessarily for you, but as a Planning Commission we don't have a lot of expertise on
4 trees, to get a little more information. We know it's a nice big tree and fairly unusual in the location
5 its in and it's part of a complex of a couple historic buildings but if we were going to nominate a
6 tree, I equate it to kind of nominating a historic building, to become a historic resource. We
7 normally know a lot more about that building when we start that process. We don't necessarily so it
8 at the start, but it would be nice to have a little more robust analysis of the tree – I understand it's on
9 private property, it's difficult to get to – before we kind of launch into that nomination. I recognize
10 there's more to come but still there should be a threshold of information we have which I don't
11 think we quite have here. But I'm OK kind of moving it to the next step.

12 **Male Speaker:** Commissioner Richards

13 **Commissioner Richards:** I think Commissioner's Antonini's point, there was no process,
14 we struggled with how these things should be handled, we finally do have a process and I think in
15 that process we're not the experts clearly. I have no idea whether this tree is a landmark or not, it
16 looks like there's a fairly high threshold. When I'm voting yes on this today I'm not voting
17 landmarking the tree, I'm voting letting the experts determine whether it is a landmark tree or not.

18 **Male Speaker:** So I have a follow-up question on that. So for every tree forward here that
19 wants to be considered for landmark, does it come through us, or why is this the first?

20 **Male Speaker:** This is the first time it has come before you commissioners because
21 Commissioner Richards requested it to be. It was brought to both the Planning Commission's, the
22 Historic Preservation Commission's and the Planning Director's attention through the Applicant.
23 So a member of the public may fill out the form and apply for initiation of a nomination for the

1 process, so the Planning Commission as one of the bodies that can initiate nomination,
2 Commissioner Richards asked for it to be agendized.

3 **Male Speaker:** So if we took no action today the Applicant could still go through the
4 Department of Environment and apply for the nomination?

5 **Male Speaker:** There would have to be some body that nominates.

6 **Male Speaker:** The nominations can only come from a property owner or from a
7 department head of a city agency or from a commissioned body or the Board of Supervisors. So I
8 believe if the nomination didn't proceed through the Commission today, not to my knowledge,
9 there's not another nomination vehicle that is being considered.

10 **Male Speaker:** Commissioner Antonini

11 **Commissioner Antonini:** I have to really compliment the Commission, particularly
12 Commissioner Richards in bringing this up because I think this is a very good discussion to have
13 even though we don't ultimately have authority on it. However I'm not necessarily a believer that an
14 older bigger tree is more valuable than a smaller more appropriately sized tree particularly when it's
15 on somebody's private property and I realize the standard is fairly high but I've seen quite a few
16 discussions where we've had projects and we've had to alter the projects significantly because we're
17 trying to save trees in front of these projects rather than just taking them out and putting in some
18 smaller trees. In a dense urban environment like ours especially on streets, although this is a
19 backyard, often the tree that is smaller is more appropriate and less invasive and actually better.
20 Everybody is concerned about sun, we hear all these people protesting every time there's a shadow
21 cast on a park but the shadows from trees don't seem to count, so I think we have to kind of look at
22 things from both sides of the question.

23 **Male Speaker:** Commissioner Richards

1 **Commissioner Richards:** I just want to clarify to President Fong, you weren't here when
2 we heard this. This was basically a stay of execution 11th hour that I got. I didn't lay in bed and
3 dream up the fact that I wanted to nominate a tree, I didn't even realize that we were allowed to do
4 this until the nominating neighbor sent me the paperwork at the supervisor's request. So if we don't
5 nominate this tree today I think it's going to be cut down, so I think we should give the tree a
6 chance, let the process take its course, there's a high threshold. It's a big old tree, that doesn't make
7 it a landmark but let's just make sure. There was some documentation in the staff report that a
8 hundred some years ago the person who owned the house planted these kind of trees and if staff
9 recommends approval, give it a chance. Thanks.

10 **Male Speaker:** I'm going to ask the property owner, you've had your [inaudible]

11 **Dale Rogers:** I don't need to . . . that is not necessarily the case but just think that if this
12 was your property and some neighbor says hey, I like that flower, I like this whatever, I like this
13 whatever and they get somebody to nominate and you go through this whole process. The
14 government is supposed to protect our rights for private property first and foremost; it's been
15 around since even before the U.S. Constitution. So I guess, just think if you vote as if this was your
16 tree in your backyard and you could be opening up a whole can of worms. There are hundreds if not
17 thousands of A properties in the city and if there has to be payment to the owners for taking of their
18 property I don't know how many hundreds of millions or billions of dollars that might be. Thank
19 you.

20 **Male Speaker:** Commissioner Richards

21 **Commissioner Richards:** Just one more thing. If I took what the property owner said I in
22 my fantasy can buy the ferry building and blow it up even though it's a landmark. Just because this
23 is a tree doesn't make it any different than anything else. Landmarks happen in buildings, landmarks
24 happen in trees and for various different reasons and the City Attorney said that during the process

1 he will have his legal rights vetted out and understood and if there is some type of taking or some
2 issue, the City will certainly let us know that. We know that the City is not going to try to get into
3 anything where you're going to have a successful lawsuit.

4 **Male Speaker:** For me, this is a little bit difficult. It's in the backyard. If it were in a front
5 yard there are really truly open shared space, I can understand. If it was a tree of significant history
6 where it was a gift from somebody, if it was attached to a historic building I could really kind of
7 understand. But I think this is in someone's backyard. There was a motion and a second, right?
8 OK.

9 **Male Speaker:** There is. So shall I proceed . . . on the motion to adopt a resolution to
10 initiate nomination? Commissioner Antonini?

11 **Commissioner Antonini:** Nope

12 **Male Speaker:** Commissioner Hillis

13 **Commissioner Hillis:** Aye

14 **Male Speaker:** Commissioner Johnson

15 **Commissioner Johnson:** Aye

16 **Male Speaker:** Commissioner Moore

17 **Commissioner Moore:** Aye

18 **Male Speaker:** Commissioner Richards

19 **Commissioner Richards:** Aye

20 **Male Speaker:** Commissioner Wu

21 **Commissioner Wu:** No

22 **Male Speaker:** Commissioner President Fong

23 **Commissioner President Fong:** No

1 **Male Speaker:** That motion passes 4 to 3 with Commissioners Antonini, Wu and Fong
2 voting against. Commissioners, that'll place you on item 6 for the Commission Rules and
3 Regulations. This is a consideration of the amendments and potential adoption. If you recall some
4 time ago, on February 5, the Commission President Fong appointed Commissioners Johnson,
5 Moore and Richards to formulate a committee; they held several hearings and have come back with
6 proposed amendments.

7 45:24

8 [stopped]

9

10

11

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14

15

16

Transcribed by Karen Ruggles

17

Press Play Transcription

18

(415) 342-3476

19

April 8, 2016

20

21

22

Exhibit "E"

46A Cook St Landmark Tree Nomination

Additional Exhibits:

- 1 Arborist Report
- 2 Letter from Svane family member- property owners of 46 Cook St. from 1908-2012
- 3.1-3.2 Photographs from the SF Assessors Office archives of 46 Cook St. including a view of the height of the tree, taken between 1946 and 1951 (found in the SF Public Library's History Center)
- 4.1-4.5 Notes from SF Public Library's History Center dated March 1966 compiled for *Here Today: San Francisco's Architectural Heritage* (adopted by the Board of Supervisors; Resolution No. 268-70). See highlighted sections which state:
 - George J. Smith had access to get "marvelous trees etc. on property and did"
 - Peter Svane lived on property beginning in 1908
 - Some of the trees and shrubs George J. Smith planted still surrounded the house in 1966, and the "trees are large and old"
- 5 Email from SF Heritage Senior Project Manager supporting historic preservation of both buildings and landscape of 46 Cook St.
- 6.1-6.9 150 petition signatures from neighborhood residents and others who have a connection to the neighborhood
- 7.1-7.4 Additional 40 online petition signatures
- 8 Letter from SFSU professor/Dr. of Biology detailing this tree's environmental importance
- 9.1-9.2 Photographed sample of birds frequently seen using the tree as a resource (peregrine falcon & mockingbird)
- 10 Email from SF Botanical Gardens Plant Collections Registrar showing rarity by stating they only have one Cook Pine, and it was acquired only 14 years ago



Lic # 961415
77 Blake St Apt D
San Francisco Ca 94118
415 310 7781
quillaume@arboristnow.com
remy@arboristnow.com

Friday, July 31st 2015

Arborist report on one Araucaria columnaris (Cook Pine) at 46 Cook Street, San Francisco

Prepared for Richard Worn

Tree species: Araucaria columnaris (Cook Pine)
Location: 46 Cook st. San Francisco Ca, 94118
Assessed on: 7/28/15
Assessed by Certified Arborist: Remy Hummer WE-10741A

Visual assessment of the Araucaria columnaris on the property of 46 Cook st. notes that the tree exemplifies exceptional health and stature. The base of the tree has a well defined root flare free of any visible decay. The base of tree has adequate spacing from any building foundations or objects that might compromise its health. The excurrent stem before reaching the bottom of the crown has been raised about 20 feet from the ground by past pruning. Two recent pruning cuts are visible on the stem from the ground. The stem is free of any noticeable scars, deadwood, and stubs, indicating a strong tree with no history of limb failure. The tree has a good crown ratio 70/30. Normal leaf litter is present on the ground. A normal bend/lean is present in the tree. While the lean with an Araucaria c. can be quite obvious it is also a natural, prevalent characteristic which under normal conditions should not be considered a risk (Armstrong, 2010*).

Remy Hummer
Foreman Supervisor
Arborist Now, Inc.

*{Armstrong, W.P. (2010) . The Araucaria Family: Past & Present. *Pacific Horticulture*. Issue: January 2010. Retrieved from <http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/>}

2

Christina Svane
254 Spring St.
Florence, MA 01062

August 3, 2015

Re: Cook (or Norfolk) Pine at 46 Cook Street

To Whom it May Concern:

My grandparents, Jørgen Christian Svane and Carolina Rasmussen Svane purchased the house, farm, and barn at 46 Cook Street in 1908, when my father, Peter Victor Svane, was one year old. Geary Blvd. was a dirt road called Point Lobos then, and the property was outside the city proper, known for its sand dunes, farms, cemeteries and grand trees.

Many trees such as fruit trees and the pine trees, were already growing on the property when my grandparents bought it, but they planted the ornamental trees such as the holly tree and lemon tree to flank the entrance, and the four date palms. Their property extended all the way to Euclid and to Blake Streets, but most of it - their orchard and farm - was taken by the City under 'eminent domain' in order to build a school and playground. (When I went to Denmark to find relatives, I was shown a photograph of my father and a baby palm tree, in front of the house, both about a year old.) My grandfather was known for keeping the property 'groomed like a park,' I was told by all the relatives.

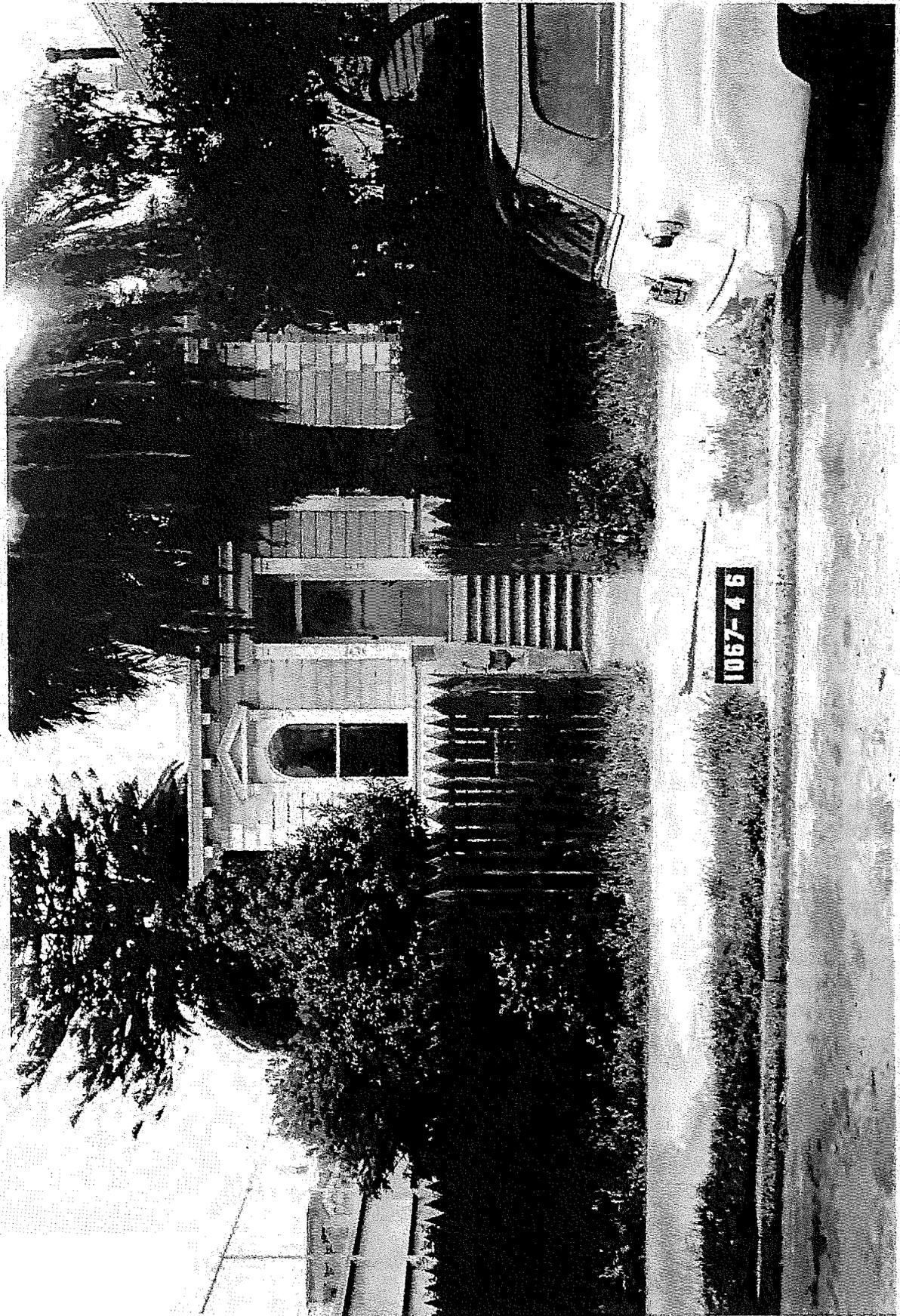
My father especially adored the giant pine in front of the carriage barn, which he always called the 'Monkey Tail tree.' I have since discovered it is not a Monkey Tail tree, but most likely a Captain Cook Pine, which would make sense, as the street is named after Captain Cook, as well. George J. Smith, who had the house built around 1865, was known to have planted it with many trees. (We had his granite carriage step carved with his name on it.) I am not a tree expert, and perhaps it is not a Captain Cook Pine, but a Norfolk Pine. I do know they are often mistaken for each other.

My father prized this tree above all the others around the house, and now and then hired arborists to attend to it, and trim its lower branches. He would often remind us that this tree was so big it was visible from Euclid Avenue. It was also on occasion home to a large family of raccoons. Growing up there, we were raised to treasure the trees on the property as the living legacy not only of our grandparents, who died before we could meet them, but of a glorious period in San Francisco's history, when people would ride in their carriages past Cook Street, heading to the Cliff House for a Sunday outing in the country. The country eventually turned into city, but the glorious trees remained.

Sincerely,

Christina Svane

3.1



3.2



4.1

Cook Street, 46
HERE TODAY
Junior League of San Francisco, Inc.

(over)

REPRODUCTION NO

4.2

Call to AOB from Mrs. Peter Swane owner
46 Cook St. 3/18/66

Has lived there since age of
1 (He is 59, b. 1907) Came from Denmark
~~for many years~~ remembers how enormous
their place looked from his baby
buggy! Geary was Pt. Lobos Rd. when he
a boy

Mr. Smith, former owner, left tall
huge ladders on property, pushed Smith,
a big S.F. Painter in Starb King (3' 10" g.)
now standing on Sansome (over)

III More from Mr. Peter Swane re 46 Cook St.

The house is all redwood - was
on a concrete foundation - since
sand inert & without bugs it
stood - He recently put new
foundation under.

Mr. Smith AND Mr. Swane's parents
are in (old fellows columbarium,
(cremation burial place?) altho the
latter not old fellows. Old cemetery

4.3

He was an Odd Fellow & Director of the Odd Fellows Cemetery, where he is buried. As such he could get marvelous trees etc. on property & did. He committed suicide.

In back of parents' carriage house were sliding floors to stables. Formerly when Mr. Swane was boy there were 5 lots going back to Blake St.

Mr. Swane's 1st wife was an Escamilla. He runs a trucking Co. parcel delivery (Was a Berkeley Pike!)

IV Oddfellows - went from Peary to Tebb. The columbarium is still there behind the market near Coronet Theater. Mr. Smith had large monument. I saw inside of former carriage house - marvelous old solid hand made table & chairs etc. approached by Mr. Swane. Says he: "My teleprinter employees would sit in chairs & they'd fall apart. So I made some strong ones!"

4.4

46 Cook St. (circa 1870)

George G. Smith, a house and sign painter with offices in the Starr King Building and at 329 Sutter (were they same?) lived here from 1870 until around 1903. He was prominent in the Odd Fellows Lodge and a director of their cemetery, which extended from Pt. Lobos Rd. (now Geary) to Turk St. This gave him access to the trees and shrubs with which he planted his estate, some of which still surround the house. He left large ladders on the place with the name of his firm, G. J. Smith, and its address.

In 1903 he built the carriage house, now used for a rental dwelling, and put a granite stile on the curb inscribed with his name and the year. ^{This has since been moved to the garden.} Shortly thereafter he is said to have committed suicide.

In 1908 Mr. Smith's widow sold the house to a Danish family, the Svanes. Their son remembers that the carriage house had sliding rear doors opening into the stable; there was also a greenhouse, an old outhouse and fine trees and gardens. He believes that there was a well before a Mrs. Swan (oddly enough no relation to the later Svanes) signed for the first water meter in 1886. At that time the Water Dept. reported 1630 sq. feet of irrigation.

In 1908 the Water Dept. noted 275 Sq. Yds, with signs of horses having been turned out and a trough, but no evidence of horses having been in the stable. In 1914 they still reported 275 sq. yds. of irrigation, with a standing irrigator.

The Fred W. Geary School now occupies most of the former area, except for the present small cottage and carriage house with their gardens.

4.5

The basement floor was on a concrete slab flat on sand; since the sand was inert and insect free it survived over the many years. Work on the foundation has been done recently but otherwise the house, of solid redwood, is as it was.

It is a 1 story cottage with arched windows and Italianate pediments, over arched windows, and an Italianate cornice over the door, which is flanked by simple pilasters. The door features a circle of glass and a transom above. Steps are of stone, with stone jardinières. A carved wood rail encloses the porch. Trees are large and old.

A driveway, dirt, leads through a gate to the carriage house.

Gmail

5

Fwd: 46 Cook Street

vanessa ruotolo <vanessa123@earthlink.net>
To: Jen Leavitt <jenr.leavitt@gmail.com>

Tue, Jul 21, 2015 at 3:45 PM

Begin forwarded message:

From: Desiree Smith <Desmith@s heritage.org>
Date: July 21, 2015 2:53:23 PM PDT
To: vanessa ruotolo <vanessa123@earthlink.net>
Subject: FW: 46 Cook Street

Hi Vanessa,

I'm forwarding you some information that our research assistant shared with me about 46 Cook. He and I just spoke and we think this property is definitely worthy of more research and is potentially significant as a historic resource. We encourage your group to consider the entire property as historic, including the building and the landscape. Also, we don't think it would be worth your time to come to our office to do research. Instead, places you might consider doing research include the Water Department and newspaper index (available at the SF Public Library). We have a historical research guide available on our website in case that is helpful: <http://www.sfheritage.org/resources-links/researchguide/>. We do think this property has the potential to be designated as a landmark. If time and funding permitted, we would suggest hiring a professional architectural historian to produce a nomination or historic resource evaluation. Perhaps this is something you could discuss with the Planning Department – they might be able to place the property on their Landmark Designation Work Program. You could always attend a Historic Preservation Commission hearing and speak during public comment about this property. If you make a good case for its significance, they may be amenable to placing the property on the Landmark Designation Work Program, which would require Planning Department staff to produce a nomination. Let me know if you have any questions.

Thanks!
Desiree

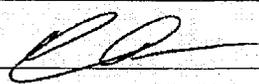
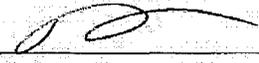
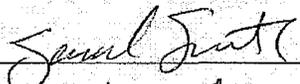
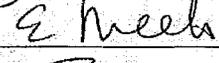
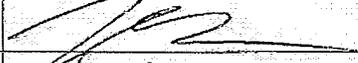
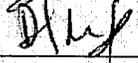
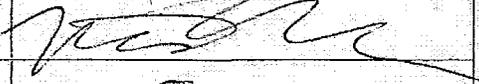
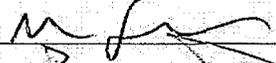
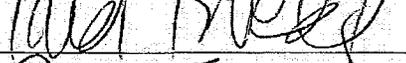
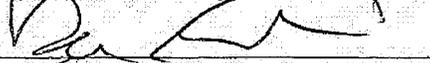
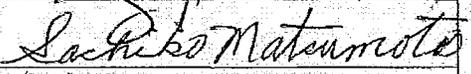
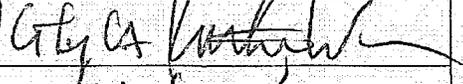
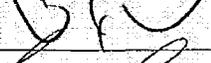
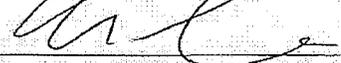


Desiree Smith
Senior Project Manager

6.1

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

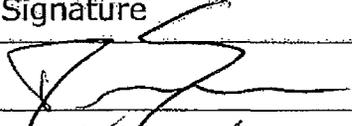
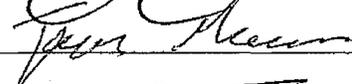
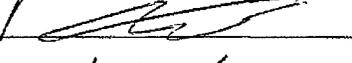
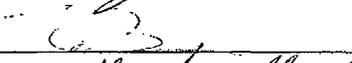
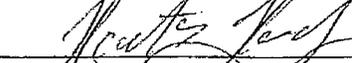
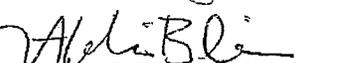
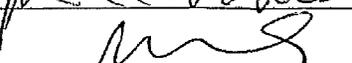
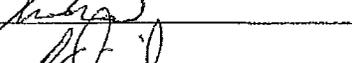
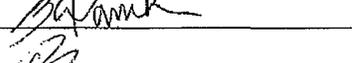
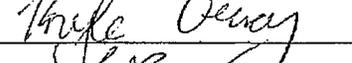
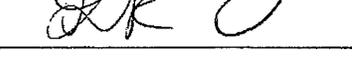
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Carlos Avina	845 29th Ave	
Peter Williams	70 Cook	
Katherine Piersanti	72 Cook	
Sarah Smith	190 Edgewood Ave.	
Elizabeth Meeks	1771 - 33rd Ave	
Patrick Johnson-Whitty	401 43RD AVE	
ASID SKID	45 Cook St	
Roxanne Webber	39A Cook St	
NICK SMITH	19 COOK ST	
Richard Deke	2315 4th Ave	
JAVA TRUCK	2315 4th Ave	
Venessa Ruotolo	60 Cook Ave	
Genie Nie	4028 23rd St	
SACHIKO MATSUMOTO	59-A COOK ST. S.F.	
DONALD WORW	95 WADSWORTH AVE. L.G. CA 95030	ENVIRONMENTALIST DR. Worw
ETHEL S. WORW	95 WADSWORTH AVE, L.G. 95030	former Historical Commission Ethel Worw
Marcia M. Ruotolo	951 Meigs St. Stanford, CA	Marcia M. Ruotolo
Katherine Worw	590 Alcega Drive Redwood City CA	
RIYAAD NEGDI	85 RAL ST #9 94117	
Chekesa Michaels	1815 40th Ave	

6.2

PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE @ 46 Cook Street:

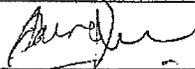
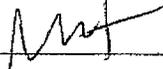
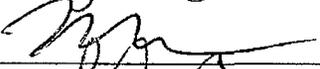
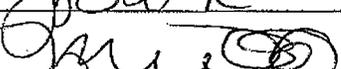
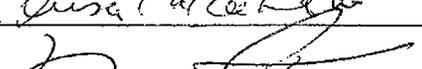
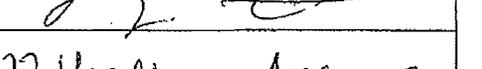
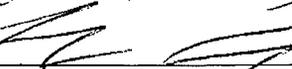
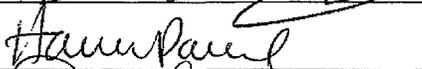
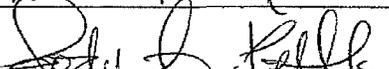
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
DANIEL SPRIGGS	400 ANZA ST. 9	
JAMES MAERON	205 COLLINS ST	
Joseph Lama	3101 Geary BLVD	
MYUNG KIM	3135 GEARY BLVD	
JEFF WATSON	3010 Geary BLVD	
Tina Truong	69 Blake St	
Hector Herzog	59 BLAKE ST	
Katherine Bruce	395 Euclid Ave	
Abbie Blair	741 Spruce St. #1	
JOHN C. ROBINSON	140 Cook St. #2	
Alex Volker	Commonwealth Ave	
Eric Sore	3138 Geary Blvd	
THOMAS WONG	2807 GEARY BLVD	
Brian Bruce Davila	3105 Geary Blvd.	
Robert Sanchez	17 Cook St	
JAY ARBIV	18 Cook St	
Kyle Oracoy	65 A Cook St.	
Lauren Ratzliff	2346 FULTON	
Barbara Chisholm	20 Cook St S.F. CA. 94118	
Paul Chinn	3715 California St S.F. CA. 94118	

6.3

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

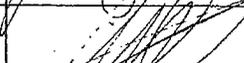
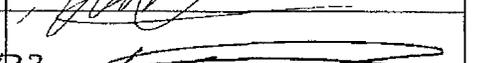
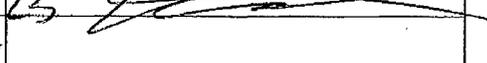
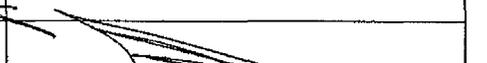
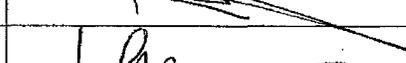
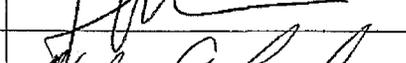
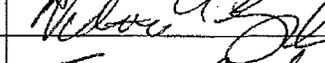
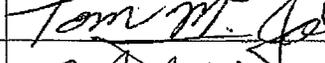
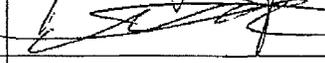
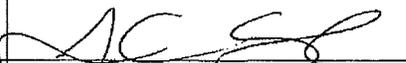
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Elaine New	20 Cook St. SF, CA 94118	
MIRIAM HYUN	27 14th Ave. SF, CA 94118	
Jenn. for Justice	442 21st Ave	
Richard Warner	60 Cook SF 94118	
Gail Finne	250 Ney St. SF CA 94112	
JULIE ERICH	67 Cook Street SF, CA 94118	
Maria Chew	401 Euclid SF 94118	
SALLY SILVA	461 EUCLID SF 94118	
ARISA TAKAHASHI	401 Euclid SF 94118	
Mike D. Fry	945 Panera #240	
Molly Trezevant	Molly Trezevant 94118 22 Heather Avenue	
Sunnylyn W. Badecox	1326A McAllister St SF 94115	
Laura Kump	4040 24th St	
K. Schultz	750 Prosdio Ave SF CA	
Demetrios Demetriades	3145 Geary Blvd #406 S.F. CA 94118	
Chris Rodriguez	3109 Geary Blvd 94118	
Chase Eiseman	2319 Spaulding Ave Berkeley, CA 94703	
Hannah Paul	656 Spruce St San Francisco	
Jody Pettle	2687 McAllister St SF, CA 94118	
Alison Boeckmann	1536 Willard St. 94117	

6.5

**PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE
@ 46 Cook Street:**

A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
John DeCastro	2634 Post St. SF 94115	
Lisa Rich	2360 15th AVE SF 94116	
CHRIS LEBAR	2729 LOMBARD ST SF 94133	
Brynn Bacon	1177 California St SF 94108	
Michael Bacon	707 Stockton #401, SF, 94108	
Peter Wyant	2729 Lombard #194123	
Anna	DONT BE A DICK	
Adnan daker	127 Blah St	
Ken Welch	2629 Anza St.	
Victoria Gonzalez	2038-17th AVE	
Tom Jobe	2038 17th AVE	Tom M. Jobe
Bill Teeling	78 Hendon Ave	
John Teeling	235 Collins #1A	
GURINDER CHHOKAR	155 ASHBURY ST. SF	
ADAM SANDOVAL	2560 GEARY BLVD	
Jon Leavitt	46A COOK ST. SF 94118	
Karap Eysbrecht	2543 Bryant St. SF 94110	

6.6

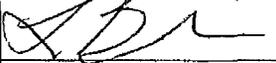
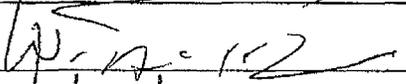
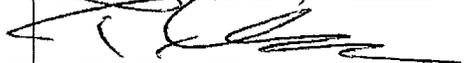
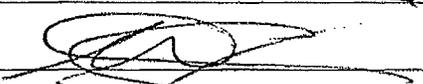
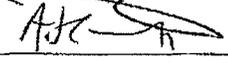
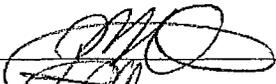
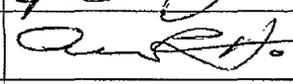
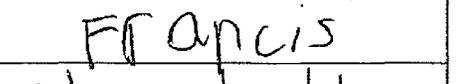
PETITION TO SAVE HISTORIC NORFOLK ISLAND PINE @ 46 Cook Street:

A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL AND HISTORIC LANDMARK

Name (printed)	Address (printed)	Signature
Bernadette Frubatsky	1231 York San Fran. 94110	
Gerald O. Oliver	426 Pierce St SF. 94117	
Tami Nordstrom	1811 Leavenworth	
ZACK FAAM	2088 BROADWAY 94110	
SAMIRA KUDUONE	445 ASHMAN ST 14	
Fergal Poole	2529 Market St	
Sabine Reyhaud	2484 39 th Ave	
Simon Merson	553 4 th AVE	
Kalast Ka	154 Wood Street #1	
Warren Facke	308 San Bruno #3, San Bruno	
RAY DARBYSHIRE	1978 45 th Ave SF	
PATRICK DOTTERTY.	207 20TH AVENUE	
Amy McGeever	420 Carl St.	
Charlotte McGeever	420 CARL STREET	
Sarah Hegarty	52 Newton St.	
Anne Kenney	52 Newton St.	
STEVE LARKIN	1644 WASHINGTON ST #11	
Seaville Green	400 Carl	
Heidi Geiger	2120 24 th St. S F CA	
LEVI LEAVITT	46A COOK ST. SF. CA 94118	

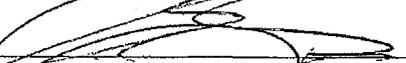
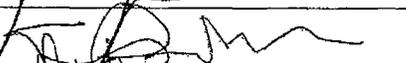
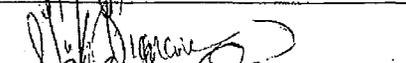
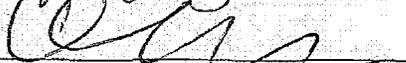
6.7

**HELP SAVE HISTORIC NORFOLK ISLAND PINE:
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL
AND HISTORIC LANDMARK**

Name (printed)	Address (printed)	Signature
Corrie Dedrick	2390 Chestnut St.	
LYNNETTE BECHARD	2390 CHESTNUT ST	
ROGER NETTLE	2310 Chestnut #1	
W. H. TRIGG	2837 Baker St	
K. W. A. 2012	3112 PINE ST	
Sandra Wong	3714 Proderick St	
Theresa Cameron	378 Waller St	
VASSI KOUSAFTH	675 C PORTOLA ST	
ARMELLE HELLOUIN	765 C PORTOLA ST	
Maria Kousofth	765 C Portola St	
Sabine Labreaut	765 C Portola St	
Cristina Pachano-Lauderdale	716 24th Ave	
Beth Michel	2300 Chestnut	
ANTONIA P. HOVUNG	1030 CHESTNUT ST	
Francis Wraith	11807 Green St	Francis
Charlotte	11807 Green St	Charlotte
GARY WRAITH	1187 GREEN ST CA 94109	
Kerry Ricards	1187 green street SF CA 94109	
SCOTT Berkhause	355 19th AVE SFOA	
Olivia Shafer	1444 7th Ave, SF, CA	

6.8

**HELP SAVE HISTORIC NORFOLK ISLAND PINE:
A LAUREL HEIGHTS/RICHMOND DISTRICT CULTURAL
AND HISTORIC LANDMARK**

Name (printed)	Address (printed)	Signature
MARC LEONE	175 LUNADO WAY	
Jared Nangle	4372 Montgomery St	
MAYRA ARREGUIR	2837 Baker st	
ERIN WILLIAMS	1238 PAGE ST	erin williams
ERIN WILLIAMS GARDEN TRIGGS	2837 baker	garden
Brenda Godstein	2490 Chestnut St	
Ciro P Economou	1224 Taylor	
Jonathan Ruiz	34 Richardson Ave	
Linda Lindsey Neiberg	3090 chestnut	
Stu Neiberg	3090 chestnut	Stu Neiberg
JAMES JEROME	2337 Chestnut St #41	
Tom Potolcz	1674 Washington St #3	
Nicki Stenozino	1208 GARDEN	
Mark Sanchez	919 Mandela Pkwy	
Olivia Gauder	371 BEAUMONT	

change.org

7.1

San Francisco Urban Forestry Council and Board of Supervisors

Greetings,

HELP SAVE HISTORIC NORFOLK ISLAND PINE TREE: A Laurel
Heights/Richmond District Landmark

Signatures

7.2

Name	Location	Date
Jen Leavitt	, United States	2015-07-23
Vanessa Ruotolo	San Francisco, CA, United States	2015-07-23
Peter Ruotolo	Dublin, Ireland	2015-07-23
Cristina Ruotolo	San Francisco, CA, United States	2015-07-23
Nina Fojaco Reed	San Francisco, CA, United States	2015-07-23
Jeremy Konick	Newark, CA, United States	2015-07-23
Adelle Kearns	San Francisco, CA, United States	2015-07-23
Bridget MacRae	Germany	2015-07-23
Patricia Mitchell	San Jose, CA, United States	2015-07-23
KRIS YENNEY	Los Gatos, CA, United States	2015-07-23
Rachel Goldeen	Mountain View, CA, United States	2015-07-23
Jenny Amador	Carmel-by-the-Sea, CA, United States	2015-07-23
Rita Lee	San Francisco, CA, United States	2015-07-23
Ashley Wolfson	privatenottellingyou, NJ, United States	2015-07-24
Dennis Kaplan	Mayfield Heights, OH, United States	2015-07-24
Jessica Boelter	Millbrae, CA, United States	2015-07-24
Jamie Rogers	San Francisco, CA, United States	2015-07-24
Anne Fetter	New York, NY, United States	2015-07-24
Valerie Tisdell	San Francisco, CA, United States	2015-07-24
Patricia Drury	Pleasanton, CA, United States	2015-07-24
Randy Wiederhold	San Francisco, CA, United States	2015-07-25
Corrie Dedrick	San Francisco, CA, United States	2015-07-25
Ross Thompson	Southborough, MA, United States	2015-07-25
Jessie Smith	boulder, CO, United States	2015-07-25
Lynnette bechard	Boulder, CO, United States	2015-07-25
Caitlin Bush	San Francisco, CA, United States	2015-07-25
Marie Flexer	Tracy, CA, United States	2015-07-27
Sergi Goldman-Hull	Oakland, CA, United States	2015-07-27
Zulema Rubalcava	Oakland, CA, United States	2015-07-27
Ivo Bokulic	San Francisco, CA, United States	2015-07-27

7.3

Name	Location	Date
Stacey Pelinka	Berkeley, CA, United States	2015-07-27
Kelley Maulbetsch	San Francisco, CA, United States	2015-07-27
emanuela nikiforova	alameda, CA, United States	2015-07-27
Maria Christoff	San Francisco, CA, United States	2015-07-27
Katy Juranty	San Francisco, CA, United States	2015-07-27
Barbara Rogers	Cotati, CA, United States	2015-07-28
Susan Shalit	San Francisco, CA, United States	2015-07-28
Kale Cumings	Pittsburg, CA, United States	2015-07-28
kate stenberg	San Francisco, CA, United States	2015-07-28
emily Onderdonk	Oakland, CA, United States	2015-07-29

7.4

Susan Shalit San Francisco, CA 7 days ago · Like 0
Trees are important to everyone in the neighborhood

Barbara Rogers San Francisco, CA 7 days ago · Like 0
Please stop and think long and hard before cutting down this treasure. Let this tree live and thrive where it is.

emanuela nikiforova San Francisco, CA 7 days ago · Like 0
It would be a shame and a crime to kill this beautiful tree, that has been standing for this incredible amount of time!

Stacey Pelinka San Francisco, CA 7 days ago · Like 0
I have always loved this tree. I used to live next door and always admired its majestic branches. I hope that San Francisco can demonstrate how it values history by preserving this tree.

Sergi Goldman-Hull San Francisco, CA 7 days ago · Like 0
These trees are/were just as much important landmarks as the property they sunk their roots into. You've already allowed 3 magnificent trees to be cut down (SHAME ON YOU FOR THAT!), please don't let this last one go and preserve what little original natural beauty SF has left! If you don't vote to keep this beautiful tree, you have no heart and I will lose complete confidence in this Council...I urge you to do the right thing here!

marie flexer San Francisco, CA 7 days ago · Like 0
Removing the tree will significantly impact the historic, aesthetic, and environmental value of the property and its surroundings.

Lynette bechard San Francisco, CA 8 days ago · Like 0
its a shame people are allowed to do so much unnecessary damage to our earth!

Rachel Goldeon San Francisco, CA 10 days ago · Like 0
Trees make the houses look good, not the other way around.

KRIS YENNEY San Francisco, CA 11 days ago · Like 0
The Tree is More Valuable than any "Improvements" we could make here...

Patricia Mitchell San Francisco, CA 14 days ago · Like 0
It's a beautiful tree and we NEED the beauty.

Nina Fojaco Reed San Francisco, CA 17 days ago · Like 0
Keep San Francisco green! These trees are old and provide good homes for birds and clean the air and shade and help the neighborhood feel less urban.

San Francisco, CA

10 views in last 6 days

Share this petition

Share on Facebook



San Francisco Urban Forestry Council and Board of Supervisors
HELP SAVE HISTORIC MONUMENT
CLASH PINE TREE A Landmark
Forests Parks and District Landmark

Post to Facebook

Send a message to friends

Tweet to your followers

<https://www.change.org/p/san-francisco-urban-forestry-council-and-board-of-supervisors-help-save-historic-monument-clash-pine-tree-a-landmark-forests-parks-and-district-landmark> Copy link

Sponsor an ad to show this petition to more potential supporters

Promote this petition

8



Ravinder N. M. Sehgal, Ph.D.
Associate Professor

Department of Biology
1600 Holloway Avenue
San Francisco State University
San Francisco, CA 94132-1722
Tel: 415/405-0329
Fax: 415/338-2295
sehgal@sfsu.edu
<http://userwww.sfsu.edu/~sehgal>

25. July. 2015

I would like to give my support to the efforts to save an old tree on Cook Street in San Francisco. I am a professor at San Francisco State University and my research focuses on how deforestation affects birds and biodiversity. Large old trees are critical ecological structures because, relative to their size, they are disproportionate providers of resources crucial to wildlife. A recent study has reported that the loss of large old trees leads to an overall loss of urban biodiversity¹. These trees are home to numerous bird species and other wildlife, and in particular, I believe that the tree on Cook Street, serves as a stopover point for raptors and other birds flying between the Presidio and Golden Gate Park. In order to preserve the urban wildlife of San Francisco, it is essential to add new trees to city blocks, and it would certainly be detrimental to remove existing ones. Given the scientific evidence regarding the importance of old urban trees to wildlife, I would encourage all efforts to preserve this unusual tree in the Richmond District.

Sincerely,

Ravinder Sehgal, PhD.

¹ Le Roux, Darren S., et al. "The future of large old trees in urban landscapes." (2014)
Plos One: e99403.

9.1



9.2



10

From: Mona Bourell <MBourell@sfbg.org>
Date: July 30, 2015 1:03:49 PM PDT
To: vanessa ruotolo <vanessa123@earthlink.net>
Subject: **RE: Araucaria columnaris**

We have one tree on our Conifer Lawn Bed 45B [central part of bed W of large Nothofagus] , bed map of the Garden attached.

It was acquired in 2001 from David Deutsch, of Gondwana Gardens, Livingston (Vallejo) California. This is all the information we have in our records.

Mona

Mona Bourell
Plant Collections Registrar
San Francisco Botanical Garden Society
1199 Ninth Avenue at Lincoln Way
San Francisco, CA 94122

Monday - Thursday 8am - 4:30pm

415-661-1316, ext. 405
415-661-3539 FAX

From: vanessa ruotolo [mailto:vanessa123@earthlink.net]
Sent: Thursday, July 30, 2015 12:12 PM
To: Mona Bourell
Subject: re: Araucaria columnaris

Dear Mona,

I was given your name and contact by Frank Almeda at California Academy.

I was wondering whether you may have any records of the species *Araucaria columnaris* at the Botanical Gardens.

If so, is it possible to find out where they got it and how long they have been there?

Exhibit "F"

1 Landmark Tree Committee hearing

2 August 6, 2015

3

4 [Calls role]

5 **Chair:** Meeting of the minutes have been adopted. Item 3 on the Agenda is hearing on the

6 nomination for Landmark Tree status. The Landmark Tree Committee will hold a hearing to

7 determine whether the nominated tree at the following location meets the criteria for designation as

8 a landmark tree. This is a discussion and action item. We're discussing the Norfolk Island Pine

9 located at 46 Cook Street, Assessor's Block 1067, Lot 32032, San Francisco, California. You have

10 many explanatory documents in your file. Just for everybody who is here, I'm going to go over how

11 the speaking order happens so everybody knows what's going on and the actions that can happen.

12 So first the sponsor for the nomination has an opportunity to speak. That would be Commissioner

13 Richards, or somebody from the Planning Commission. I don't see anybody here but if somebody

14 comes. The second person on the agenda. Member Hillan joined the meeting at 4:19 p.m. After

15 the sponsor I will give my report, so then the property owner has an opportunity to give a report;

16 then after that we'll take public comments. Members of the public will be given either 2 or 3

17 minutes; the Chair will determine that; everybody will get the same amount of time to speak.

18 Following that the Committee members will all provide their reports. Then if needed staff rebuttal.

19 The property owner has the time to provide a rebuttal and then the Committee will have a

20 discussion. Before the Committee takes an action there's a time for public comment as well. The

21 actions that could happen, there are three possible actions that could happen here: the Committee

22 can vote as a quorum to support the nomination; the Committee could vote as a quorum to not

23 support the nomination, or there could be a split vote where they can't get three votes either way,

24 three votes either way, to determine whether or not they think the tree is worthy of landmark status.

1 In any case this tree will move forward to the full council hearing later this month; the full council
2 makes the actual determination about whether or not they think the tree is worthy of landmark
3 status. If the full council similarly has a quorum vote for the tree they can have a quorum vote for
4 the tree, against the tree, or split vote. At the full council that's 8 votes. If the council votes to
5 move the tree forward then a packet of information will be sent to the Board of Supervisors with
6 the council's findings. If the council votes to not support the nomination then nomination would
7 end at that time and the tree could not be nominated again for 3 years. If the council is split in their
8 determination then the information packet, everything that we've gathered so far will go forward to
9 the Board of Supervisors with a no-vote from the UFC, so no determination or recommendation to
10 the UFC. At that point it would be up to the Board of Supervisors to move forward on the
11 nomination. So let's get started on the hearing.

12 Is anyone here from the Planning Commission?

13 You will see in your packet the Planning Commission Resolution with the packet of
14 information on the tree that we received. That's from the Planning Commission.

15 We got some feedback that this tree might be a Cook Pine, not a Norfolk Island Pine. So I
16 evaluated it as a Cook Pine with some caveats if it was a Norfolk Island Pine. If it is a Cook pine, I
17 think it's pretty rare and I actually never encountered this species before. Norfolk Island Pines are
18 not uncommon in the city. They're not super common but they're not uncommon I think. I think
19 the physical attributes are well met for the criteria. It's large, it is at an advanced age. The estimates
20 that we've received on the tree's age are between 70 and 120 years. Even at 70 years this is a very
21 mature tree. So even at the low end it is a mature tree. It is a very nice looking tree, a distinguished
22 form. As far as the Cook Pine they have a very columnar form with tapering to the tips, it's called a
23 rocket shape. This tree is very indicative of that. I have some pictures in my report showing that
24 the tree is in good condition. There is some historical association. The person who built the

1 property developed the property. He was named George Smith. He was an Odd Fellow, a Director
2 of the Odd Fellows and the house that it's adjacent to is a Historic Resource, Type A. I also think it
3 provides environmental benefits. Based on its prominence as a landscape feature it's the tallest tree
4 around. It is visible from the public right of way, from the streets, and we understand the steps that
5 are uphill as well. It is a low traffic area. It may provide some habitat for wildlife as a bird perch
6 and nesting site or a site for birds to rest. No erosion control. It's possible that there's wind and
7 sound barrier. We heard reports from the neighbors increased wind and noise when the landscape
8 was changed recently. I also think it has cultural appreciation. There's petitions and some other
9 things that we've received from the neighbors supporting the nomination. The tree is a lovely tree.
10 I think it does contribute to the neighborhood character, though I put "unknown" for a profile in
11 publication or other media. The report from the Planning Commission identified a book where the
12 house was spoken about where landscaping was also mentioned. So it's possible but I'm not for
13 sure, so I did put "no" but attach that information. I do have some pictures at the end. As far as it
14 potentially being a Cook Pine I read that they have very flaky bark and that's evident in the pictures I
15 got and then the rocket shape, which is shown in the last picture and visibility from the street is also
16 shown in the last picture.

17 So that is all I have. We can move on to the property owner's presentation.

18 **Barri Kaplan Bonapart:** . . . sponsors? Just a point of order, the person who does the
19 nominating, do they speak instead of the sponsor or are they considered just a member of the
20 public?

21 **Chair:** The nominating party is the Planning Commission so they're the ones who have the
22 opportunity to speak. The members of the public who brought the nomination to the Planning
23 Commission we've gotten feedback from our city attorney in the past, that that doesn't work unless
24 the Planning Commissioner comes here and specifically gives that kind of . . . (inaudible)

1 **Barri Kaplan Bonapart:** For those of you who don't know me I'm an attorney and
2 mediator and I specialize in tree law and I came out with a book last year called Understanding Tree
3 Law. So this is what I do and I've appeared before this committee in the past.

4 [states her name and firm]

5 We all appreciate the idea behind tree protection and our open forests and we all enjoy the
6 benefits the trees provide. Sometimes however I think people misunderstand the landmark tree
7 nomination process and purpose and as a result it's sometimes misused. Sometimes people who
8 simply love trees and do not ever want to see a tree removed might think this is the proper forum;
9 sometimes it's used by people who are trying to defend a view obstruction; sometimes it's used by
10 people who are trying to prevent development on a property, and none of those justifications are
11 appropriate for invoking a landmark tree nomination process. So in this situation it does appear that
12 the process is being invoked and it's being spearheaded by neighboring property owners who no
13 doubt genuinely love trees, and this tree in particular, but who are also concerned about the
14 potential for development of the property in question. The reason I say that is because although it
15 wasn't part of the materials that were submitted to you, there's evidence that the parties supporting
16 the nomination have been representing to others that the property owner is a "flipper" who cares
17 "only about buying and selling property and making as much money as possible." As you know, a
18 petition was circulated, it was circulated on a website called Change.org and there were various
19 representations made and one of the quotes was "if we can convince City Hall to save this remaining
20 historic tree it will send a message to them that we don't ask for zero development, just creative
21 development, respecting the history and natural life of San Francisco. The exact specimen of the
22 tree has been landmarked in San Francisco but because this is one in the way of a developer who
23 can make money for the city they will fight us" and they even go so far as to call Mr. Rogers who is
24 the property owner "evil", an evil developer. So they've left threatening voicemails for him, they've

1 sent very charged texts to his cell phone and they indicated that he should be prepared for a
2 significant battle over this tree. So it has been a campaign and it has been fairly relentless. They just
3 went to a supervisor who said this is not a tree that's appropriate for landmark; so then they went to
4 the Planning Commission and the Planning Commission was apparently never faced with such a
5 request before and didn't know quite what to do with it and so they didn't have any real procedures
6 for notice or anything that would give due process and proper protections, but they went ahead with
7 the hearing and in the end it was a close vote. It was 4 to 3, but the vote was based on this
8 information provided by the Applicant, in addition to a fundamental misunderstanding of what this
9 process is all about. For example, a letter to the Commission by the people trying to get this
10 landmark said "the Norfolk Island Pine described in this landmark tree nomination form shares the
11 property with two historical landmark buildings; that's just false. The buildings are not designated
12 historical landmarks and they've been making this representation throughout in trying to get
13 signatures and suggesting that to this Committee. It has been made multiple times and they've also
14 made representations suggesting that the tree in question was planted by the original owner of the
15 property; that's also false. In fact we have photos from the late 1800s that show the property and
16 show no significant trees on the property at all much less this tree in question. So I get that they
17 really want this to happen and the truth has to bear out.

18 So the only thing that matters, as Ms. Williams was indicating going through the ___ is does
19 it fit the criteria for landmark status; if it doesn't then the inquiry ends there. There's one
20 professional, a consulting arborist who has gone through all of the criteria and has gone through
21 that exercise to make that determination, that's James McNear. His CV was not included in the
22 packet, and I do apologize for that, but I do have a few original copies of his report there which do
23 contain his CV and you'll be able to read his qualifications, and Mr. Costello can speak to those as
24 well. But his opinion is that the tree does not fit the criteria and he provides in detail his

1 professional opinion as to why that is. In addition, when I saw that there might be some confusion
2 as to the species I went back to him and I said ‘can you tell me with any sort of definitive certainty
3 without coming back and doing some further examination whether in fact it was properly identified
4 as a Norfolk Island Pine?’ He went back, he looked at all photography, he did the research and he
5 got back to me before the community meeting and said definitively it’s a Norfolk Island Pine. Those
6 are some photos that have been taken up close. I know we didn’t allow entry by the committee to
7 take photos, I’m not quite sure how that happened but he’s quite positive that his original
8 characterization of the species was correct, and in the packet is an arborist’s report from an arborist
9 who was called out by the property owners who are sponsoring this and their own arborist identified
10 it as a Norfolk Island Pine. So it’ll be interesting to hear how that has changed.

11 So accordingly there are some other issues and some other problems. If you look at the
12 signatures in the petition many of them are people related to the people who are trying to get this on
13 the books and in fact some are from Oakland, some are from Los Gatos, some are from Palo Alto;
14 one is from Germany; several are from San Francisco – but not from this neighborhood. So maybe
15 as much as three quarters of the people on the list are not concerned neighbors per se so that should
16 be taken into account. We did bring the book with us that’s being referenced because I think there’s
17 a misunderstanding of what is actually in this book and there’s a whole section in here on
18 Richmond, Golden Gate, Sunset, Presidio Heights. In this section that property is not mentioned at
19 all. It’s not referred to, it’s not pictured, it’s not talked about. There is an appendix at the end which
20 talks about various properties and down here it talks about 46 and it says “George J. Smith . . .

21 **Chair:** Time. I’m sorry but it’s time.

22 **Male Speaker:** I’d like to hear this quote.

23 **Barri Kaplan Bonapart:** . . . the Director of the Odd Fellows, planted his estate with many
24 trees which he obtained from the cemetery. Today all that remains on his property is a one-story

1 Italianate home and carriage house.” In other words, not the trees. So I just think there’s been a lot
2 of misinformation.

3 **Male Speaker:** What was the date of that again....

4 **Barri Kaplan Bonapart:** 1870. And if it would be all right we would request that Mr.
5 Costello have some time to make a statement.

6 **Chair:** I think it’s going to have to be a public comment at this point because there’s a . . .
7 (inaudible).

8 **Barri Kaplan Bonapart:** OK, we’ll take that thank you.

9 **Chair:** So it is time for public comments. Members of the public can address the
10 Committee at this point in whatever order you would like to come up.

11 **Roy Leggett:** Hi, my name is Roy Leggett, I’m a consulting arborist and I also live nearby
12 in Pacific Heights, in the southwest corner of the neighborhood and I walk to Laurel Village
13 probably four or five times a week at least so it’s my shopping district and this tree is adjacent to that
14 shopping area. So I’m very familiar with this area and I’ve seen this tree many times over the years as
15 well as other trees that are now gone. I reviewed Mr. McNear’s report, as well as Remy Hummer’s
16 report, both of which you have. Remy identified this tree as *Araucaria columnaris*. McNear did not;
17 he identified it as *Araucaria heterophylla*. I have five documents with me. Copies of various
18 resources here in the report, the copy you have, and it is conclusively, without a doubt, *Araucaria*
19 *columnaris*, the Cook Pine. McNear can argue all he wants about Hortus III, he can argue all he
20 wants about his own citation of Pacific Horticulture in which he failed to read or look at the photos
21 associated with the article. But I’m going to share with you a copy of the color photo out of the
22 Pacific Horticulture article because you can see the difference between the trees. You tell me which
23 one is which. We have the tree that’s on the left. The inner nodes are very close, the tree has dense
24 branch structure, and it’s columnar, or what did you say, rocket ship shaped? Anyway MacNair had

1 some interesting terminology I wasn't familiar with. The other tree, the heterophylla, it has inner
2 nodes that are 4' to 6' long, so it's a very open, leggy plant. It's a very different looking tree.

3 **Male Speaker:** When it's young.

4 **Roy Legget:** Well these are both younger than the tree at stake but they maintain this open
5 architecture. The heterophylla does not fill in with limbs between these inner nodes; it does get
6 longer limbs with bushier ends so you don't notice the inner node space as much when they're
7 mature. You'll see examples of more mature heterophylla in one of these attachments I provided
8 you as well. Right here are some more mature heterophylla out of this book. Again, proportionally
9 a little denser looking because of secondary branching.

10 So I have a problem with a consultant offering an opinion when he can't even identify the
11 species of the tree. I don't think he's credible. These trees don't grow in Sonoma, it freezes there. I
12 don't think he really knows the species. I live in San Francisco and I've managed a lot of these
13 Araucarias of various species; we have six species here, and I've managed many of them over my
14 career. So anyway, enjoy reading my report, this is my color copy, you're welcome to it M____.Mei
15 Lin. Thank you.

16 **Chair:** I'll put this in the record. Next speaker? Line up please.

17 **Jen Leavitt:** Hi, Urban Forestry Council, my name is Jen Levitt and I live in the carriage
18 house on 46A Cook Street right behind the pine. I'd like to quickly touch on a few key facts that
19 makes this particular tree a historical landmark of San Francisco. George J. Smith was the original
20 owner of the property and alleged builder of the structures around 1870. Per the Here Today notes,
21 which we found on the 6th floor of the library, which you can reference in your additional
22 documentation 4.3, state "He was an Odd Fellow and Director of the Odd Fellow Cemetery. As
23 such he could get marvelous trees etc. on the property and did." A little history about the Odd
24 Fellow Cemetery is that it was originally part of the Lone Mountain Cemetery comprising 320 acres

1 of what is now Laurel Heights and the Inner Richmond neighborhoods. It was inspired by the
2 Garden Cemetery Movement on the East Coast and was designated with miles of carriage roads for
3 picnicking and every species of ornament shrubs and rare plants according to the 1860 San
4 Francisco Directory. Not only were prominent San Francisco figures buried here such as the first
5 sheriff, the inventor of the cable car, a few senators and naval heroes, but the cemetery is actually
6 said to have inspired Golden Gate Park. At the cemetery's dedication ceremony Colonel Baker said
7 that "there beneath the pines and the oaks and the bending willows the memory of the sleeping dead
8 would be forever framed." Also Here Today notes an additional documentation 4.4. It states that
9 Mr. Smith's widow sold the property to the Svain Family in 1908. Christine Svain's letter, which is
10 #2 in additional documentation, confirms that her grandfather purchased the property in 1908.
11 Both her father and herself grew up on it and it remained in the family for 104 years, until 2012
12 when it was sold to Mr. Rogers. As stated, also in Ms. Svain's letter, the pine trees were already
13 there when her grandparents purchased the property and this particular pine was treasured and cared
14 for by her family. In the 1888 photo you can't see the location of where the pine trees are planted,
15 just as a note. I've lived on the property for a period when the Svains still owned and lived on it as
16 well and can personally attest to the connection and respect they have for the property and its trees
17 as a time capsule of history. Additionally, in the Here Today notes which are dated 1966, by the
18 way, the researchers toured the property and stated that some of the trees and shrubs that George J.
19 Smith planted on his estate from the cemetery still surrounded the house. They also mentioned the
20 trees were "large and old." So if the pine trees were there when the Smiths sold the property to the
21 Svains in 1908, and the Svains clearly wouldn't have dreamed of cutting them down, and this pine
22 tree is by the common eye the largest and oldest tree on the property today, it is indisputable that
23 this is in fact one of the marvelous trees planted by George Smith from the historic garden
24 cemeteries in the second half of the 1800s. And that's something that can't be ignored. Thank you.

1 **Chair:** Thank you, next speaker.

2 **Brin Bacon:** Hi, my name is Brin Bacon, I live in San Francisco and I frequently visit 46
3 Cook Street. I go there multiple times a week for the past 4 years and I personally have witnessed
4 the neighborhood's deep connection to this tree. The tree does not just belong to the person who
5 monetarily owns the property as much as it belongs to the physical residents and the surrounding
6 neighborhoods including schools. We all enjoy its grandeur. Mr. Rogers, who has owned the
7 property for only 3 years has never lived on it and is rarely seen on the property. This is actually the
8 first time I've ever seen him in person and I've been visiting this property for many years, multiple
9 times a week. I just want to pose this question: why should he have the sole power to remove a tree
10 that has created culture for neighborhood residents for decades? Thank you.

11 **Chair:** Next speaker please. Please come up to the table if there's anymore speakers.

12 **James Birmingham:** Hi, my name is James Birmingham. I grew up on Cook Street across
13 the street from the trees and every night before I went to sleep I would look at the trees and I was
14 sad to see the others leave. I don't want to see this one leave as well. Thank you.

15 **Rex Warren:** Hi, my name is Rex Warren and I live two houses down from the Cook Pine.
16 When I was 5 years old I started kindergarten and my parents and I would walk over Lone Mountain
17 to get to school. We would stop at the top to look at the view. I could see the pine trees on Cook
18 Street and know that was where I lived. I liked that because it made me feel safer, I always knew
19 where my house was. Also I've been taught in school that trees help us breathe. The bigger the
20 tree, the more they help. Why would anyone want to cut down a big tree, a perfectly healthy tree
21 that helps us breathe? I mean you already cut down three, isn't that enough? Also, I like seeing the
22 hawks, crow, parrots and other birds in the tree.

23 **Vanessa Ruotolo:** Hi, I'm Vanessa Ruotolo and I live two doors down from the Cook
24 Pine. These two boys who just spoke live on Cook Street, they appreciate this majestic Cook pine

1 that towers over our neighborhood both as a physical landmark of their home and a constant and
2 beautiful landmark that they have known ever since they can remember. In Christine Svain's letter, I
3 think it was Exhibit 2, you can read that the tree also served as a physical landmark for her and her
4 siblings, one that their father said could be seen all the way from Euclid. I have a letter, I haven't
5 referenced it yet, from Linda Louie, who lives three houses down from Cook Street, from the Cook
6 Pine, who like many of us feel that this tree is part of her garden as well. She says this: "We love
7 this tree, it makes wonderful music, it is beautiful to look at, it is a healthy tree, there isn't a good
8 reason to take a healthy tree off this planet." You can see that we have collected almost 200
9 signatures. The one referenced from Palo Alto and Los Gatos are my parents and my husband's
10 parents who are regular visitors to our house so they said they enjoy the street constantly. Anyway,
11 so several supporters on our on-line petition have also written comments and here is one: "I have
12 always loved this tree. I used to live next door and have always admired its majestic branches. I
13 hope that San Francisco can demonstrate how it values history by preserving this tree." When this
14 Cook Pine sister tree was suddenly cut down in April it was a shock to our community. Let's not let
15 the lack of sensitivity to this remaining tree's shared history and culture lead to another act of
16 removal. I'm just going to add that I didn't want to bring up development and there are certain
17 signs on the property such as an opaque, almost 7 foot fence that has been erected since Mr. Rogers
18 bought the property, boarded up windows on the side of the buildings and then an entire lot of
19 razed trees. To not assume that development is imminent would probably be kind of ignorant. If
20 we had implied that that's happening, if some of the other community members might have also
21 implied that that's happening, it would be understandable I think given what's happened to the
22 property thus far in the last 3 years. I just wanted to add that. Any remarks, any "evil" remarks that
23 were made by people on-line, we didn't entice that, we didn't want any kind of evil, and again yes,
24 development has to happen in San Francisco. We understand. Why not be creative around its own

1 history. So please vote to preserve the last of these two beautiful trees. They were planted so many
2 years ago. These trees have been and continue to be appreciated through the generations of families
3 that have lived both on the property at 46 Cook, as well as in the surrounding neighborhood. Thank
4 you.

5 30:37

6 **Richard Warren:** Hi, my name is Richard Warren, I live at 60 Cook Street. I've lived there
7 almost 20 years and this is a photo here of the tree. These are the trees. This is how it used to be.
8 I'll show everybody, I'm really good at presentations (joking). Here we go. Here's before, and here's
9 after. This is April 19 and this would be April 21st and we've heard of carbon sequestration, if I
10 pronounce that right, it's the ability of trees and plants to capture pollutants, carbons and that's part
11 of their process of providing a very necessary ingredient for all of us in this room – oxygen. So
12 these trees provide a lot of oxygen. Now we have just lost . . . I don't know how much palms
13 provide but I think not as much as this; but now we have 50% or more less oxygen in our cities. As
14 far as wind goes I live two doors down and I've enjoyed this tree for years. I cannot hear Geary
15 Boulevard. I live a half a block from a major thoroughfare in the world and I cannot hear Geary
16 Boulevard and the wind blows a lot as we know in this town. Wildlife. I've seen paragon falcons,
17 the famous wild parrots of San Francisco, morning doves, blue jays, pigeons of course, mocking
18 birds. The raccoons have a trail. They don't get up there too much

19 At the last meeting there was some comments that you can't see the tree from the street.
20 Here is the street. And you can't see the tree from the neighborhood. This is Collins and Geary;
21 here's Euclid and Geary looking west, somewhat southwest. Here's a photo looking north; I believe
22 here's looking west; another tree west. It's very, very prominent and to say that it's not prominent is
23 kind of interesting. This is an old photo from the cemetery showing these species were planted, that
24 might be a Norfolk Island Pine but it's the same family, araucaria. Here's looking down the street to

1 the north; here's looking by the Bridge Theater from Blake and Geary; this is also from the back side
2 of Blake and here's also another Geary shot.

3 There's been studies about solace with trees and some people . . . it is a half a block from
4 Geary so it's not right on Geary but I've heard that it calms traffic down when there's trees close by,
5 large trees, especially there's a microclimate created. I support this tree. Thank you.

6 **Male speaker:** What is the date of the cemetery photo?

7 (Background discussion deciding it is between 1902 and 1905)

8 **Levi Leavitt:** My name is Levi Leavitt. Members Hill, Short, Swae, it is really difficult to be
9 here and this is my first meeting of this kind and no offense to you or anyone who has spoken but I
10 do hope it is my last meeting of this kind. Part of the difficulty of being here is the fact that my wife
11 and I do live on 46-A which Dale owns and if you don't think that this is going to drive some sort of
12 wedge between our relationship think again. I admire and respect Dale a great deal, I think he's a
13 good man, he's a great father and he has been kind to us and we appreciate living on this
14 magnificent property. So it is difficult for my wife and I to stand here and present to this body but I
15 will mention as I listened to Dale's attorney speak I started to hate myself a little bit. You did a good
16 job of making us look pretty bad but those petitioned signatures were all collected locally, within
17 about a five block radius of our community and those people wherever they came from were in our
18 community and were functioning and operating as a part of the community so I did want to speak to
19 that.

20 The rights of property usage which accompany privilege of ownership are governed by laws,
21 codes and regulations of any city in which they're located and we have this process of landmarking
22 specifically for the instance of identifying nice specimens of trees and I'm almost still not even
23 asking you to save the tree but to review it and look at what has been put forth by your own
24 research, by everyone who has submitted to you, and make your decision that way. I'm not going to

1 plead for it, I'm just saying please consider it. Those photos on that board, Richard, are
2 phenomenal. I think the most poignant thing is they demonstrate, and all of these packets and all of
3 this work demonstrates to me, this tree is already a landmark in the community. Now it's just
4 awaiting the official status to be recognized as such and I will urge you to consider that as you return
5 and make your decisions with the rest of the council, and we thank you for your time and ad hoc
6 convening on this issue. Thank you so much.

7 **Chair:** Next speaker. Any others?

8 **Larry Costello:** Good afternoon. My name is Larry Costello and I'm a consulting arborist
9 and I live in San Francisco in a neighborhood adjacent to Cook Street. In fact I can see part of the
10 tree from the upstairs in the house. So not very far away and I've reviewed the nomination report
11 and I reviewed a number of your evaluations and I've reviewed James McNear's report. First off I'll
12 have to say that there is confusion about the species. On the nomination report it says heterophylla;
13 on a number of the evaluation forms it says heterophylla. James McNear identifies it as heterophylla
14 and as far as I'm concerned it's heterophylla until proven otherwise. I'm familiar with heterophylla,
15 it looks like heterophylla to me and yeah, so I reviewed it with the belief that it is heterophylla.
16 Based upon that and knowing that heterophylla occurs throughout the city in a number of places,
17 many places where it shouldn't, such as backyards, it's really a park tree. This process is really
18 reserved for identifying and protecting remarkable trees, unique trees, one of a kind trees, and I'll
19 have to say this one doesn't qualify in my mind. It is a beautiful tall tree but it's not remarkable, we
20 have others very similar to it, it's not unique, they're in Golden Gate Park, I've seen them in the
21 Marina. I've seen them in the Richmond, and so I'm not aware of historical significance. I'll let you
22 decide in your own minds whether it really qualifies in that regard. From what I've heard, I question
23 that. So I think this process again is reserved for just a special class of trees and this one simply
24 doesn't measure up in my mind. Certainly I think none of us would recommend it as a backyard

1 tree, if you were going to specify trees it's way out of size for San Francisco backyards and the cone
2 issue is significant as well. So I would like to leave it at that and if you have any questions I'd be
3 happy to answer them.

4 40:04

5 **Chair:** Anyone else for a public comment?

6 **Nancy Werfel:** I'm sorry. I was detained at another meeting. Thank you for letting me
7 speak. Good afternoon, my name is Nancy Werfel, a former 9-year member of the Park, Recreation,
8 Open Space Advisory Committee, PROSAC. I wish to add my support to officially landmark the
9 Cook Street Norfolk Island Pine. The tree is already regarded as a landmark by the neighbors, by
10 the birds, and by anyone driving around the Jordan Park-Laurel Heights area. Regardless of what
11 variety it is, I understand from reading the records that there's some dispute, it's a magnificent tree
12 and I'm going to refer to it as a Norfolk Island Pine because that's again how I was thinking on it.
13 In researching other beloved local trees I came across the Norfolk Island Pine on Sutter Street that
14 was recommended by the Urban Forestry Council in 2009 for landmark status. I was very
15 impressed by the exuberance of the then Committee Chair Hillan, Member Vargus and Staff
16 Coordinator, Mei Lin Hue over the virtues of that Sutter Street tree. In fact I believe the following
17 2009 quotes could easily apply to this nomination today. Mr. Hillan remarked about the tree's
18 classic form, being an outstanding large specimen that it had recognizability from a distance and the
19 fact that it contributes to the neighborhood character and to the community in a manner worth
20 protecting. Ms. Vargus noted that the tree was an outstanding natural feature because of its
21 significant size. It provides San Francisco with valuable environmental benefits in the form
22 ecosystem services, helping clean the air, reduce storm water loads, combat climate change through
23 sequestering carbon. She added that few trees in the city are as large, particularly in urban areas like
24 Sutter Street, and therefore is valuable from an environmental perspective. Ms. Hue remarked that

1 the tree was a good example of its species, tall and straight, tapering towards the top, branches well
2 spaced. She noted that the property owners and Board of Directors had to approve the nomination
3 only when it was also demonstrated it had community support. She concluded that the tree creates
4 character for the surrounding area. The Council's resolution specified that the "tremendous size and
5 excellent form are noteworthy" and that the "Norfolk Island Pines of this stature are uncommon."
6 Because of the physical form, height, trunk diameter and age characteristics of both the Sutter Street
7 and the Cook Street Norfolk Island Pine trees, because they are very similar, I believe that the 2009
8 rationale for landmarking the Sutter Street tree applies equally to the Cook Street tree. In addition
9 there's a much broader community support for this Norfolk Island Pine. Because of its viability it's
10 a historic connection to the development of this part of the Richmond. The tree meets the criteria
11 developed for landmark status and for the pride of us all. Thank you.

12 **Chair:** Any other public comment?

13 **Myra** (phonetically spelled - **Arboneem**?): Any other public comment?

14 **Mayra** ____: Hello, my name is Mayra _____. When I heard the trees on Cook had been
15 cut down I was extremely saddened, not for personal reasons or my own memories, because I used
16 to live there, but especially for our community, for San Francisco, for the Richmond District, for the
17 neighbors, for the ospreys, for the red tails, for the oxygen, for the culture, for the heritage, for the
18 history. I don't think that we should consider the variety of the tree or all these technical situations
19 to appreciate something that is just so, so magnificent, that people care so much for it. There's
20 nothing bad about it even if it's not the right species. Even if it's in the backyard. It's been in the
21 backyard for 100 years and it's still totally OK, it's not threatening nobody. It gives us so much and
22 it has given so much through the years that I just ask you with an open heart that you consider this.
23 Because like me there's a lot of people that care immensely for them. It's like losing almost a
24 member of a family and it really makes my heart so sad that people just see it like a piece of cement

1 or talk about it, not giving it the value that it has. It has a value that is undeniable. It has a history
2 that is undeniable, it has a purpose that is undeniable and it's a loved tree and that love for it is
3 undeniable, and I just don't see why it has go down. I don't see why. I just pray that people open
4 their eyes to another level and understand the importance of it. Thank you very much.

5 **Chair:** You still have 45 seconds.....

6 **Mayra ____:** So I just hope that you see what I'm saying, that you open your heart and
7 your eyes and don't cut it. Even if it's not landmark or is not up to the status or is not the right
8 variety, just open your eyes on what it means to so many people. Thank you.

9 **Chair:** Any others. Everybody please come up so we can do this faster. If everyone is
10 ready....

11 **Patrick Krobogh:** Yeah. I didn't prepare anything. I live nearby across Geary Street.

12 **Chair:** State your name please.

13 **Patrick Krobogh:** Sure. Patrick Krobogh. K-R-O-B-O-G-H. This piece of property I think
14 is an extraordinarily unique, one of a kind property that has somehow survived into this time of
15 ours. I've always thought it was one of San Francisco's absolute hidden treasures. It's just down
16 this little street and it's absolutely remarkable. I know that development is inevitable but I would
17 just ask that whatever characteristics, as many characteristics that make this property unique should
18 be retained, and this tree is a big one. That's all, thanks.

19 **Chair:** Thank you.

20 **Lauren M____Frodich:** Hi, my name is Lauren M____Frodich and I'm a herbalist and a
21 botanist. I'm actually just visiting but I spend a lot of time in the neighborhood because my cousins
22 live there and I'm pretty impacted by the decision to cut down a really large tree as well, not just
23 because of it being special in its own, with what it provides for the ecological community. Trees
24 serve as a hug and I just wanted to kind of point attention because I know there was a comment

1 made earlier that a tree such as this belongs in a park and when you have urban spaces, yes, we have
2 a few parks sprinkled through but a lot of times we rely on the trees as infrastructure that are
3 actually scattered throughout the rest of the developed city in order to maintain migration routes for
4 birds, for numerous things. So I just wanted to point out #8 in the packet that was a letter that was
5 written in by Ravinder from the Department of Biology at San Francisco State and he makes what I
6 think is a really important point. A recent study has reported that the loss of large, old trees leads to
7 an overall loss of urban biodiversity and these trees are home to numerous bird species and other
8 wildlife, and in particular I believe that the tree on Cook Street serves as a stopover point for
9 raptures and other birds flying between the Presidio and Golden Gate Park. So he's pointing to the
10 importance of preserving a tree like this to preserve overall biodiversity, and biodiversity is strength.
11 So, thank you.

12 **Chair:** Thank you. Any other public comments.

13 **Derrick Wright:** My name is Derrick Wright. First I want to say that that space is so
14 incredible to me. I really do feel like it's very unique and it's always a pleasure whenever I'm able to
15 go and visit my friends on that property. I feel like that tree is a really important part of accessing
16 the space, those buildings. I also wanted to comment that as I have visited there I never noticed any
17 significant fallen branches or cones and I never heard anybody talk about that either, just as a byline.
18 I also wanted to say that it's not actually a backyard tree as I understand it. As Mr. Rogers said in
19 the last hearing, it's on 46-A, not 46. It's in the front yard of the separate lot. Thank you. There's a
20 video of some of the residents that I wanted to share. [shows video]

21 52:30

22 **Chair:** Any other public comment? Is that it for public comments? OK, so we're going to
23 move on to Committee Evaluation reports, committee member evaluations.

24 **Rose:** I'd like to suggest 3-5 minutes for each person. If you don't need 3 minutes, great.

1 **Chair:** Rose is mentioning that on the agenda it says there's 8 minutes total for this item but
2 she thinks the members are going to need a little bit more time so each of you will have up to 5
3 minutes is what she said.

4 **Female speaker:** Let's start alphabetically in reverse. (Laughter) What?

5 **Jon Swae:** Well, I'm kind of interested in the discussion about the species. I evaluated it as
6 a heterophylla and Mr. MacNear's and Mr. Costello's confirmation of that. I think overall, if I can
7 summarize my findings, [inaudible name]_____ said he consulted with some of the Historical
8 Preservation Staff at the Planning Department to figure out how they would evaluate historic
9 landscape feature. While the property and the home is not landmarked, it is identified as a landmark
10 resource and it's capable of being landmarked and potentially some of the landscaping would be
11 capable of falling into that landmark designation too if the property was proceeding with a landmark
12 designation and as of now the property is not. They advised me to look at some of the same
13 sources that some of the nominator folks have identified. They actually recommended looking at
14 the Here Today files and I really appreciate all the work that went into producing these exhibits for
15 us to take a look at. I think even looking at those I still wasn't able to develop a strong feeling that
16 these trees were actually from that original property owner or from the Smith family. So that was
17 something that influenced my feelings on the tree. In terms of the rarity I don't think I agree with
18 Mr. Costello. They're not uncommon in the Bay Area. It's not common to find a super large tree in
19 San Francisco like that but I think the species is not exactly a rare species either. We recognize in
20 that video and it's very touching to see how these trees play such an important and vital role in our
21 communities not only for the people who live on the property but those all around. I guess to
22 summarize my comments I think while the pine is a beautiful and mature tree that provides
23 significant cultural value to neighbors, contributes to neighborhood character, in my assessment the
24 lack of species rarity and the lack of proven historical association do not make it a successful

1 candidate for landmarking. Under the Public Works Code the distinction of a landmark tree is
2 uniquely reserved for trees of an exceptional, quality, rarity or historical significance. I do feel it's
3 extremely unfortunate that the property owner has decided to pursue removal of other large trees on
4 the property including possibly this one. This is a loss both to the neighborhood and to the city and
5 the council is not able unfortunately to landmark each tree throughout the city that faces a similar
6 fate. But I feel that given the frequency and the increasing frequency we're starting to see in mature
7 tree removals due to real estate speculation or other motivations I would like to encourage the
8 Urban Forestry Council to gain a better understanding of the issues that are motivating property
9 owners to remove these trees, what options other than landmarking that we might be able to create
10 for protecting trees on private property and how the city can support property owners in preserving
11 these trees for our city and the many ecological, cultural and economic benefits they provide.

12 **Chair:** Member Short.

13 **Carla Short:** I'll just go through this as well. I also assessed it as heterophylla and I'm not
14 convinced that it's Cook Pine, I'm certainly not an expert but I have attended a couple of seminars
15 actually and some of the distinguishing features I don't think we see. So, I don't claim to be an
16 expert in distinguishing these two species but I don't think it's quite as cut and dry. But that to me is
17 not a huge important factor although I think it would be substantially less common if it were a Cook
18 Pine. But having said that, I marked it as a common species in San Francisco but I did note that
19 trees of this size are certainly rare in San Francisco, of this size, of this species, of the size in general
20 frankly, but of the size of this species. I also noted that it is quite large for San Francisco but not
21 especially large for the species. The neighbors have stated that the adjacent tree was 120 years old. I
22 certainly find that plausible and that would be quite mature. It has good form, good live crown ratio,
23 good structure, nice radial branching, good canopy vigor. It's nice that the ivy was removed from the
24 trunk. Overall the tree condition was good. I am interested in what Member Swae said about the

1 historic connection because that was something that I was uncertain about. It certainly appears as
2 though the property itself clearly has some historic value and relevance and I'm interested in the
3 possibility that these trees came from the cemetery and I think that provides some interesting
4 possible historical significance but it hasn't been confirmed; I don't know that we'll ever be able to
5 confirm that.

6 Definitely it's a prominent landscape feature. I think the neighborhood has moderate tree
7 density. Cook Street actually has quite a few trees on it but the neighborhood overall I would say is
8 moderate. It's definitely visible from many areas of the public right of way and neighboring streets
9 as well. I don't think it's providing traffic calming. It's a relatively low volume street because it's a
10 dead end street. I do think it's likely to provide habitat to many species. No erosion control. I
11 don't think individual trees often provide wind or sound barriers although this is certainly a large
12 tree. I think what I've been most influenced by definitely is the neighborhood appreciation, that's
13 very clear. Although I think there are some . . . I looked through the petition and quite a few of the
14 people on the petition do live locally and certainly we have had quite a large turnout today. So it's
15 very clear to me that this tree is well appreciated by the neighborhood and by the community. I
16 have said at previous hearings and I'll just state it again that I'm very uncomfortable with the idea of
17 trees being nominated in order to protect them because the intention behind the landmark process is
18 not just to protect large trees. It is really to acknowledge and recognize exceptional individual trees
19 and so I'm often very uncomfortable when there is a very nice large tree that I certainly would not
20 like to see removed, I would definitely like to see this tree preserved. But I think Jon did a very nice
21 job of saying that we may need to look at another mechanism because we're not comfortable using
22 landmark process just as a means of protecting a tree when it otherwise doesn't meet the criteria;
23 which doesn't mean that it is not extremely valuable and well appreciated, but is this a truly
24 exceptional tree worthy of landmark status? I'm struggling with that. Although part of me would

1 really like to find it to be a tree that we could landmark but personally I think I'm not there. I don't
2 think it is, though it is very notable and I am very moved by the neighborhood's love and
3 appreciation for the tree, I don't think I will be supporting it for landmark status.

4 **Chair:** Member Kida?

5 61:38

6 **Dan Kida:** I did evaluate it as a Cook pine but I absolutely agree that it's so close. I would
7 not be shocked if it was a Norfolk Island Pine. But part of me thinks the association with the street
8 and Captain Cook that at the very least somebody thought they were putting in a Cook pine but I'm
9 not sure that would swing either way anyway. I'll go through some of the evaluation form. Either
10 way, rarity. I think it would shift it a little bit but I don't think significantly in my mind. For either
11 one it's kind of in the middle of the size for that type of tree but definitely a large tree for that
12 neighborhood and San Francisco. It's definitely a good looking tree, it has a little bit of a lean on it
13 but it looks like some of the limbs have been limbed up in the past so it has a little bit of an effect
14 on the overall shape. In good condition. I feel very uncomfortable evaluating tree health being on
15 the other side of the fence so I look for very obvious things and I have very general notes. I agree
16 with Jon and Carla. What's really tough in my mind is whether there was a historic association with
17 the tree and the property. I tend to think there is, and that I wish we had more time to determine
18 that for sure. I think the best vantage point is from up on Euclid. It's definitely where I think it
19 stands out and is a prominent feature. I'm on Geary in that neighborhood quite a bit and to be
20 honest I don't really notice it that much from Geary but when you go up on Euclid and look down
21 it's definitely something that stands out. Not sure it's providing . . . You know, to . . . I heard from
22 some of the other folks who live there who I have to defer to whether it's providing sound, wind
23 barrier; I didn't think so when I was out there but I was only there for about 45 minutes. What I'm
24 most struck by, it's very tough. I feel the same discomfort as Jon and Carla. It seems like many of

1 the trees that come before the committee are because of some threat to the tree and I go back and
2 forth with that in my mind because as I mentioned in one of the other committee meetings a lot of
3 times that's when . . . it takes a perceived threat for people to realize that this is maybe something
4 that's important to them. So I don't hold it against the nomination that it may have been initiated
5 because of the threat of removal, although that's not the purpose of the committee. But I am struck
6 by the community's support. Looking through the petitions, if they're accurate it looks like there are
7 a lot of folks from Cook Street and the surrounding neighborhood who the tree means a lot to. So
8 it's a very tough call but my support is with the nomination but it's a very difficult tree to evaluate.

9 **Chair:** Member Hillan.

10 **Malcolm Hillan:** I'll start out by saying I do see this, I have to agree with Barri that this
11 appears to me to be a misuse of the landmark tree ordinance, again to use as a tree protection
12 measure rather than something that was undertaken in the first place to a landmark worthy tree as
13 the ordinance was intended. Again before I even start I want to thank Jon for his comments about
14 looking for another process for that purpose. But that said, let me launch into my report. With
15 regard to rarity I don't see this as rare in San Francisco at all. Rather common. It is of course a
16 large tree but I have to say contrary to what I've heard from many others today I see many Norfolk
17 Island Pines throughout the city of this stature and in fact just as a simple exercise on my drive back
18 home from looking at this tree I was sort of casually looking around and without altering my route I
19 saw at least 10 Norfolk Island Pines of this stature or greater on my drive home. So I'm not going
20 into Pacific Heights or some of these other neighborhoods where I know there are some larger
21 ones. It's physical attributes: it's a fine tree, it's very representative of the species. I'm going to back
22 up to the question of species on this issue of rarity, I think there seems to be some uncertainty
23 despite the confidence of some of the representors. I think there's perhaps enough uncertainty on
24 this question to continue this in some way, to look more closely at this issue. Because if indeed it is

1 a Cook pine and there is a connection between the placement of that tree and the naming of the
2 street, that combined with perhaps the rarity of Cook pine in San Francisco, I don't know if there's a
3 survey that's been done. If there's that much uncertainty about this one there may be other Cook
4 pines. But this is something that's worth looking into and since the question of species has been
5 brought up it may merit looking more closely. I have to say the definitive ascendant branches that
6 give that rocket shape appearance to the Cook pine, I did not see that in this from one angle but
7 then from another angle I do. So from Geary they don't appear ascendant at all but from some of
8 the straight on photographs looking into the backyard they have a little bit more of that ascendant
9 appearance. So anyway, I'll leave that for now but it leaves a big question in my mind. Historical.
10 This is the biggest question again in my mind. When visiting the property, the tree, I think it was
11 neighbors who represented the house as being of historic worthiness or that it had somehow
12 certified as historic, I am not seeing any documentation of that at this meeting so my strongest
13 support for this tree as being landmarkable is tied to this historic structure and the overall history
14 surrounding the planting related to that. It's clear from the picture of the palms that were removed
15 and the other Araucaria that all four of those plants were in relationship to the house, they framed
16 the house. If this is the only remaining evidence of that I think it may make it more landmarkable.
17 The environmental issue I evaluated as partial but certainly the fact that this is the only really tall tree
18 in that immediate neighborhood that's left that I could see makes it sort of de facto a landmark.
19 Cultural. I obviously respect the neighborhood support for the tree but I have problems with the
20 neighborhood support being in reaction to removal rather than be initiated for landmark status in
21 the first place. I'll leave it at that, thank you.

22 **Chair:** [inaudible].... ____: I guess it comes to me now. Bear with me because I have a lot
23 of historical information. Rarity. Whether or not it's an unusual species in San Francisco or other
24 geographic regions. Norfolk Island Pine is the way I evaluated it. It is one of the larger ones. They

1 are rare in its native country near Australia and Norfolk Island and in fact according to the Urban
2 Forest map there are 16 designated but really only 15 because one is incorrectly designated as a
3 Norfolk Island Pine. The IUCN, which is the International Union for the Conservation of Nature
4 has this species on the red list and it's in declining habitat in Australia. The Royal Botanic Gardens
5 of Melbourne show the species as rare and endangered Australian native. Whether or not it's Cook
6 or Norfolk Island there's some rarity depending on how you look at it. It was shown a roughly 10"
7 long by 3" diameter mature female cone with seeds; I was also shown male cones. Male cones only
8 show up on these trees after they are at least 40 years old. I was also shown a tree trunk cutting with
9 the rings that the neighbors counted and they counted up to 120 years old. The rings were not half
10 inch spaced, they were more like one-third inch apart at most. Maybe the growth rate was dependent
11 on temperature but that's what they counted. This tree is supposed to be larger than the other one.
12 So it's a large tree, significantly advanced, well, it could be 100 years old, it could be over 120 years
13 old, we don't know. Distinguished form, yes because it's truly majestic. We've had trees in the past
14 that were landmarked and they were deemed majestic; they weren't all unique. I think the only
15 unique one in the city is the ____ XXX which is still unknown; everything else has a partner
16 somewhere in the city. Historical. I say yes because the first European known to have sighted a
17 Norfolk Island was Captain James Cook in '74 on his voyage to the South Pacific on the HMS
18 Resolution. He found the Norfolk Island trees, they're not really pines. Whether you call this 46
19 Cook or 46-A Cook, I call it the 46 Cook Street property. It was originally 75 feet wide. The
20 McInerney judgments for the Western Addition also cite this thing as a little over 75 wide on the
21 whole lot. The tree is located in the side yard of this lot towards the rear and there's a historic photo
22 which the attorney earlier showed from Bancroft Library 1885. The original inhabitant of 46 Cook
23 was George Smith, born in New York, served in the Union Army during the Civil War. He had a
24 business in painting and decorating; he was a member of the Independent Order of Odd Fellows,

1 Yerba Buena Lodge and he had a lot of delegation members from all organizations from the Odd
2 Fellows when he died. Mr. Smith had the means and stature to have a large lot with a main fully
3 detached house in the front and a rear carriage house in the southeast corner of the lot, enough
4 room for a horse and buggy to go down the driveway on the south side. I looked up all the
5 directories from 1871 when the property landed through 1897 and he did reside at 46 Cook. In the
6 book Here Today, you always know about that. Let me skip it. Independent Order of Odd Fellows
7 was a cultural and fraternal society that took care of its members with mutual benefits. The first
8 lodge in California was dedicated September 9, 1849. It had a mighty role in building the City of San
9 Francisco; it was a very powerful group. The Odd Fellowship practice came from the United
10 Kingdom and one of the famous members was Samuel Brannan, who yelled out gold, gold, gold in
11 the American River. The Gold Rush was on in 1849. He also made enough money from the Gold
12 Rush selling a lot of things to donate 17 acres of land to start the Odd Fellow Cemetery. There are
13 many good works the Independent Order of Odd Fellows also did. The 1870s house is one of the
14 primary dwellings and there weren't many in that area because I have a map of the dwellings that
15 were west of Divisadero. So this shows the history of the early settlement patterns. The big four
16 cemeteries were Laurel Hill, Cavalry, Masonic, and Odd Fellows and I have pictures in my packet
17 about the Odd Fellows buildings and George J. Smith and his being awarded \$38,000 and other
18 things as well. There's a picture in the Richmond book that shows the Norfolk Island pine in the
19 cemetery. Thank you.

20 **Chair Mei Lin Hue:** So staff rebuttal, that's me. I wanted to note from one comment
21 removal is not criteria, just to put that on the table. Whether or not this tree will be removed if the
22 tree is not landmarked is not a criteria for you guys to consider right now. It's not a criteria for this
23 process. It was also asked how we got pictures of the tree. We had permission from the estate next
24 door to visit their property to view the tree from that side and that's how we performed our site

1 visits. All the discussion about species, I just want to note that in the past we have had trees with
2 indeterminate species and the species may have been changed over time, over the evaluation
3 process. So it's not uncommon and it's also not an issue if it turns out to be one or the other, legally
4 speaking for our process, just so you know. OK, so that's it for me. The property owner rebuttal,
5 you have 5 minutes.

6 (Long pause)

7 **Female speaker:** I have a question. I'm sort of intrigued by Malcolm's idea of continuing
8 this to try to get a little bit more information about whether maybe to try to get a definitive
9 determination although we have some pretty well recognized specialists who don't necessarily agree
10 on species so I'm not sure who would give us a definitive determination on the species. But I would
11 be curious because I think it does change the rarity of the species. I am intrigued by the historic
12 connection and I feel if we could find a stronger connection there I would probably be more likely
13 to support this as a landmark tree on those bases, although I want to state again for the record I
14 think it's really a very nice large tree and I want to know what route you drove, Malcolm, because I
15 look around the city a lot and you do see the occasional very large Norfolk Pine popping up in the
16 landscape, but 10? I certainly didn't see 10 on my drive home.

17 **Malcolm:** Start looking and you'll see

18 **Female speaker:** I feel like I know where probably 6 of them are in the whole city. But
19 having said that I wonder would the Committee Chair consider a continuation with some kind of
20 definite timeframe but maybe we could try to investigate these two, do some research a little bit
21 further.

22 **Female Speaker:** Council does have a period of time that you have to respond for so I'll
23 look that up right now while you consider that.

1 **Member** _____: I do have a question. Whoever created the big packet with the petitions,
2 I'm wondering, the picture that you have with the two old cars in it, what year was that?

3 **Chair:** The pictures were found from the S.F. Assessor's Negative Collection on the 6th
4 floor of the library and they're between 1946 and 1951.

5 **Female:** Thank you.

6 **Male Speaker:** (inaudible) . . . photo from 1938 that shows it

7 **Member** _____: So in answer to your question about the species and the historic thing, I
8 think that's why I didn't receive any reports prior to this meeting because I think everyone was still
9 confused on some thing and they were still looking at things. I don't know what was going on
10 because I don't see anything until I walked in and I saw this volume of paper going across the table.
11 I think that there needs to be a little bit more research done on the species and also on the historic
12 because unless you pin those two things down and if not that's the main focus, on his at least
13 historical, it's going to be tough to make a decision. I'm in the community seat on the Urban
14 Forestry Council and I just want to make sure we hear everything so that we don't just decide based
15 on lack of information. I don't want to prolong this any more than we have to. What is the
16 deadline, I think it's in October that we have to make a decision by....

17 **Chair:** It's 120 days...

18 **Chair:** From July 2 I believe was the date that DPW put in the order, emergency order.

19 **Male Speaker:** I'm definitely open to taking more time to figure that out. My only
20 concern, maybe John can tell us, is that information going to be available to us? Is there a difference
21 between taking two years and a month; if it's not there, it's not there. But I'm definitely open to
22 looking into it more to be sure.

23 **Male Speaker:** I think we have a lot of new information and new photos we haven't seen
24 too. I think we could consult with some of the Preservation staff to review these materials in a

1 more thorough way than to feel a little rushed to process all this information in today's hearing. So
2 I'd be open to that.

3 **Male Speaker:** Yeah, I'm not getting a clear picture. I mean I'm hearing claims on both
4 sides. There seems to be some documentation for historic association but it's not all that clear. So
5 and I do think. . .I could vote now based on how well that has or hasn't been presented by the
6 various parties, but this question of species to me perhaps warrants an extra bit of time to consult
7 with maybe somebody that has greater familiarity with that particular genus, with all due respect to
8 everybody else's familiarity that we have in this room. I don't think we need to fly anybody in from
9 New Zealand but maybe we can go to the Academy of Sciences or someone....

10 **Female Speaker:** I did contact someone who talked to me about these trees but I didn't
11 hear back in time for today's hearing and I don't know that he would consider himself a specialist
12 either but.....

13 **Chair Mei Lin Hue:** Okay. So I got the dates. The UFC needs to respond by October 30.
14 If not then what happens is it is considered passed by the UFC and it goes to the Board of
15 Supervisors for consideration but they wouldn't have the info packet from the UFC and I don't
16 know if they could or would take an action without that.

17 **Female Speaker:** So it would have to be by October 30
18 : October 30. So the full council meets on September 25 and also on October 27. So if
19 we're going to come back to committee we could come back in September or October.

20 **Male Speaker:** Would we meet again as this committee or as the full committee?

21 **Chair:** We'll meet as the committee with special ad hoc bankruptcy committee. It doesn't
22 have to be the first Thursdays, it's ad hoc. So we generally have first Thursdays because that's when
23 we know we have the room pretty much booked. So the first Thursday in September would be the
24 3rd, that's going to be the Thursday going into Labor Day weekend.

1 **Female speaker:** We could do the first Thursday in October right because we would still
2 have time...

3 **Chair:** Yes, the first Thursday in October, October 1. That way the full council would be
4 till the 27th....

5 **Male Speaker:** That'll give us more time...

6 **Chair:** I have a feeling this is going to take more than just a couple of weeks because we're
7 all volunteers and we're all doing a million other things.

8 **Male Speaker:** I just would mention I do know I'll be away on October 1st.

9 **Coordinator Mei Lin Hue:** I think it's October 8th, wait, oh I see, October 1st.

10 **Male Speaker:** I'll be gone that week and the following two weeks... will we still have a
11 quorum?

12 **Coordinator Mei Lin Hue:** If the rest of you were here; we need three members

13 **Male Speaker:** I would move to continue

14 **Male speaker:** I second

15 **Chair:** Ok, on that motion to continue the hearing for the additional species and historical
16 association, Member Short, Member Hillan, Member Kida, Member Swae, Chair Hillson.

17 Unanimously it's moved to September 3 and we'll hear from... Coordinator Hue. I mean October 1,
18 sorry everyone can do their homework.

19 **Coordinator Mei Lin Hue:** Next on agenda. Future agenda items.

20 **Chair:** I actually have a proposal; Since the next meeting is to just to go over the two species
21 and historical , it may not be too long.

22 **Male Speaker:** But we will vote then.

23 **Chair:** Yes we will vote at that time.

1 What I'd like to discuss is process. General process, because at the Planning Commission
2 there was a confusion and I don't want any explanatory documents, just bring yourselves and we'll
3 just talk about process because Mei Lin knows the process and we'll just discuss it and see how
4 things are brought from a member of the public to the Board of Supervisors. It would be great to
5 have something for the Planning Commissioners in the future in case another one comes up for
6 them, which I hope it doesn't go that route. But something like that to clarify things because no one
7 can point to something and say OK well from a member of the public and goes to Planning, who in
8 Planning gets it and how is that routed through and I think we should just look at process.

9 **Coordinator Mei Lin Hue:** I have no objection to that. I will say that the ordinance
10 actually refers to commissions or boards that no longer exist and that's part of why this was so
11 confusing because I guess the name has changed on the Historic Preservation and it used to be
12 called something else and the ordinance actually still refers to the old name.

13 **Chair:** So we can discuss all that, outdated things, or whatever, at that time, just as a start.
14 If we need to continue the discussion after our October meeting that's fine too.

15 **Coordinator Mei Lin Hue:** Any Public Comment?

16 **Male Speaker:** What Jon brought up I think we need to attend to. I don't know if it'll
17 happen next meeting, I'm hoping it may be on the agenda. I don't think as a committee this is our
18 job but it would be something we need to bring to the full council, this issue of tree protection, tree
19 preservation is something that Urban Forestry Council needs to weigh in on, needs to perhaps
20 develop some recommendations. What I'm afraid of is if this ordinance, the landmark ordinance
21 keeps on being used in this way that it's going to be attacked and it's going to be invalidated because
22 of the way it's being misused and the way property owners are being impacted by the misuse of this
23 ordinance. I'm afraid of that and we need to be proactive in developing for the people who live in

1 San Francisco who care about trees. We all love that tree by the way...It's something that I'm
2 concerned about and the committee needs to address it.

3 **Coordinator Mei Lin Hue:** Any other new business items?

4 **Nancy Werfel:** Thank you. As a member of the public, I'm Nancy Werfel, I want to
5 support that you do have an open conversation of process. The ordinance I've already read and it is
6 out of date on some levels but it never with the procedures from the point of view of the member
7 of the public who says "gee, we ought to save that tree for whatever reason and how do I do it?"
8 and I think it would be a public service to have an interpretation of what can be, but in a very
9 simple, clear language without references to a whole bunch of stuff; something that speaks to the
10 people and would even speak to members of this committee because you're just human like the rest
11 of us and not everybody understands all of the minutia that can happen. To get people to have a
12 frame of reference about what it is we're trying to do, what is a landmark tree?, 25 words or less in
13 terms of why we're trying to do this and what you need to do; and we need to be able to have
14 people do other than just bother Foreman Ling with every single question. I think if there was a
15 document some of the questions could be answered themselves and it should be at a procedural
16 level and when you look at things like that you think maybe some answers will come to the parties
17 ahead of time, some things that need to be brought to this committee. But it must be very
18 frustrating for everyone involved in this process to try to guess what's going on. I think if you talked
19 and listened to people trying to put things together in a tight timeframe to justify whether this tree is
20 or is not something valuable for the entire community it needs to be very clearly done. So I'm just
21 supporting the idea that I would like an honest conversation from your point of view and also to
22 invite members of the public to bring in their experience in a meaningful way. This is not any kind
23 of criticism, this has to do with productive use of everyone's time and I support your doing that.
24 And Malcolm, I appreciate your bringing up this other issue which I think is important enough to

1 have as a separate agenda item at some point in the future about the use of 810 as the meaning in
2 the Code; as the meaning for how you handle trees that are worthy but have a different avenue to
3 take perhaps. But that's a very large topic and I thank you for bringing it up.

4 **Coordinator Mei Lin Hue:** Any other public comment?

5 **Female Speaker:** I have one. I just would like to know and emphasize that we have always
6 believed the tree and the property should be landmarked, we just haven't done it. So this is not the
7 first time it's been brought up or we've ever talked about this, it's just again I think the process
8 wasn't as clear and so that's our fault that we haven't done it sooner but this is not a result of a ____
9 before we saw the site. We've always felt this way, just to be clear.

10 **Female Speaker:** Any other public comment?

11 **Female Speaker:** [inaudible] What do we have to do to have this tree landmarked?

12 **Female Speaker:** That goes through a different department...

13 **Female Speaker:** [inaudible]

14 **Female Speaker:** It goes through the Planning Department....Any other public comment?

15 Seeing none, the public comment is closed.

16 **Female Speaker:** Public Comment, item 5, members of the public may address committee
17 on matters that are within the committee's jurisdiction and not on today's agenda.

18 **Female Speaker:** Seeing none.

19 **Female Speaker:** Item 6, adjournment. The time is 5:51 p.m.

20 **Female Speaker:** Thank you everyone for your time

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Transcribed by Karen Ruggles
Press Play Transcription
(415) 342-3476
April 5, 2016

Exhibit “G”

Timeline of Historical Continuity for Cook Pine Tree at 46A Cook St.

An evidential walkthrough proving the existing Cook Pine tree located at 46A Cook St. as one of the few remaining physical landmarks of one of San Francisco's most significantly historical cemeteries.

c. 1870-- Per "Here Today's"* description of 46 Cook St., "George J. Smith, a director of the Odd Fellows, planted his estate with many trees which he obtained from the cemetery." (Note: 44, 46, and 46A Cook St. all fall under the same inseparable deed.) [See Attachment A]

1908-- The Smith family sells the property to Jorgen and Carolina Svane. Per their granddaughter, Christie Svane, "Many trees such as fruit trees and pine trees were already growing on the property when my grandparents bought it" and "My grandfather was known for keeping the property 'groomed like a park'". Christie's father, Peter Svane Sr., who was 1 year old when his family purchased the property "especially adored the giant pine in front of the carriage barn" (the tree under review). [See Attachments B.1-B.2]

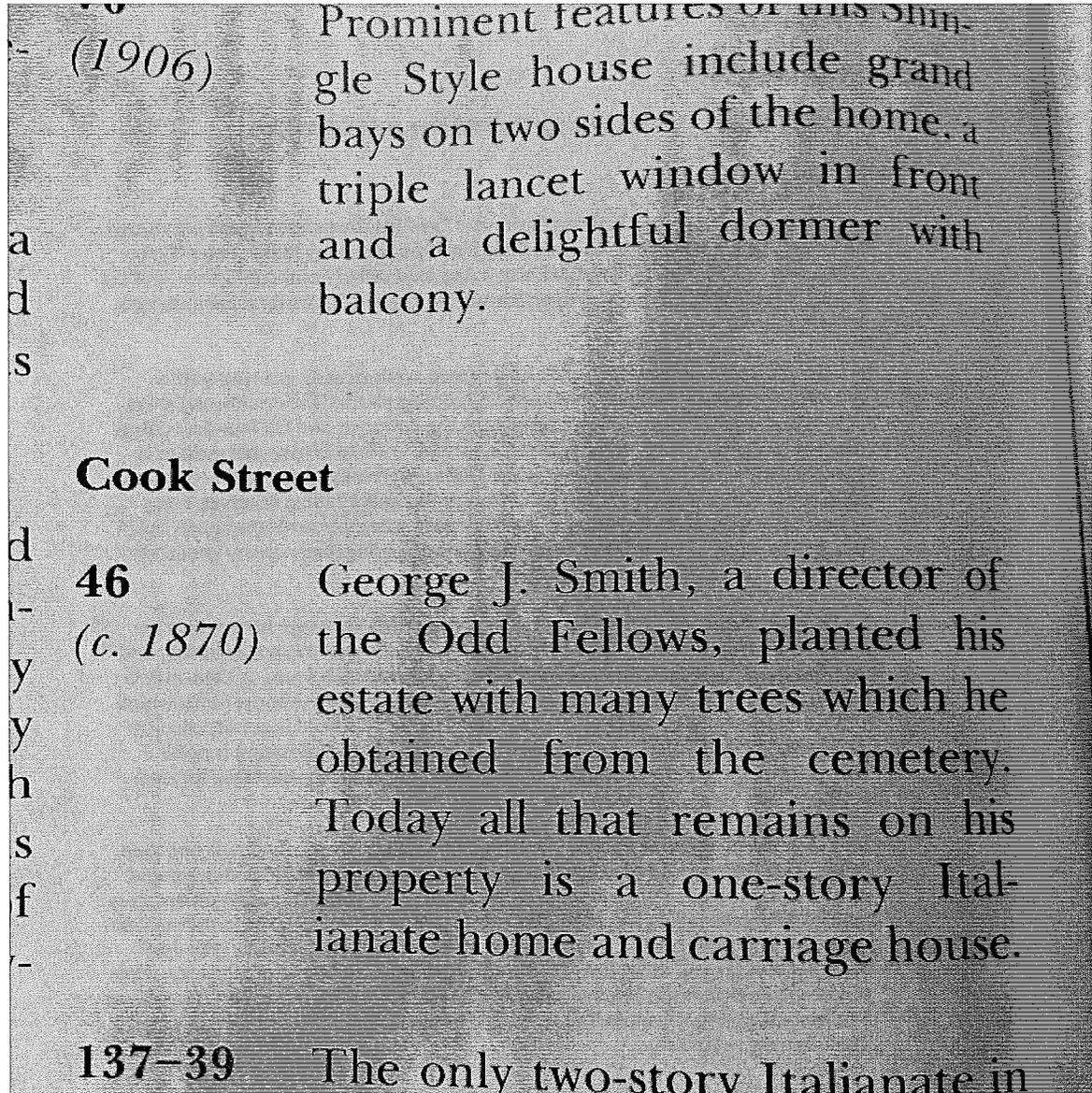
1946-1951-- Photograph of the tree from the SF Assessor Archives shows the height to be taller than the neighbors three story house. [See Attachment C]

1966-- The researchers of "Here Today" visit the property and state in their notes that some of the trees and shrubs that George J. Smith planted on his estate from the cemetery still surround the house. They describe the trees as "large and old." [See Attachment D]

2012-- After the Svane family has owned and lived on the property for 104 years, Peter Svane Jr. sells the property to Dale T Rogers Trust. [See Attachment E]

**Note: "Here Today" is a book published in 1968 by the Junior League of San Francisco, Inc. It is the result of a historic resource survey developed in response to a loss of historic resources in San Francisco through demolition or neglect. The survey was adopted by the SF Board of Supervisors under Resolution Number 268-70 on May 11, 1970.*

Attachment A: "Here Today" page 260 (Out of context, one can assume the trees are no longer on the property, but in context with the Junior League notes below in Attachment D, the original trees are clearly still standing.)



Attachment B.1: Letter from Christie Svane

Christina Svane
254 Spring St
Florence, MA 01062

August 3, 2015 Re: Cook (or Norfolk) Pine at 46 Cook Street

To Whom it May Concern:

My grandparents, Jørgen Christian Svane and Carolina Rasmussen Svane purchased the house, farm, and barn at 46 Cook Street in 1908, when my father, Peter Victor Svane, was one year old. Geary Blvd. was a dirt road called Point Lobos then, and the property was outside the city proper, known for its sand dunes, farms, cemeteries and grand trees.

Many trees such as fruit trees and the pine trees, were already growing on the property when my grandparents bought it, but they planted the ornamental trees such as the holly tree and lemon tree to flank the entrance, and the four date palms. Their property extended all the way to Euclid and to Blake Streets, but most of it - their orchard and farm - was taken by the City under 'eminent domain' in order to build a school and playground. (When I went to Denmark to find relatives, I was shown a photograph of my father and a baby palm tree, in front of the house, both about a year old.) My grandfather was known for keeping the property 'groomed like a park,' I was told by all the relatives.

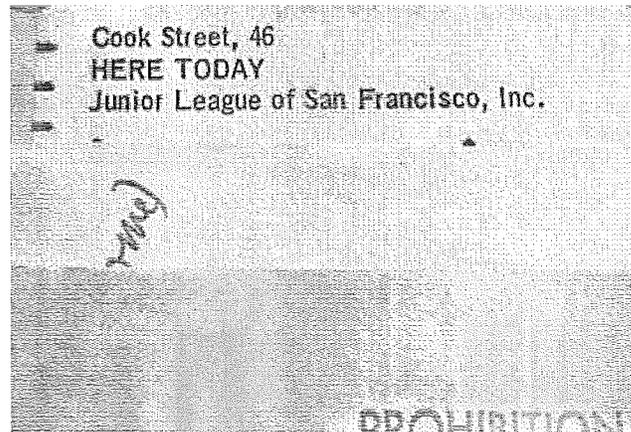
My father especially adored the giant pine in front of the carriage barn, which he always called the 'Monkey Tail tree.' I have since discovered it is not a Monkey Tail tree, but most likely a Captain Cook Pine, which would make sense, as the street is named after Captain Cook, as well. George J. Smith, who had the house built around 1865, was known to have planted it with many trees. (We had his granite carriage step carved with his name on it.) I am not a tree expert, and perhaps it is not a Captain Cook Pine, but a Norfolk Pine. I do know they are often mistaken for each other.

My father prized this tree above all the others around the house, and now and then hired arborists to attend to it, and trim its lower branches. He would often remind us that this tree was so big it was visible from Euclid Avenue. It was also on occasion home to a large family of raccoons. Growing up there, we were raised to treasure the trees on the property as the living legacy not only of our grandparents, who died before we could meet them, but of a glorious period in San Francisco's history, when people would ride in their carriages past Cook Street, heading to the Cliff House for a Sunday outing in the country. The country eventually turned into city, but the glorious trees remained.

Sincerely,

Christina Svane

Attachment B.2: "Here Today" research notes (found in SF Public Library's Historical Center)



Call to AvB from Mrs. Peter Swane owner
46 Cook St. 3/15/66

Has lived there since wife of
(he is 79, b. 1907) Came from Denmark
~~(to Hawaii?)~~ remembers how enormous
their place looked from his baby-
buggy. Jerry was Mt. Lobos kid. when he
a boy.

Mr. Smith, former owner, left tall
huge ladders on property, marked Smith,
a big S.F. painter in Starb King Bldg.
now standard on S. Union (over)

He was an Odd Fellow & Director of the
Odd Fellow's Cemetery, where he is buried.
As such he could get marvelous
trees etc. on property & did. He committed
suicide.

Attachment C: Photograph from the SF Assessors Office archives dated between 1946 and 1951 (found in SF Public Library's Historical Center). The tree is 13 feet behind the back wall of the house, and is clearly taller than the building, when the angle of the photograph is taken into account.



Attachment D: "Here Today" research notes (found in SF Public Library's Historical Center)

46 Cook St. (circa 1870)

George C. Smith, a house and sign painter with offices in the Starr King Building and at 329 Sutter (were they same?) lived here from 1870 until around 1903. He was prominent in the Odd Fellows Lodge and a director of the city cemetery, which extended from Pt. Lobos Rd. (now Geary) to Turk St. This gave him access to the trees and shrubs with which he planted his estate, some of which still surround the house. He left large ladders on the place with the name of his firm, G. J. Smith, and its address.

In 1903 he built the carriage house, now used for a rental dwelling, and put a granite stile on the curb inscribed with his name and the year. ^{This has since been moved to the garden.} Shortly thereafter he is said to have committed suicide.

In 1908 Mr. Smith's widow sold the house to a Danish family, the Svanes. Their son remembers that the carriage house had sliding rear doors opening into the stable; there was also a greenhouse, an old outhouse and fine trees and gardens. He believes that there was a well before a Mrs. Swan (oddly enough no relation to the later Svanes) signed for the first water meter in 1886. At that time the Water Dept. reported 1630 sq. feet of irrigation.

In 1908 the Water Dept. noted 275 Sq. Yds, with signs of horses having been turned out and a trench but no outcrops of

Attachment D (cont): "Here Today" research notes (found in SF Public Library's Historical Center)

46 Cook St.

-2-

The basement floor was on a concrete slab flat on sand, since the sand was inert and insect free it survived over the many years. Work on the foundation has been done recently but otherwise the house, of solid redwood, is as it was.

It is a 1 story cottage with arched windows and Italianate pediments over arched windows, and an Italianate surmount over the door, which is flanked by simple pilasters. The door features a circle of glass and a transom above. Steps are of stone, with stone jardinières. A carved wood rail encloses the porch. Trees are large and old.

A driveway, dirt, leads through a gate to the carriage house.

Attachment E: Deed transfer from Peter V. Svane to Dale T Rogers on 5/11/2012. One deed for all three addresses of the property.



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Search Results Document Details

Year	Document	Record Date	Reel	Image	Document Type	Grantor	Grantee	Name
2012	J410303-00	05/11/2012	K645	0064	DEED	R	E	SVANE PETER V
							E	DALE T ROGERS TRUST
							E	ROGERS DALE T

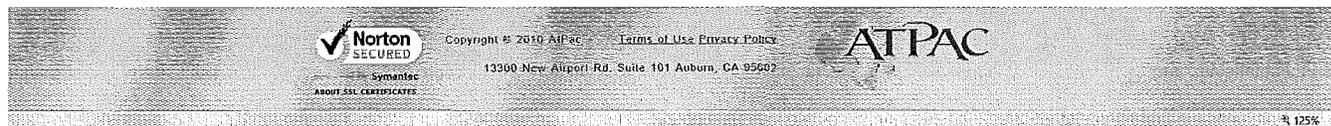


Exhibit “H”



August 3, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco

Dear Committee Members,

On behalf of Dale Rogers, the property owner, I have reviewed the Landmark Tree Nomination form nominating the Norfolk Island pine (*Araucaria heterophylla*) growing at 46 Cook Street and submitted to the San Francisco Urban Forestry Council. The purpose of this review is to verify the accuracy of the information provided in the nomination form and provide my opinion as to whether this tree would qualify for "Landmark" status pursuant to Ordinance 0017-06 and Public Works Code 810.

Following is a listing of the tree description and nomination criteria and my comments¹.

Height: Using a laser range finder I determined the height at 85 feet and not 100 feet as stated on the nomination form.

Average Canopy Width: Concur at approximately 30 feet.

Circumference at 4.5 feet: Using a diameter tape I measured the circumference at 110 inches (35 inch diameter).

Circumference at Ground Level: Concur at 138 inches.

Rarity: The nomination form lists this species as rare. I disagree. The species is common in coastal California and other Mediterranean climates, including San Francisco. The most limiting factor on distribution is this tree's susceptibility to cold damage, which limits the tree to coastal areas. Two references supporting this opinion are the Wikipedia discussion and a Pacific Horticultural article from 2010.

Wikipedia:

The distinctive appearance of this tree, with its widely spaced branches and symmetrical, triangular outline, has made it a popular cultivated species, either as a single tree or in avenues. When the tree reaches maturity, the shape may become less symmetrical. Despite the endemic implication of the species name Norfolk Island pine, it is distributed extensively across coastal areas of the world in

¹ My curriculum vitae setting forth my qualifications is attached hereto.

8/3/15

Mediterranean and humid-subtropical climate regions due to its exotic, pleasing appearance and fairly broad climatic adaptability.

As well as their eponymously native Norfolk Island, these conifers are planted abundantly as ornamental trees throughout coastal areas of Australia, Brazil, Chile, New Zealand, Peru, Portugal, South Africa, Spain, and coastal areas of the United States, such as southern California and the east and west coasts of Florida, as well as the northwestern most coast of Mexico.

(https://en.wikipedia.org/wiki/Araucaria_heterophylla)

Pacific Horticulture:

*Australian members of the Araucariaceae commonly grown in California include the tall, prickly-leaved bunya-bunya (*A. bidwillii*) of Queensland, with huge pineapple-shaped cones, hoop pine (*A. cunninghamii*), an important Australian timber tree, and Norfolk Island pine (*A. heterophylla*), native to Norfolk Island. The latter species is commonly grown in parks and gardens in the San Francisco Bay Area, and in containers in Southern California; it is often sold as star pine, because of its horizontal tiers of radiating branches. - See more at:*

<http://www.pacifichorticulture.org/articles/the-araucaria-family-past-present/#sthash.x26NCVko.dpuf>

Physical:

Size: This is a mature tree, but at 85 feet in height, is not exceptional. The Sunset Western Garden Book describes this species as having a moderately fast growth rate to 100 feet. I would rate this size in the medium category for this species.

Age: The nomination form estimates the age of the tree at 120 years based upon another tree previously removed. My estimate of the tree's age is 70 to 80 years based upon a conservative growth rate of .5 inches in diameter per year. This is a low to moderate growth rate for a moderately fast growing coniferous species. Additionally, the tree's location is 8.5 feet from the house foundation and in, what I assume, is the original driveway access to the carriage house. This location indicates the tree was a volunteer seedling from another tree and was allowed to grow after access to the carriage house was no longer used for vehicular storage.

Distinguished Form: The tree has the typical crown and limb structure for this species, although not unique compared to other Norfolk Island pines. There does not appear to be anything particularly unique or "distinguished" about this form.

Tree Condition: The tree is in good health and moderate structural condition with no severe defects. The live crown to height ratio is lower than preferred at approximately 50%. This moderately low ratio could increase the risk of lower limb breakage. The cones are moderately large (5 to 7 inches) and heavy, which is a concern in high use areas as the cones can cause injury if dislodged and strike a person. Otherwise, the tree has a low to moderate risk of failure projected over a three-year period.

8/3/15

Historical:

Historical Association: Given the tree's probable age and location in the carriage house driveway, the tree most likely dates to the 1940s. It could be a seedling from an older tree on the property, but has no apparent historical association of note, or at all.

Environmental:

Prominent Landscape Feature: This is a large tree, although it is set back from the front fence 81.5 feet. The property owner does not view this tree as an important (prominent) landscape feature.

Low Tree Density: I agree that the neighborhood has a moderate tree density.

Interdependent Group of Trees: I agree that the tree is not an integral member of a group of trees.

Visible or Accessible from Public Right-of-Way: The tree is visible from only a limited number of vantage points. From Cook Street, I could only see it unobstructed from one location. It may be visible from other streets at higher elevations. As stated, it is set back 81.5 feet from the sidewalk and therefore has low visibility.

High Traffic Area: In its location on a dead end street and significantly set back from the street, I do not believe the tree has any traffic calming effect and no high visibility as noted above.

Important Wildlife Habitat: As a non-native ornamental species, the primary wildlife benefit is likely limited to a perching site for birds of prey, but otherwise not a habitat. The cones are likely a potential food source for squirrels and rodents.

Erosion Control: I agree there are no erosion control benefits.

Wind or Sound Barrier: Because of the low live crown to height ratio and narrow crown form, there are no significant wind or sound barrier benefits.

Cultural:

The property owner does not believe the tree adds any "cultural" value to the neighborhood.

Summary:

Based upon my observations and information provided to me by the property owner and discussions with previous SFUFC members, this tree does not seem to meet the criteria for designation as a landmark tree. It is a large stature tree, but relatively common, not unique, not likely historically significant, and does not provide significant environmental benefits, other than marginal aesthetics.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco
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8/3/15

Please contact me with any questions, or if additional information is required.

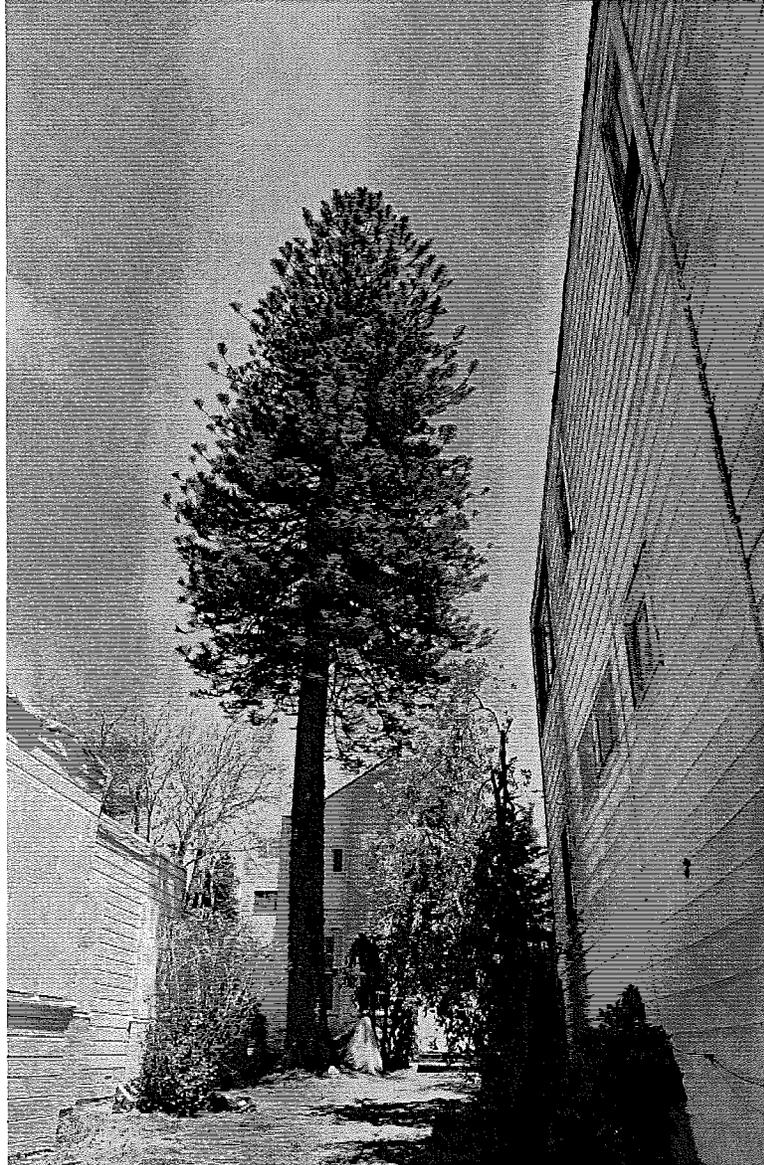
Sincerely,

James MacNair

International Society of Arboriculture Certified Arborist WC-0603A

International Society of Arboriculture Qualified Tree Risk Assessor

Tree Images:



View of tree from front portion of lot inside fence. Tree is 81.5 feet from fence at sidewalk.



View of tree from Cook Street. Cypresses along sidewalk frontage generally obscure views from the street.

Exhibit "I"

Report on *Araucaria* hybrid at 46 Cook Street

Matt Ritter, PhD

Jason Johns, Master's Candidate

October 26, 2015

Summary:

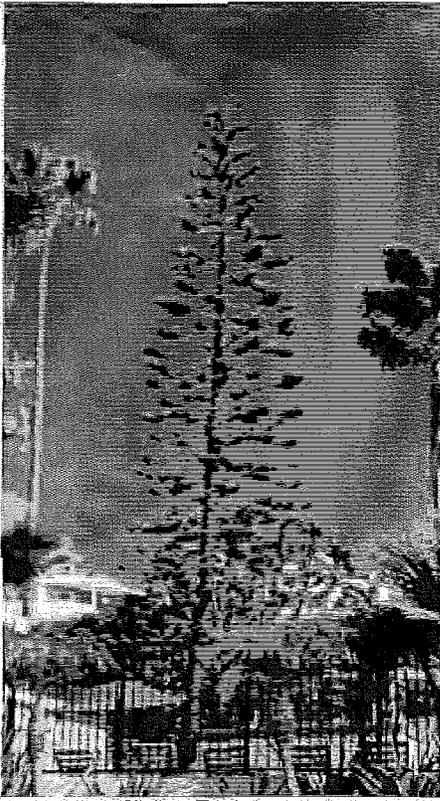
1. Based on our findings the tree at 46 Cook St. is a hybrid.
2. These hybrids are not rare in California
3. The resources previously used to identify the tree at 46 Cook St. are not accurate, authoritative, or reputable.

Araucaria columnaris (Cook Pine) and *A. heterophylla* (Norfolk Island Pine) are both commonly cultivated worldwide. Usually, they are indistinguishable until they reach maturity. The most accurate way to tell them apart is by the open, pyramidal crown of *A. heterophylla* and the dense, columnar crown of *A. columnaris*. *A. heterophylla* also tends to grow vertically straight while *A. columnaris* leans. While their native ranges do not overlap, they are often planted together. Their physical proximity to each other in cultivation, along with their overlapping reproduction cycles presents an opportunity for them to hybridize. We have seen many individuals in California and Hawaii whose canopy, growth direction, and other morphological features show characteristics of both species. Based on these findings, we've deemed these individuals to be hybrids (see figures 1-4). Based on the photos and information shown to us, we believe that the tree on 46 Cook Street in San Francisco is a hybrid of *A. columnaris* and *A. heterophylla*. Hybrids between *A. columnaris* and *A. heterophylla*, like the tree at 46 Cook St., are by no means rare in California.

The identification of the tree at 46 Cook St. as *Araucaria columnaris* is based on three non-authoritative resources for the genus *Araucaria*: The National Register of Big Trees (Australia), *Hortus Third* and *A Tropical Garden Flora*. These three references, cited by the nominator of the Cook Pine at 46 Cook St., are not authoritative, accurate, or reputable for the following reasons. Each attempts to use various morphological characteristics that actually do not distinguish the two species. They are not quality references for species identification in the genus *Araucaria*. Our analysis of collected samples throughout California, Hawaii, Mexico, and other localities where these two species are planted shows that the architecture of the canopy and the morphology of the microsporophylls in the male cones are the only reliable characteristics for distinguishing the two species. The misidentification of several vegetative characteristics as unique to one species or the other discredits the above-mentioned references as reliable sources of accurate information for the genus *Araucaria*.

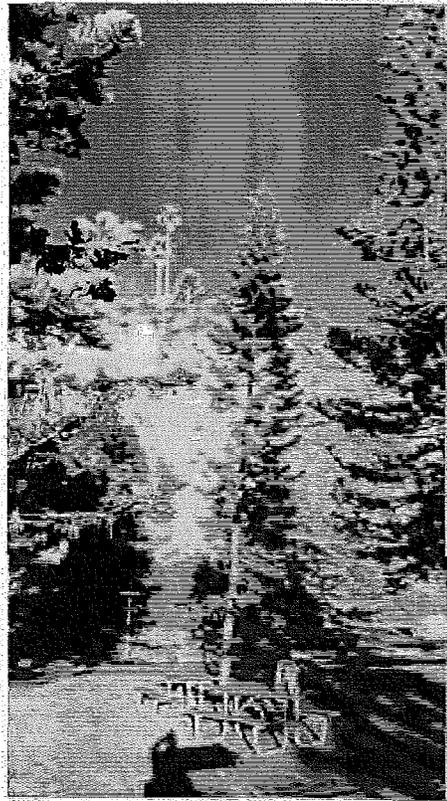
Our assessment is supported by Altos Farjon's treatment of *Araucaria* in his book, *A Handbook of the World's Conifers: Volume 1*. This treatment is universally considered to be the authority on *Araucaria* as well as many other genera of conifers. Farjon uses the crown of mature trees as the clear distinguishing characteristic between the two species. We have seen several trees both in California and Hawaii that lean, suggesting they are *A. columnaris*, yet their crowns are more sparse and conical than typical *A. columnaris*, suggesting they have some genetic

Figure 1: Laguna Beach hybrid



70.6 ft., ~50 years old

Figure 2: Dana Point hybrid



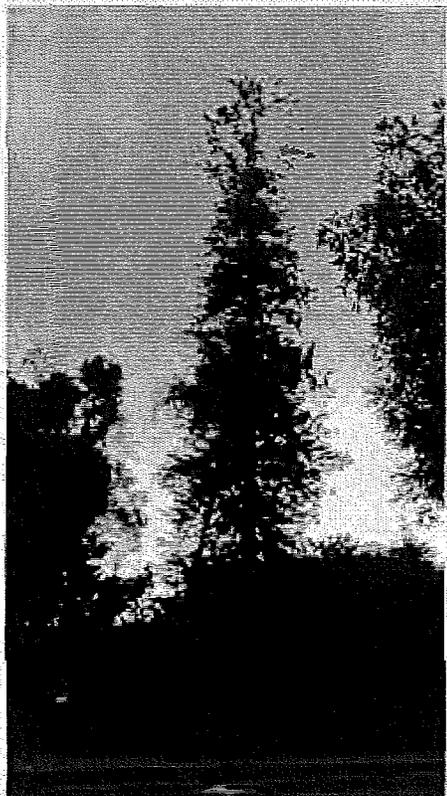
42 ft., ~25 years old

Figure 3: Ventura hybrid



104 ft., ~130 years old

Figure 4: Santa Ana hybrid



106 ft., ~120 years old

Exhibit “J”



September 30, 2015

San Francisco Urban Forestry Council
1455 Market Street
San Francisco, CA 94102

RE: Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco-
Report Addendum

Dear Committee Members,

This letter is an addendum to my August 2, 2015 letter in which I expressed my opinion on the nomination of the Norfolk Island pine for Landmark status.

This addendum addresses the issue of species identification, the issue of rarity, and the historical references inferring the possible age of the tree.

Species Identification:

Dr. Matt Ritter is clear in his opinion that this tree is a hybrid between *A. heterophylla* and *A. columnaris*. This explains the different identification opinions that have been presented. Dr. Ritter also commented on the "Summarized Key Attributes" document. He states, "*The sources you are using are not authoritative. Hortus Third is a low quality resource for the genus Araucaria. There are true differences between these species, as demonstrated by the published works of Aljos Farfjon and others. None of those differences are delineated in this document. As for the quote from George Staples, I agree with him and he and I have talked about this. Both species are in Hawaii (A. heterophylla is rare and A. columnaris is common). Hybrids are also in Hawaii and in my observations of coning trees in CA, they do overlap in their pollen producing cycles.*"

In my experience Cook pine grows in warmer climates than San Francisco. For example, it is very common in Florida and commonly seen in Southern California. While the Urban Forest Map lists 15 occurrences of Norfolk Island pine in San Francisco, there are no listings for Cook pine.

I suspect the hybrids of these two species is more common than previously realized and probably is due to nursery propagation sources and the widespread distribution of this tree as an ornamental. Hybrid status is not necessarily significant, unless a hybrid has exceptional qualities that are deemed preferable or superior to the parent species. In this situation, this tree is in good condition, but is not demonstrated to be superior genetically.

Rarity:

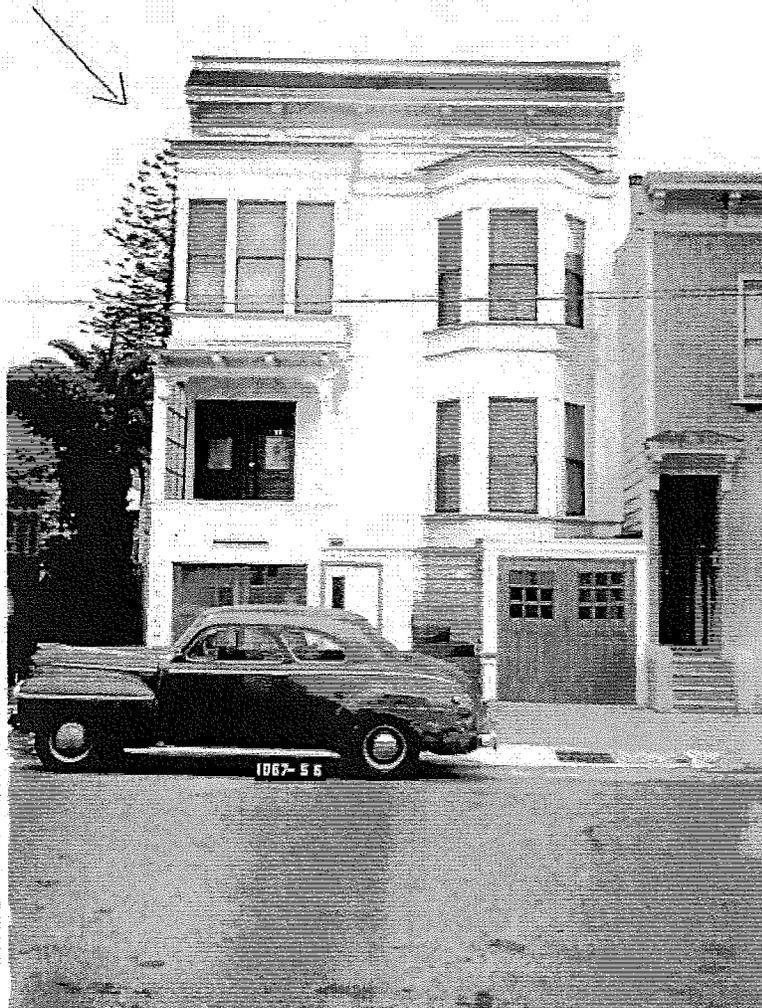
It has been noted by nomination reviewers that the Urban Forestry Map of San Francisco shows 15 Norfolk Island pines. This number has been used to justify a rating of uncommon in the evaluations. I would like to point out that this map inventory is not comprehensive, as even the subject tree is not shown on the map. Further, I checked with Peter Erlich, forester for the Presidio, on the number of Norfolk Island pines in his inventory. He reports that within the Presidio there are at least 20 trees. None of these are recorded on the Urban Forest Map.

Deciding on whether or not a species is common or uncommon depends upon the specific definition. The nomination form provides the guidance "unusual species in San Francisco or other geographic regions". Based upon this criteria, and the fact that there are at least 36 documented trees in San Francisco (and probably more) as well as the species is common in coastal California, the species (or hybrids) should be classified as common.

Historical Significance:

I opined in my initial report that the tree probably dates back to the 1940s based upon the trunk diameter, size of the crown, and condition of the tree. A document was produced that purports to show the tree in a 1946-1951 photograph from the SF Assessors Archives. Following are the historical image and a current image from the same perspective.

Attachment C: Photograph from the SF Assessors Office archives dated between 1946 and 1951 (found in SF Public Library's Historical Center). The tree is 13 feet behind the back wall of the house, and is clearly taller than the building, when the angle of the photograph is taken into account.

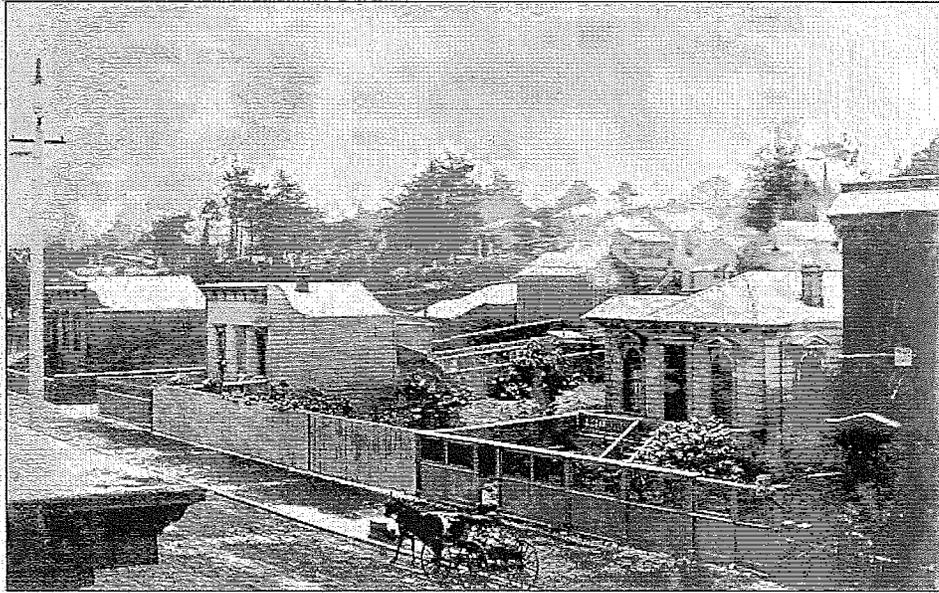


Circa 1946 image showing a Norfolk pine close to the apparent property line. The trunk is barely visible.

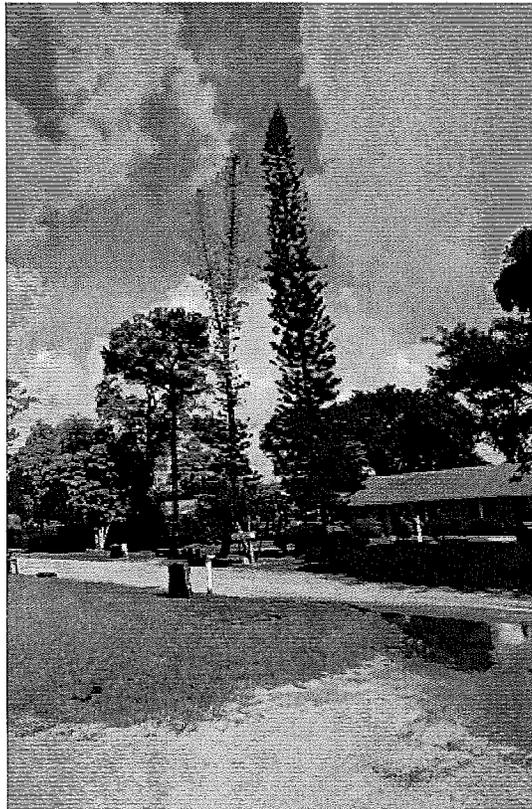


Current image showing subject tree located in different location than that shown in the circa 1946 image.

The subject tree is clearly in a different location than the tree shown in the 1946 image. The subject tree is probably a volunteer seedling from the original tree or was planted in that time period. The tree referenced in Christine Svane's August 3, 2015 letter is implied to have been growing in 1908. It is likely that the tree shown in the 1946 image is the 1908 tree that was subsequently removed. The current tree's size and good condition would not be consistent with a tree over 110 years old.



This 1885 image shows no significant trees growing on the property. This image supports the probability that the Norfolk Island pines (or hybrids) were planted after this image, and, one of which is the tree referenced as present in 1908 and shown in the circa 1946 image.



Cook pine in Florida.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco- Report
Addendum
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9/30/15

Please contact me with any questions, or if additional information is required.

Sincerely,

James MacNair
International Society of Arboriculture Certified Arborist WC-0603A
International Society of Arboriculture Qualified Tree Risk Assessor

Exhibit “K”



ORACLE OAK, LLC

146 Jordan Ave, San Francisco CA 94118 • (415) 225-5567 • larrycostello@me.com

Date: 9/30/15

Submitted to: Landmark Tree Committee of the SF Urban Forest Council

Submitted by: Larry Costello, Consulting Arborist

Re: Landmark Nomination of *Araucaria sp.* at 46 Cook St., SF

Members of the Landmark Tree Committee,

As a follow-up to my comments at the Landmark Tree Committee hearing (8/6/15) concerning the *Araucaria sp.* being considered for landmark status, I offer these additional comments:

1. Tree Identification

Based on the following statement made by Dr. Matt Ritter, Professor of Biology, Cal Poly State University, San Luis Obispo (8/31/15), it appears that the tree in question is a hybrid:

I can tell from the images that this is a hybrid between Araucaria columnaris and A. heterophylla. It sounds from your description as well that it is demonstrating characters between the two. There are many hybrids of those two species in California. One of my graduate students is studying the population genetics and lean of these trees and we're hoping to find the markers necessary to clarify which trees are hybrids in California and which trees are just demonstrating within species variation. I'd call this one a hybrid based on the images though. The bark and leaves of both species are virtually identical and the only reliable character to tell them apart in cultivation is the shape of the canopy and the lean.

From this assessment, some questions can be considered:

Is it Norfolk Island pine (*Araucaria heterophylla*)? No

Is it Cook pine (*Araucaria columnaris*)? No

Is it a named hybrid? No

Are hybrids between *A. heterophylla* and *A. columnaris* rare? No

Is it a 50-50 mix of *A. heterophylla* and *A. columnaris*? Don't know – it could be a 75-25 mix.

Does it have traits that make it more desirable than either species? Don't know.

Does it have traits that make it less desirable than either species? Don't know.

Clearly, there is a lot we don't know about this tree. Rather than it being unique, it's

more of an enigma. In my view, the Committee should know exactly what the tree is if it's being considered for landmark status. In this case, there are a lot of questions.

2. Suitability for the Location

For *Araucaria* species, the Sunset Western Garden Book states the following:
Make impressive skyline trees and are seen in that role in many parks and old estates in California --- but they become so towering that they really do need the space they have in a park or large, open property. And they are not trees to sit under --- with age they bear large, spiny 10-15 lb cones that fall with a crash.

Clearly, it is well recognized that this tree is not intended for small properties, as at 46 Cook St. It may have been suitable when the property was much larger (in the late 1800s), but not now. I doubt that anyone on the Committee would recommend it for planting at its current site. Simply, it is a very large tree in a relatively small space. If the tree should fail structurally (trunk break, uprooting, or branch break), the consequences are likely to be severe. Even the cones could cause a serious injury. It is a tree that is not suitable for its location.

3. Unintended Consequences

The Landmark Tree Committee should give serious consideration to the potential for "unintended consequences" associated with the assignment of landmark status. This case may very well set an unfortunate precedent: buyers of new properties (especially developers) may act quickly to remove notable trees from a newly acquired property due to concerns about the tree(s) being nominated for landmark status. If this tree is landmarked without agreement from the property owner, then future property owners may feel at risk. As a result, some very nice trees may be removed simply out of fear of a landmarking action. This would be highly unfortunate.

With the above in mind, I strongly recommend that you to decline the nomination of this tree for landmark status.

Sincerely,



L.R. Costello
Oracle Oak LLC

EXHIBIT "L"

1 Landmark Tree Committee hearing

2 October 1, 2015

3

4 **Coordinator Mei Lin Hue:** This is the Urban Forestry Council Landmark Tree ad hoc
5 committee meeting. Today is Thursday October 1, 2015, the time is 4:18 p.m. The first item on the
6 agenda is roll call. . . .

7 [Calls role] Chair Hillson

8 **Coordinator Mei Lin Hue:** We have a quorum. Item 2 on the Agenda is approval of
9 minutes of the August 6, 2015 Urban Forestry Council Landmark Tree Committee special meeting;
10 you have those meeting minutes in your packet.

11 [seconds]

12 **Female Speaker:** Without objection Meeting minutes are approved. Do we have any
13 public comments on the meeting minutes? Seeing none, Item 3 on the Agenda is hearing for
14 nominations for Landmark Tree status. The Landmark Tree Committee will hold a hearing to
15 determine whether the nominated tree at the following location meets the criteria for designation as
16 a landmark tree. Norfolk Island pine, Araucaria heterophylla, located at 46-A Cook Street,
17 Assessor's Block 1067, Lot 032, San Francisco, California. So the first speaker on this item is
18 sponsor for the nomination. Is anybody from the Planning Commission here? No, OK. So I guess
19 that's me. I don't know if I need to go through my whole report since we did it last time. As I said
20 last time, the species is still a little unclear. It's a nice enough looking tree, it's a nice looking tree and
21 it has some potential historic value, environmental value and cultural value as well and I think that's
22 good enough for me for now.

23 The property owner's presentation? So you guys have 8 minutes. . . .

1 **Barri Kaplan Bonapart:** Thank you, my name is Barri Bonapart and I'm the attorney for
2 the Applicant. At the August 6 hearing there were some questions raised as to the historical
3 significance of this tree; there were also questions raised as to the species and the committee wanted
4 additional information on both of those so they could make a decision. With regard to the historical
5 significance although there were allusions made to the street having been connected to the historical
6 figures or historical properties was insufficient and even some contradictory evidence of that
7 presented at the last hearing. There was this excerpt from Here Today which actually was in the
8 Appendix and when read in its entirety seem to suggest that no trees remain from the time of
9 George Smith. We showed a photo at the last hearing from the late 1880s which showed no
10 significant trees on that same block including the so-called sister tree shown in many of the
11 members of the public's photos who've been advocating for landmarking prior to its removal, and
12 that would have appeared in that frame of the 1885 photo. That photo is now part of Mr. McNear's
13 addendum to his first report which you now have; it's on the last page of that report.

14 3:52

15 There is a new submittal apparently unattributed which purports to add to the historical
16 connection, but it doesn't, it's simply duplicative of the last submittal, just repackaged. Included in
17 it, again is a photo purporting to be from the late 1940s or 1950s. In Mr. McNear's addendum he
18 actually compares that photo to a current photo and concludes that the tree pictured in the historic
19 photo is not the same tree, which makes sense. In the historic photo the tree pictured is already
20 quite large and mature. If this were the same tree it would likely be nearing the end of its lifespan, if
21 not already past it. He concludes that the tree in the historic photo has since been removed and that
22 the current tree was at best a seedling at the time. In short, the historic connection has only become
23 more tenuous since the last hearing.

1 The next question was species. Staff raised the issue of whether the species had been
2 correctly identified and she gave her opinion that it had not. First we have concerns with regard to
3 staff's role with regard to substantive issues and I understand that's a question that will be addressed
4 later on after this hearing. Regardless, it was agreed that the parties would seek more information
5 with respect to the species identification and whether the tree was a Norfolk Island pine as everyone
6 including the folks advocating landmarking had been asserting; or whether it was a Cook pine, Cook
7 pines apparently have been more rare in this area. We went to a leading authority to get an answer,
8 Dr. Matt Ritter from Cal Poly. He is a Ph.D. Professor in the Biological Sciences Department and a
9 well-regarded taxonomist specializing in plant diversity and rare species. His opinion is that the tree
10 is not a Cook pine, rather he believes it to be hybrid and not particularly rare because this hybrid
11 species is fairly common in California. I forwarded him the recently submitted documents; again
12 those are documents without attribution, we don't know who put them together, entitled
13 Summarized Key Attributes, which argues now for its classification as a Cook pine. His statement is
14 that this document is simply wrong and relies on sources that in his opinion are "not authoritative."
15 6:12

16 It's important to remember that when Applicants were first pushing for landmarking they
17 identified this tree unequivocally as a Norfolk Island pine. It wasn't until the last hearing when they
18 were sensing that their chances of landmarking were not as good if the tree was a Norfolk rather
19 than a Cook, that they came up with this new source of material identifying the tree as a Cook pine.

20 What does that leave us with? What matters is the criteria that's set forth in the ordinance.
21 So Mr. MacNear, who is here with us, has gone through that criteria. Mr. Costello, who is here with
22 us, has gone through that criteria. Both of these gentlemen, experts in their field, and both known
23 for calling it as they see it, have concluded that this tree is not suitable for landmark status and they

1 will speak to that. It's a backyard tree that's not rare or distinguished; more than that it is, as Mr.
2 Costello tells us, it's unsuitable for its location. In short, it's the wrong tree in the wrong place.

3 Applying the criteria, a landmark designation would be inappropriate. Thank you. And I
4 understand I have time for the rebuttal as well?

5 **Female Speaker:** Yup. So public comments? Two minutes. Any public comment? Please
6 state your name....

7 **Richard Worn:** Hi, my name is Richard Worn, I live at 60 Cook Street, it's a couple houses
8 down from the tree in question. I just want to point out quickly about the removal of the tree and
9 being different. This is so big. If you look at the different photos, here's the 04651 photo; that's
10 from a different angle. This tree is from alongside of the house; that's going to give you a different
11 angle. A tree like that is sizable and so I disagree with the fact that if it's removed and another one
12 was put in there, that's just sort of physically impossible, but that's not why I'm here and I'm going
13 to rebut that quickly. I have a letter here to verify the species to back up that argument. This is from
14 "To Whom It May Concern: my name is Lorna Monte Brodick, I am the field botany teacher for the
15 Battala Lobos School of Urban Studies, the Blue Ridge School of Urban Studies and many others
16 around the United States. I often have to make very precise and important differentiations between
17 species due to the fact that I study plants with the intention of harvesting them to make herbal
18 medicine that ingested. For this reason I look to often small distinctions to make positive
19 identifications between plants that may look quite similar to a more general eye. For the tree in
20 dispute on Cook Street one can look to Hortus III and read thought the technical description of
21 both the *Araucaria columnaris* and the *Araucaria heterophylla* to make that positive identification.
22 Our botanical classification system by nomenclature is based on the reproductive parts of plants.
23 So let's examine the cones of both species to make our distinction and I believe we sent some of
24 these items from Hortus III. Is that my time already?

1 **Coordinator Mei Lin Hue:** It is. Next speaker.

2
3 **Vanessa Ruotolo:** I'm going to address historic status. In the last meeting it was
4 mentioned that we had misrepresented the historic status of the property. At the time we weren't
5 educated in the correct terminology and so to clarify, these buildings have been deemed as Category
6 A, Historic Resources by the City and are shown on the S.F. Planning Department website as such.
7 And again, please refer to our correspondence with the San Francisco Heritage, Senior Project
8 Manager Desiree Smith on page 10 or 8 where she says, after having discussed it with several
9 members of the SF Heritage they think that this property has the potential to be designated as
10 landmark and encourage us to consider the entire property as historic including the buildings and the
11 landscape. But we have begun the process of officially landmarking the buildings as well. I'd like to
12 repeat that we ask you to acknowledge and focus on this tree's worthiness to be landmarked per the
13 criteria stated in the ordinance. Specifically the undeniable evidence that this tree is a significant
14 historical landmark. Yes, we resubmitted our material because we wanted to be sure that you guys
15 actually read our historical evidence and timeline. So please refer to the evidence and historic
16 timeline that was sent to the board members a few weeks ago. Thank you.

17 **Female Speaker:** Next public comment.

18 **Levi LevittMale Speaker:** We didn't come into the last meeting saying it was pine, we
19 didn't run with our tail between our legs and change our mind; we actually came into that meeting
20 saying what it was, if you recall, and we had two arborists independent of each other saying also it
21 was a Cook. Thank you guys for taking the time to meet with us today.

22 11:50

23 In the packet we see . . . My wife and I started also thinking it might be a hybrid and in the
24 most recent packet which was submitted, there is a flora something that talks about how all hybrids

1 are classified as Cooks, so Cook being one of the things we wanted to look for to establish rarity,
2 that goes ahead and puts that directly in that. I don't know if you folks have had the chance to
3 review the packets? Then you've definitely seen the historical presence, the species identified.
4 Hortus III of course is put out by Cornell which seems like a pretty viable source. We've learned
5 the difference between historic assets and historic landmarks for the property, that's nice. We didn't
6 know that before so we didn't mean to mislead anyone in saying it was a landmark property when
7 it's just a Historic Resource A, the highest resource before getting landmarked. Our apologies for
8 that. Finally there was a discussion last time about abusing the landmark tree ordinance. In the two
9 months between the time that the tree people who were cutting down the trees wrapped up and we
10 finally got this thing protected, Dale Rogers could have cut down the tree had he wanted to. He has
11 never actually said that he wants to. He sets the wrong tree in the wrong spot but he made no
12 attempts to actually cut it down so I would say that we're not abusing the ordinance by landmarking
13 this beautiful tree. It almost seems that if we were to not landmark it that would be a reverse abuse
14 of the same ordinance.

15 **Female Speaker:** Thank you. Next speaker, any other public comments?

16 **Briana Easley:** Briana Easley, from SFSU. I am an environmental study student and I came
17 across this particular hearing about the tree as a landmark and even though the species seems
18 questionable I feel that the size in between the age of 70 to 125 years, the tree just represents a great
19 environmental benefit and just the fact that because it's a large tree and it contributes a lot to
20 biodiversity and I'm just here to help conserve nature and I feel if it inflicts no harm or
21 consequences of the tree, it should have a place in conserving its nature and it's beautiful I have to
22 say.

23 **Female Speaker:** Thank you. Any other public comments?

1 **James MacNair:** I'll be brief. Regarding the species and I think Dr. Ritter has pretty much .

2
3 **Male Speaker:** Name please?

4 **James MacNear:** Oh sorry. I'm James MacNear, consulting arborist. I think Dr. Ritter has
5 pretty much laid to rest about the issue of the species and explains why there has been so much
6 controversy about which tree. It's a hybrid so it has characteristics of both. Being a hybrid doesn't
7 mean it's necessarily superior, it just means it has a mixture of genetics between the species and I
8 don't think anyone has demonstrated that this tree is really special in that genetic sense. In terms of
9 the historical or rarity issue I noted that there's been reference to the Urban Forest Map that showed
10 15 Norfolk Island pines in the city. As we drove in on Lombard we saw five just driving down
11 Lombard and turning on Van Ness. I spoke to Peter Erlich in the Presidio, he said they have at
12 least 20. So the numbers are much greater than what's been put out there in terms of the 15. I'm
13 up to at least 50 and I think a lot of those probably are hybrids, I think there are probably a lot more
14 hybrid iterations of this tree than we previously realized.

15 16:10

16 In terms of the historical significance, again I did that comparison with the two photos and I
17 was virtually in the same location as the circa 1946 photo when I took this one and in my opinion
18 it's not the same tree, which makes sense in terms of its condition now. I think the subject tree was
19 probably planted '40s, '50s, maybe when the other trees shown in the '46 photo was removed and
20 someone planted a replacement tree; I think that's very likely.

21 **Coordinator Mei Lin Hue:** Thank you, next speaker please.

22 **Larry Costello:** Good afternoon, Larry Costello, consulting arborist. I put together a short
23 report, I don't know if you've gotten it, it was sent out this morning. But there are three key points
24 in the report. One is a tree identification, another tree location or suitability for the location and

1 then three is unintended consequences of landmark action. First tree identification. In my mind
2 Matt Ritter is the statewide authority on tree identification. He is recognized as an authority by
3 people in the professional and certainly if he says it's a hybrid, I believe that. So it's not
4 heterophylla, it's not columnaris. Is it a named hybrid? No. Is it a 50-50 hybrid of the two? We
5 don't know. It could be; it could be 75-25 mix; 75 heterophylla. So there are a lot of questions
6 about its identity. Does it have traits that are more desirable than the species? It may, we don't
7 know. Does it have traits that are less desirable; it? It may, we don't know. So we really don't have
8 a good understanding of the tree that's being landmarked and that's of concern to me – and the
9 hybrids aren't rare according to Matt.

10 Secondly, the suitability of the location. It's just a large tree in a small lot. Perhaps long ago,
11 if that was the tree perhaps it's OK on a large estate but as Sunset says and other references say, it
12 should be in parks and larger properties and open spaces and there's, you know, a risk involved here.
13 If you have any questions I can follow up.

14 19:15

15 **Coordinator Mei Lin Hue:** There's no rebuttal. Committee evaluation is first.

16 **Carla Short:** Well at the last hearing I went over my evaluation which was done on the basis
17 that this was a Norfolk Island pine. Also independently, I had mentioned at the last hearing that I
18 had reached out to an expert which was Dr. Matt Ritter, that's who I contacted myself so I am also
19 convinced it is a hybrid if that's what he believes it is. Certainly he knows far better than I do. He
20 indicated to me that while it is not uncommon, certainly he was no aware of a huge quantity of these
21 in San Francisco. I don't know if I need to go over all the physical attributes and everything that I
22 found last time but I think . . . I'm struggling. I'm struggling with this one a lot because I'm actually
23 sort of intrigued by the notion that it's a hybrid and how many of our Norfolk pines are hybrids and
24 how many are Cook pines and I actually think that does make it a little more significant to me that it

1 may be a hybrid; although if it turns out most of what we have are hybrids then it suddenly becomes
2 more common. But I think we don't know and I do think that that makes it from my perspective
3 more intriguing. But I think there are real challenges to not really knowing what we're landmarking
4 although we have a precedent for that because we did it with Rose's tree. So I'm just struggling. I'm
5 very swayed by the amount of neighborhood support for this and that is one of the factors that we
6 weigh. I am very concerned about the use of the ordinance to prevent development from
7 happening and I worry about potential backlash.

8 I think the unintended consequences that Dr. Costello noted I think are valid concerns and
9 that was something that we talked about early on when the landmark ordinance itself was being
10 created; did we need to worry that people would run out and remove big trees because they were
11 afraid of that, and I don't think we've seen that too much but certainly I think that is something to
12 be aware of. So I'm struggling. I don't know what my vote is going to be at this point.

13 **Rose Hillson:** So Rose Hillson. I'd like to ask Ms. Kathryn Bonapart a question at the end
14 of my comments. So at the full Urban Forestry Council the committee as a whole decided the tree
15 is in good condition, had distinguished form, doesn't provide erosion control, not an interdependent
16 group of trees but it had neighborhood appreciation. I have a list of all the previous landmark trees
17 and all the trees did not hit every single criteria, I do know that. Mine did not hit every single
18 criteria. My tree was also unknown, and still is unknown and it hit the one mark that was rarity
19 because it's the only one in the city. So there was another one, it's a redwood above Market Street;
20 there was community support for it. It didn't hit much of the other ones at all, it was just
21 community support. So I'm sorry to say this in terms of gambling terms, but it's like a crap shoot;
22 you never know who's going to think what and this whole thing is going to end up at the Board of
23 Supervisors if their report decides a certain way. We don't know yet but I'm just putting it out there.
24 I have a question for Ms. Kathryn Bonapart. Could you explain to me? You were going through the

1 picture, the 1885 picture from Bancroft Library and I wasn't sure which tree you were saying was in
2 comparison to the picture in 1946; are you saying this is the tree in the picture that didn't have, or is
3 the tree....didn't have any trees on that lot...

4 **Barri Kaplan Bonapart:** What this photo is meant to show is the absence of large trees in
5 that block. Now the tree in question would be to the right of the frame so you wouldn't be able to
6 tell if it's there or not but the sister tree was over there.

7 **Rose Hillson:** And I don't see it, right. But the neighbors did have the trunk cutting of the
8 other sister tree and if it was true that it's estimated at 120 years, I'm taking 2015 minus 120 years
9 and I'm coming up with 1895; now this is 1885 and if 10 years later the guy had planted these trees,
10 that's one thing we don't know either. It probably never will be figured out but I'm just putting that
11 out there as well because the years and the dates of the photos and what could be calculated back
12 from this year could be another factor that is unknown.

13 **Barri Kaplan Bonapart:** Right, and that's the point, there are always unknown factors...

14 **Rose Hillson:** Yeah, including the species and the hybrid and whether or not....okay, Yes,
15 thank you.

16 **Jon Swae:** I think one of the questions I had at the last hearing was the historic significance
17 of the tree given the information we had at the time. I spoke to the Planning Department's Historic
18 Preservation staff and according to them in order for a tree to be landmarkable based on its historic
19 attributes from their perspective the tree would not have to just be of a certain age but be associated
20 with some exceptional element of history of San Francisco. So as we discussed in the last hearing
21 that the property is mentioned in the Here Today book and is determined to be historically
22 significant but that finding as I learned from the Preservation staff was really the historic significance
23 is really based on architectural significance of the property, the 46 Cook property, and not related
24 necessarily to a person or event associated with the property. So for the nominated tree to receive a

1 landmark designation because of its historic significance would require the tree with the landscape to
2 be associated with a historic event or a person or a historically designed landscape, which I don't
3 think we have evidence for in this case. A good example is the Blue Gum Eucalyptus on Octavia
4 Street which were planted by Mariana Pleasant, who was involved with the underground railroad
5 during the Gold Rush, a clearly historic person at the time. So I don't see how this in my
6 perspective can landmark a tree based on historic associations with past residents or any specific
7 historic event. It's clear that it's a beautiful tree and of quite some age and as I mentioned at the last
8 hearing, I would encourage the council to explore new, alternative protection approaches for trees
9 on private property outside of the landmark tree designation process.

10 27:39

11 **Coordinator Mei Lin Hue:** So I just wanted to note it was asked if it was appropriate that
12 staff provide a report. It's kind of my job to provide a report. The documents that came in from
13 the community members I did identify to Ms. Bonapart who emailed them to us. So she did have
14 that information and the last point you guys have covered, that we have . . . the Urban Forestry
15 Council has evaluated a specimen of unknown species and they have them landmarked so it's not
16 necessarily a problem. OK, we have property owner rebuttal. You have 5 minutes.

17 **Barri Kaplan Bonapart:** Thank you and this is a follow up to Rose, what you were saying
18 about you don't have to hit every criteria. Of course not, I understand that, but we have a very
19 unusual situation here because unlike yours and probably most other landmark situations here if not
20 all of them, it's not the property owner nominating it; you have a backyard tree on the property, the
21 owner of which is objecting to the landmark of his own tree. Indeed he was asked for access to his
22 property for the committee to inspect and he respectfully declined to provide the access because he
23 was opposing the process. Regardless of that objection, a round was apparently taken from his
24 property without permission in order to count rings as you just mentioned. Photos have been taken

1 of his property without his permission. Now apparently a pine cone has been removed from this
2 tree and taken from his property again without his permission and all of this started when he began
3 to embark on a property improvement project which included some tree removal and that's not
4 what the landmark ordinance is for. That is not what this committee is for and as Mr. Costello
5 states in his report if you were to landmark under these unusual circumstances you would not only
6 be harming the credibility of this committee and its good works, you would be encouraging
7 preemptive removal of the large beautiful trees in order to avoid what is happening here – and for
8 these reasons we encourage you to end the matter now. Thank you. And again, we're all available
9 for any questions.

10 **Coordinator Mei Lin Hue:** Discussion and action by the committee.

11 30:06

12 **Rose Hillson:** On the last note Ms. Bonapart mentioned the fact that yeah, it doesn't hit
13 every single point as far as rarity of species or definite species being known. The fact that my tree is
14 there but it's me putting in the nomination as opposed to some property owner who didn't want it
15 done and the sequoia on Market Street was one landmarked because the property owner didn't want
16 it but it still happened, right, and you had the plans looked at and everything through Planning
17 Department. So we have two things that have already happened in the past. This is a hard one. I'm
18 in the community seat so from that perspective I see the petitions and the enthusiasm and the
19 importance that they place on this large tree and it was the same with the redwood tree. You know,
20 that's why I'm on the council because I represent the community's seat but other than that I'd like
21 to hear your takes on what you've heard today. The three of us . . . I already know what's going to
22 happen. So it's interesting that we only have three out of five today.

23 **Carla Short:** I think just one note, even if we all vote no today we don't end it today; it will
24 go to full council for a full council vote on it and it will . . . can potentially even move on to the

1 Board of Supervisors. So this a tough one for me because usually I look for more than one criterion
2 to be met and in the past I have not even, though I really, really value when the neighbors value
3 trees; I'm in my job because I love trees. I appreciate when people care about their environment and
4 their community so I'm certainly very affected by that but historically that alone has not been
5 sufficient to sway me personally to vote for trees and I voted against the giant sequoia on Market
6 Street but it got landmark status anyway. With this one I think we don't have enough on the
7 historical connection to make me feel like we're meeting that criterion as well. The thing I'm
8 struggling with is we don't really know, or I don't feel like I really know, whether it's rare enough for
9 me to feel like this makes sense. I really believe these neighbors love this tree and that it's not that
10 they would like to see it landmarked whether anyone has an intention to remove it or not but the
11 reality is I think they were spurred into action because of a concern that it would be removed, which
12 is a reasonable reason to take action but I'm very uncomfortable with the landmark ordinance
13 potentially being used in that way. So I'm not really sure. But those are my thoughts.

14 **John Swae:** Yeah, I think my two holdouts were the rarity of the species which from what
15 I'm hearing is that it's not super rare and even the hybrids are not super rare and I have seen a lot of
16 Norfolks around the city myself just noticing, paying more attention and that Urban Forest map is
17 definitely not as accurate and some day hopefully it will be.

18 **Carla Short:** I don't think anyone is relying on that

19 **John Swae:** The other thing was the historic piece. It was helpful for me to talk to the
20 Preservation folks to clarify that. The property is actually historic because of its architecture from
21 their perspective; we don't have it associated with a key individual or event or something to make it
22 related specifically to that tree. So those were kind of the two big holdouts for me and I don't really
23 see strong case for either of those.

1 **Carla Short:** Today I don't feel like we have a ton of new information other than I'm
2 convinced that it's now a hybrid. I wish I had clearer confirmation what that meant in terms of its
3 rarity. Matt told me he didn't think they were very common in San Francisco, the hybrids but again
4 he said in order to be sure about that his grad student Whitney to actually take genetic samples.

5 **Rose Hillson:** I have a question. The hybrids that Matt Ritter said are not rare. Is there a
6 peer review paper on hybrids? Someone mentioned there was some flora document and I forget
7 who said it but if that person could come up at the table because I'm trying to find....sorry, I can't
8 read the fine print. Can you tell me which one . . .

9 One popular theory holds that many Norfolk Island pines in the Hawaiian Islands are all of
10 hybrid origin but pollen of the two species, heterophylla and columnaris, is shed six months apart
11 making hybridization unlikely. These reported hybrid trees are virtually all Cook pines. This is in
12 what document? Tropical Garden Flora. That just makes me wonder if it could be....

13 **Carla Short:** I would just say that if Matt Ritter has a student who's actually taking genetic
14 testing and finding those are hybrids I'd put a little more stock in that. I don't know if this is
15 relevant or not but the book is also from 2005 so a lot may have changed.

16 **Rose Hillson:** So that's it thank you. Are we ready to vote? I'll go first only
17 because I'm in the community seat and because in the past that's what's happened. I sympathize
18 with being property owners or not property owners, figuring out the species or not figuring out the
19 species and all these scenarios have come up before and my vote isn't going to make any difference
20 in today's, not with three of us so I'll just say yes, I support it.

21 **Coordinator Mei Lin Hue:** We actually have to have a motion and a second.

22 **Rose Hillson:** I move that we landmark this unknown hybrid tree at 46-A Cook.

23 **Coordinator Mei Lin Hue:** Just for clarification, make a motion to support landmarking?

24 **Rose Hillson:** Yes.

1 **Coordinator Mei Lin Hue:** A second? We need a motion to deny.

2 **Female Speaker:** [inaudible]

3 **John Swae:** I make the motion to deny the designation.

4 **Mei Lin Hui:** So for clarification, you're making a motion to not support the nomination.

5 **Carla Short:** I'll second that.

6 **Female Speaker:** OK so let's take a roll call vote. Chair Hillson?

7 **Hillson:** No.

8 **Mei Lin Hui:** Member Short.

9 **Short:** Yes.

10 **Mei Lin Hui:** Member Swae

11 **Swae:** Yes.

12 **Mei Lin Hui:** So we can't get a quorum vote on this one so this motion doesn't pass. That

13 means that the tree nomination will move forward to the full council with no recommendation from

14 the committee. Right? Alright. Item 4 on the agenda. Landmark tree visible identification. The

15 commission will discuss onsite identification of landmark trees. Thank you everybody for being

16 here.

17 **Rose Hillson:** So here's the reason why I put this on the agenda. In terms of the landmark

18 tree markers I brought this subject up because I know Mei Lin and Dan Kida and Carla have been

19 working on these markers for the trees and there's been discussion since 2008 on this and the design

20 is already made and it was voted at the council that these things would be made, and it's sort of been

21 put on the back burner until Dan goes out there and finds time to look at every single tree. That

22 was the last status but as I was sitting at the Historic Preservation Commission meeting because of a

23 presentation that Mei Lin was giving on this Cook tree, an item came up on their agenda about how

24 they're going to get markers for landmarked buildings and I thought well, do they have a funding

1 stream? I mean because it is kind of a landmarking thing and they started discussing SF Travel and
2 they've got funding maybe from Friends of City Planning and funding program, hotel tax, Visitors
3 and Convention Bureau and if there's any way to kind of expedite this, I don't know if it needs to go
4 into the Planning and Funding Committee thing again? I don't think so because it was already voted
5 on at the whole council and it's been since 2008. I don't want to recreate a motion to keep saying
6 yeah, we want to do this. And so . . .

7 **Female Speaker:** Just for a tiny bit more historic reminders, we had a small budget for
8 materials that we were going to use to buy plaques and then the budget disappeared, it got scooped
9 away and so we weren't able to buy those plaques. So that's where that design came from at first.
10 With the tree that's in front of McLaren Lodge, the city tree. So we were talking about some other
11 ideas but ultimately we need to know what works for DPW and what can go in the sidewalk before
12 we really do anything on this.

13 **Female Speaker:** The question is where does it go because in the sidewalk is going to be a
14 problem but in the tree well is probably not going to be a problem. So I think what we need to do is
15 find something that can be in the

16 [stopped transcript at 43:00 minutes]

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Transcribed by Karen Ruggles

20

Press Play Transcription

21

(415) 342-3476

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April 6, 2016

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24

EXHIBIT "M"

LTC-08/06/2015 - SUMMARY OF RESPONSES from Nomination Forms (Landmark Criteria) for Norfolk Island / Cook Pine at "46A" Cook St.											
Nominator / Evaluator	NOMINATOR	HILLSON	HILLAN	HUI	KIDA	SHORT	SWAE	Arbrst McNair (PropOwnr)	Arbrst Costello (PropOwnr)	Arbrst Leglitt (Nomntr)	Attorney for PropOwn
*** RARITY ***	Rare	NorIP-Unc/rare	Common	Cook-Rare	Cook-Uncommon	Common	Uncommon	NorfolIslndPine-Common	Agrees Norfolk per McNair	CookPine (+Mr. Hummer)	See** + McNair's opinion
*** PHYSICAL ***	***	***	***	***	***	***	***	***	***	***	***
Size	Large	Large	Large	Large	Medium/Lg for SF	Large	Large (for SF)	85' tall		100' tall	
Advanced age for species	Yes	Yes	No	Yes	No	Yes	No per ownr's arbrst	No		Mature	
Distinguished Form	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No		Yes	
Condition	Good	Good	Good	Good	Good	Good	Good	Good health		Good	
*** HISTORICAL ***	***	***	***	***	***	***	***	***	***	***	***
Historical association	Yes	Yes	Yes	Yes	Partially	Yes	None apparent	None apparent			
Media or print	Yes/unknown	Yes/unknown	Unknown	Unknown	Unknown	Yes	Unknown				
*** ENVIRONMENTAL ***	***	***	***	***	***	***	***	***	***	***	***
Prominent landscape feature	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No, per prop owner		Yes	
Low tree density	moderate	low/moderate	Low	Moderate	Moderate	Moderate	Moderate	Moderate			
Interdepn't group of trees	No	No	No	No	No	No	No	No			
Visible/access. fr/ Public ROW	Yes	Yes	Yes	Yes	No	Yes	Yes	Low visibility		Yes	
High traffic area	Yes	Yes	No	No	No	No	No	No			
Important wildlife habitat	Yes	Yes	No	Yes	No	Yes	No	Perch for birds			
Erosion control	No	No	No	No	No	No	No	No			
Wind or sound barrier	Yes	Yes	No	Yes	No	left blank	No	No			
*** CULTURAL ***	***	***	***	***	***	***	***	***	***	***	***
Neighborhood appreciation	Yes	Yes	Yes	Yes	Yes	Yes	left blank	Prop owner...*			
Cultural appreciation	None apparent	Yes	None apparent	None apparent	None apparent	None apparent	Yes/none apparent				
Contribution to ngrhhd character	Yes	Yes	Yes	Yes	No	left blank	left blank				

*does not believe it adds any "cultural" value to the neighborhood.
 **Ms. Bonaparte stated that what matters, as Ms. Hui indicated, is if it fits the criteria for landmark status.
 NOTE: Look at 8/6 + 10/1/15 LTC Written Summary & ADOPTED 8/6/15 Minutes for more information.

LTC-10/01/2015 - SUMMARY OF RESPONSES stated in re Landmark Criteria for Tree (Norfolk, Cook, Hybrid) at "46A" Cook St.											
Nominator / Evaluator	NOMINATOR	HILLSON	HILLAN	HUI	KIDA	SHORT	SWAE	Arbrsts McNair & Costello	<- see Column to left	Arbrst f/ Nomntr	Atty for PropOwn
*** RARITY ***	Cook Pine	species unclear	EXCLUDED	species unclear	EXCLUDED	convinced hybrid*	see commts below	hybrid per Ritter			
*** PHYSICAL ***	***	***	***	***	***	***	***	***			
Size	Large										
Advanced age for species		"sister tree"***									
Distinguished Form				nice-looking							
Condition											
*** HISTORICAL ***	***	***	***	some hstrc value	***	insufficient evidence	No per HistPrsvnStaff	***		***	per LTC minutes*
Historical association	Yes										
Media or print											
*** ENVIRONMENTAL ***	***	***	***	some envr value	***	***	***	***		***	
Prominent landscape feature											
Low tree density											
Interdepn't group of trees											
Visible/access. fr/ Public ROW											
High traffic area											
Important wildlife habitat											
Erosion control											
Wind or sound barrier											***
*** CULTURAL ***	***	***	***	some cult value	***	***	***	***		***	
Neighborhood appreciation		Yes				Yes					
Cultural appreciation											
Contribution to ngrhhd character											

10/01/15 LTC met for additional clarification on categories of species and historic, other landmark tree criteria could have been discussed as shown in this chart above.
 Blank boxes may indicate no response from evaluator or not discussed at meeting or may not have discussed due to it having been done at earlier Aug. 6, 2015 meeting.
 NOTE: Look at 8/6 + 10/1/15 LTC Written Summary & DRAFT 10/1/15 Minutes for more information.

(continued) LTC-10/01/2015 - SUMMARY OF RESPONSES stated in re Landmark Criteria for Tree (Norfolk, Cook, Hybrid) at "46A" Cook St.

LTC & STAFF COMMENTS:

Species:

* Ms. Short stated Mr. Ritter indicated to her while it is not uncommon, he was not aware of a huge quantity of these in SF.

Ms. Short wondered how many of Norfolks are hybrids, how many are Cooks and makes it a little more significant it is a hybrid though if most of what we have are hybrids then it becomes more common and we don't know.

Ms. Short stated there was a precedent with landmarking an unknown species.

Ms. Short stated she usually looks for more than one criterion to be met and appreciate people caring about the environment and community but not sufficient to vote for trees.

Ms. Short stated she wished there was clearer confirmation on what a hybrid meant in terms of its rarity; and stated Ritter did not think they were very common in SF.

Ms. Hillson stated she originally thought it was Norfolk as did most everybody except the nominators. Then thought it was Cook.

Ms. Hillson was told at this last meeting it is a hybrid but read in A Tropical Garden Flora that all hybrids are Cooks.

Ms. Hillson is unclear on species.

Ms. Hillson stated not all criteria have been met for all landmarked trees.

Mr. Swae stated the tree is not super rare; even hybrids are not super rare.

Ms. Hui stated UFC has evaluated specimens of unknown species and they have been landmarked so that is not necessarily a problem.

Historical:

** Ms. Hillson stated if sister tree has 120 rings, that would put date back to 1895 even if no trees shown in 1885 photo.

Mr. Swae spoke to Planning's historic preservation staff & from their view, tree would have to be a certain age, associated w/ some exceptional element of SF history.

Mr. Swae stated that Here Today mentions the building but the preservation staff told him the significance is based on architectural significance of the property.

He stated it was not related necessarily to the historic person or even associated with the property.

Mr. Swae stated the tree or landscape would need to be associated with a historic event or person or a historically designed landscape.

Mr. Swae stated there is no evidence and does not see it based on historical.

Mr. Swae stated it is not associated with a key individual or event or something related specifically to the tree.

NOMINATOR'S SUPPORTERS' COMMENTS:

Species:

Mr. Worn produced letter from field botany teacher of herbal medicine and stated the letter referred to Hortus Third to make positive identification.

Mr. Levitt had 2 arborists state it was a Cook Pine. He brought up A Tropical Garden Flora which states all hybrids are Cook Pines.

Historical:

Mr. Worn disagrees 1946/1951 tree was removed and current one put in its place as physically impossible.

Ms. Levitt referenced the historical material submitted earlier and the timeline.

Other:

Ms. Levitt asked that the worthiness of the tree to be landmarked be looked at per the criteria in the ordinance.

Ms. Beasley stated as SFSU Environmental Studies student provides great environmental benefit being large.

Ms. Beasley also stated it contributes to the biodiversity to help conserve nature.

See minutes of LTC for other remarks.

PROPERTY OWNER'S SUPPORTERS' COMMENTS:

Species:

Ms. Bonaparte stated from last meeting, parties would get more info on species ID whether Norfolk Island Pine which everyone had asserted or if Cook Pine.

Ms. Bonaparte stated Cook Pine apparently more rare in this area. Contacted Dr. Matt Ritter (Cal Poly) who opined it is a hybrid.

Ms. Bonaparte stated the documents stating the tree as a Cook Pine are wrong and not authoritative per Dr. Ritter.

Mr. McNair stated Dr. Ritter laid to rest the species issue and explained why there was so much controversy because it is a hybrid and has characteristics of both.

Mr. McNair stated the urbanforest map, in terms of rarity or historical, and after speaking with Peter Erlich in the Presidio, there is a greater number than the 15.

Mr. Costello stated that in his mind if Mr. Ritter says the tree is a hybrid, that is what he believes.

Mr. Costello stated that we really do not have a good understanding of the tree that is being landmarked.

Historical:

Ms. Bonaparte stated there was insufficient/contradictory historical evidence at last hearing. Here Today excerpt was in appendix.

Ms. Bonaparte stated there are no trees in 1885 photo. McNair's photo of today compared to 1940/1950 photo is not the same tree.

Mr. McNair compared the 1946 photo to current photo he took virtually in same location. He says it is not the same tree.

Mr. McNair said the tree was probably planted as a replacement tree.

Other:

See minutes of LTC for other remarks.

EXHIBIT "N"

1 Urban Forestry Council meeting

2 October 27, 2015

3

4 Good evening. This is the Urban Forestry Council regular meeting. Today is Tuesday
5 October 27th, 2015, the time is 6:01 p.m. The first item on the agenda is roll call and call to order.

6 [Calls role]

7 **Mei Lin:** We have a quorum, before we go onto the next item do we want to introduce our
8 new member?

9 **Male Speaker:** I'd like to introduce Zach Taylor from Park and Rec, Zach thank you for
10 joining us.

11 **Zach Taylor:** Thank you, happy to be here.

12 **Mei Lin:** Great. Item 2 on the agenda is adoption of the Minutes of the June 23rd, 2015 and
13 August 25th, 2015 Urban Forestry Council regular meeting. We have some edits that came in from
14 David Pilpell. I think he mentioned them last time for the June 23rd meeting. Dan has a copy of
15 those and I have a couple copies, I just got them a few minutes ago. They aren't substantive, it's
16 typos and some clarifications so if we could get a motion to adopt those meeting minutes, the June
17 23rd as amended by Mr. Pilpell, and the other one as written.

18 **Male Speaker:** So moved.

19 **Male Speaker:** Second.

20 **Female Speaker:** I had a comment but that's okay. Cancel.

21 **Mei Lin:** Who seconded?

22 **Male Speaker:** Mike Sullivan.

23 **Mei Lin:** Without objection?

24 **Male Speaker:** Rose has a comment.

1 **Female Speaker:** Oh go for it, Rose.

2 **Rose Hillson:** Oh I just mentioned I sent in a correction as well and it's just that during my
3 Landmark Tree Committee Report I did mention the tree markers and it's not in the minutes , so
4 that's it. Thank you.

5 **Mei Lin:** I will make that correction too for the August 25th meeting minutes. So the June
6 23rd meeting minutes, just for clarification, movement motion is to adopt them with David Pilpell's
7 edits and then the August 25th meeting minutes, adopt them with Rose Hillson's edits. Is that
8 correct? Mike Sullivan, you still second that motion? Great, okay. Without objection? Okay. Meeting
9 minutes are approved.

10 Item 3 on the agenda is public comment. Members of the public may address the council on
11 matters that are within the council's jurisdiction and not on today's agenda. Do we have any public
12 comment? Seeing none.

13 Item 4 on the agenda is hearing on nomination for Landmark Tree Status for the Norfolk
14 Island Pine located at 46-A Cook Street, Assessor's Block 1067, Lot 32, San Francisco, California.
15 The council will hold a hearing to determine whether the tree nominated at the following location
16 meets a criteria for designation as a landmark tree to forward findings to the Board Of Supervisors.
17 You have several explanatory documents; for. For the council members, most of these documents
18 are in a packet that you're sharing with the person next to you. Member Hillson is going to start with
19 a Landmark Tree Chair Report.

20 **Rose Hillson:** Good evening council. There have been two Landmark Tree Committee
21 meetings. One was on August 6th and the other was October 1st and we went through all of the
22 various criteria and it's the charge of this council to follow the ordinance in Department of Public
23 Works Code Chapter 16, Section 810, Landmark Trees under 5 Criteria. I put them in the written
24 summary portion of your document in your packet just for your edification but you probably already

1 have them all memorized. So there's verity, physical attributes, historical, environmental, cultural.
2 Those are the five categories and then all of the different details underneath each of them. So in
3 studying this tree in the first meeting everyone said oh no doubt it's a Norfolk Island Pine, Araucaria
4 heterophylla and then in the second meeting we had to hold it because the species was kind of up in
5 the air, no one could figure it out. There was Dr. Ritter who was consulted by the property owner
6 and the arborist and also member Short and Dr. Ritter stated that it was a hybrid and so there's all
7 kinds of fun things that occurred with determining or not determining species.

8 5:08

9 Then we had a lot of public support on the nominator's side. Of course it went through
10 Planning. Planning adopted a resolution for intent to nominate DPW, the Director put it in order to
11 temporarily designate it for protection and I don't know how to run the audio visual to show the
12 other tree pictures. So you can just watch the thing as I click on a couple of these. Actually I have
13 seven or eight and then turn your head sideways for that one because I'm not going to dink around
14 with it, trust me I'm not. That's the Bridge Theater on Geary, that's a view from Geary and then
15 you have . . . this is the street, Cook Street, and Geary and it's a dead-end street so sorry about the
16 upside down stuff, but you get the gist of it. The view from the sidewalk at the property and the
17 view of the tree from the property on the sidewalk. Anyway so the Landmark Tree Committee and I
18 also included an Excel spreadsheet for you with all the different categories because some people
19 don't like to read text and they'd rather have something large.

20 So this was the Excel spreadsheet except in a form where you can actually read it versus the
21 micro print and what I did there was I tried to categorize all of the responses on the evaluation
22 sheets and summarize them per the criteria and anything extraneous other than the criteria, I didn't
23 put in any of these documents. So we agreed it was in good condition, distinguished form, no
24 erosion control, not part of interdependent group of trees, neighborhood appreciation, prominent

1 landscape feature, and then there were some more yeses than no's in some categories like size large,
2 large for San Francisco Historical Association, trying to figure out whether it was historically
3 associated with a person or not the person, what does it mean with Historical Association, and
4 visible accessible from public right of way. Well you see the pictures so you kind of get the gist on
5 that. So again, concentrating also on after you've read the minutes for both meetings I tried to be
6 very comprehensive so that everyone knew all of the facts, nothing but the facts and we have
7 representatives here who are going to speak on it I'm sure. I'd like to keep this as short as possible
8 because there are so many documents that were flying in both meetings it's kind of hard to keep
9 track which is why I did the spreadsheet. Thank you for your time.

10 **Chair Flanagan** (PAUSE)

11 **Male Speaker:** Any comments?

12 **Mei Lin Hui:** So at this point, typically the council members will discuss the tree and the
13 findings, they. They will have a conversation, you. You can request any additional information from
14 anybody that's here and comments from them. After you finished discussing we would take a
15 motion to either forward the tree or to end the nomination here and there'll be time for public
16 comment before you guys complete your motion.

17 **Chair Flanagan:** Rose, do you want to summarize the committee vote or findings?

18 **Rose Hillson:** That could have been a key factor there that I omitted. Okay so after the
19 committee met the second time there were only three of us there and it was voted 2 to 1 to
20 recommend to forward to the council with no recommendation. The summary with the species was
21 mainly about Dr. Ritter and his statement about it being a hybrid. As far as a historical association
22 there was some bantering back and forth with what the historical association could be with the
23 house or the tree and the person, or the lot and it was hard to figure out. So that was kind of left up
24 in the air as well. A lot of things were. So it's hard to say. It's an old property so we don't know.

1 **Male Speaker:** I don't have Number 2.

2 **Sherwin or Manzone:** So I read through all the documentations we were sent earlier and it
3 did seem like there was a fair amount of discussion on this tree. I guess my first question would be
4 historical significance. Those that were in the Landmark Tree Committee can answer on this
5 question. It seemed like in the end, and I don't know if this came from Planning as well as from the
6 committee, that there was no connection that could be established between the tree and the home
7 from the pictures that were seen, is that correct? That was the best of my reading of all of the
8 materials.

9 **Male Speaker:** Yeah, it wasn't clear if the tree was original to the building or not.

10 **Female Speaker:** I think that's my first question, I'll let someone else jump in before I go.

11 **Male Speaker:** Mike?

12 **Mike Sullivan:** I have two questions. One is whether it has been . . . what the conclusion of
13 Dr. Ritter was as to the tree's identity.? Is it a hybrid of a Cook Pine and a Norfolk Island Pine or
14 something else?

15 **Rose Hillson:** Dr. Ritter's statement, by the way I happened to bring Dr. Ritter's email that
16 Carla forwarded to the entire committee,. I have copies for the public as well as for mailing and the
17 rest of you if you could please hand these out.

18 **Mei Lin Hui:** There's also a report from Dr. Ritter in your explanatory documents.

19 **Mike Sullivan:** Okay I guess I'll read this and get my question answered. The other question
20 I have is whether, and this is my first vote on a landmark tree, whether the fact that this is a
21 backyard tree has any impact on the council's decision.

22 **Rose Hillson:** So far it has never had an impact on the council's decision. I have a backyard
23 tree, there's another backyard tree on 27th Avenue, there's several other backyard trees, a lot of

1 backyard trees in fact, and so they're not going to get the future tree markers because they're in the
2 backyards.

3 **Mei Lin Hui:** Just to clarify that question, landmark trees can be anywhere in the city, on
4 any property owner as long as the official nomination is made and the council finds the tree to be
5 worthy of landmark status.

6 **Chair Flanagan:** I have one question. How many Norfolk Pines are there in the city more
7 or less? I think there are a fair amount, aren't there? And does this distinguish from the other, or
8 maybe by hybrid? By the fact that it's a hybrid it does distinguish?

9 **Rose Hillson:** Dr. Ritter's comment was that it's a hybrid of the two, that's his guess based
10 on conversations with Carla and the pictures that he's seen of the tree. As far as the count for
11 Norfolk Island pine, I mean unless they're hybrids too, which we don't know because no one is
12 going out and DNA'ing all these things, or whether it's a subspecies of heterophylla without being a
13 hybrid. I mean I'm not the expert on this. I don't do DNA testing luckily so that's a hard question
14 to answer.

15 **Chair Flanagan:** But are there a lot, is this a unique tree to San Francisco? Is there a reason
16 why we should identify this tree as landmark?

17 **Rose Hillson:** It isn't necessarily a unique tree. Unique trees aren't all landmarked. In fact
18 Monterrey Cypress in the thousands in the city have been landmarked, they're not unique, and
19 they've been landmarked. Coast Live Oak has been landmarked, they're. They're not unique but if
20 it's a unique...

21 **Male Speaker:** I'm saying in terms of the species, is it a unique example of the species in
22 this city?

23 **Hillson:** Of the hybrid? If we assume it's a hybrid or just a heterophylla?

24 **Male Speaker:** Let's stay with heterophylla now.

1 **Hillson:** Heterophylla, there are other heterophylla in the city, although maybe not in the
2 thousands like Monterey Cypress or Coast Live Oak that have been landmarked, or other trees that
3 have already been landmarked like California Buckeye and. And I think Member Short has that
4 knowledge as well.

5 **Female Speaker:** I was just going to say, Carla could you speak to that too?

6 **Carla Short:** Sure. I think that Araucaria heterophylla is relatively common in San Francisco.
7 The neighbors used the San Francisco Tree Map as a source but that is a wiki source and so it
8 definitely did not capture the quantities that we know to be out there. But if you read the email
9 from Matt Ritter - I'll just quickly read one line which says "Hybrids are common in California in
10 that they are around but not everywhere. I have personal knowledge of about 10,. I'm sure Jason
11 knows of more.." He does have a graduate student who is doing DNA testing." So so - just for
12 those of us who are interested.

13 **Hillson:** And the one line that continues is "I don't know of any in San Francisco and they
14 are very, very, way, way less common than A. heterophylla, I don't think they have a name. Most
15 hybrids that only occur in cultivation are not named for the most part and these two trees do not
16 have overlapping ranges in the wild.."

17 **Female Speaker:** I seem to be full of the questions this evening. So if it's either species of
18 tree, where did the Landmark Tree Council fall on whether it is a high quality example of either
19 tree.?

20 **Female Speaker:** I think we all agreed it's a very nice example of whatever it is and a good
21 size, yeah.

22 **Female Speaker:** And do we have any of either of these species landmarked already?

23 **Female Speaker:** No.

24 **Female Speaker:** Okay.

1 **Male Speaker:** It would be helpful for me to hear a summary of the points of view of the
2 people who voted in the committee since you spent more time on it than the rest of us have. I don't
3 know if anyone is able to do that.

4 **Hillson:** I would like to be last.

5 **Female Speaker (Short):** I'll go first. I think it's a very nice example. of - I thought it was
6 a Norfolk Island Pine, that's how I evaluated it. The Cook Pines that I'm familiar with have a much
7 more distinctive lean but I certainly trust Matt Ritter's assessment. I think it's a large tree. We do
8 have other large Araucaria in San Francisco but certainly I think it is notably so. I was very
9 personally moved by the neighborhood appreciation for the tree. We had had quite a few people
10 who attended the committee hearings who felt very strongly and there was a what they're calling a
11 sister tree, so another adjacent tree that had been removed as well as two large Canary Island Pines
12 that were removed. Personally I really struggled historically when I have voted on landmark trees I
13 have voted because I feel that it's a particularly extraordinary example of the species; or it had
14 multiple other criteria that it met in order to be considered a landmark tree and so in order to be
15 consistent with the way I voted in the past, I did not vote to recommend this to the Board for
16 landmark status but it was a tough decision for me because I do think it's a very nice tree and I really
17 don't think it should be removed. But whether or not it's proposed for removal is not supposed to
18 be a factor in our decision making. So I struggled with it but I felt in order to be consistent with the
19 way I've approached other landmark trees, I didn't support the nomination.

20 18:30

21 **Male Speaker (Swae):** And as Carla said, I was also moved by the outpouring of
22 community support from the neighbors and surrounding community of all ages came out to read
23 poems and talk about their love for this tree and I do think it's unfortunate. I think this tree is
24 probably a hundred years old, or maybe possible over a hundred years old and the other trees that

1 were removed were also of a similar age and size so I think that was unfortunate. I think for me the
2 biggest thing was as it seemed the species was not extremely rare in San Francisco the piece that I
3 was trying to understand better was the historic significance of the tree and we did some research
4 and I talked to some preservation technical specialists at the Planning Department. There was an
5 account of a nearby cemetery and the gentleman who built this house in the 1800s worked at the
6 cemetery and there was some kind of discussion of whether some of the trees on the property came
7 from that cemetery and in. In talking with the Preservation staff they were saying that while the
8 house might be landmarkable because of its age and architecture, that without a historic person
9 living in the home or on the land, or a historic event happening there, they wouldn't landmark it
10 based on some kind of historical significance and so the tree, from their perspective, was of the
11 same. It has to be not just because of its age but because of it being associated with some sort of
12 historical event or person or personality. So without the kind of rarity or the historic association
13 proved, I voted to not recommend the tree for landmarking.

14 **Hillson:** I guess I'm the last one left from the committee tonight. Okay so I voted actually
15 to look at the criteria and I said okay it's a large tree, I showed you the pictures, it's one of the larger
16 ones in that whole area next to Geary which is a lot of traffic, a lot of wire, a lot of what I call the
17 city urban look. So the one that's a prominent feature. Prominent feature on the criteria form is
18 mentioned twice and it's mentioned twice I think for a reason, I don't know why but it's there. I
19 never questioned it, but it's a prominent feature so I voted yes for that and it's large. As far as the
20 sister tree that member Short also mentioned, the sister tree is like 120 annual rings so to speak. So
21 then I did the math and then I went backwards and I figured the tree could have been planted in
22 1895 or so even though an older picture in 1885 didn't show any trees. Then I thought about what
23 member Swae mentioned about Planning's research with Historic Preservation Commission or staff
24 and then what kind of things could be landmarked and I looked at the Preservation Bulletin, it's

1 actually Bulletin No. 19 on the website and it talks about things that could be landmarked whether
2 or not it's associated with a historic person or event. It could also even be an object like Lotta's
3 Fountain or the Doggy Diner head sign and then I thought well, maybe there's something more to
4 this. What does it mean to be a Historical Association? George J. Smith lived in that house, he was a
5 director of Independent Order of Odd Fellows, the cemetery, and that is the whole area of the Point
6 Lobo's homestead extension that was established on May 20th 1871. The house was purportedly built
7 in 1870. So the streets from Spruce all the way to Wood are part of that homestead extension.
8 There are very few dwellings built in 1870 west of Divisadero - which is spelled differently in those
9 days. Divisadaro. Anyway, so I thought about the history and I think there is an association because
10 Independent Order of Odd Fellows was a very powerful group in the city and. And I explained in
11 my notes about how they helped the city during the earthquake relief, about the fire and what they
12 did for the city as kind of a good will, fraternal, cultural organization. So I saw cultural value in that.
13 As far as trying to make a connection between old pictures and whether or not trees were planted by
14 the owner, we know that the other thing that Mr. Swae brought up, member Swae brought up was
15 the Mary Ellen Pleasant Eucalyptus trees. They're landmarked and. And so I looked into that and
16 the Here Today documents, and I found the note that says "Large trees at left were reputedly
17 planted by Mary Ellen Pleasant." There was no proof that she planted them but it's also a picture of
18 her house, actually this is the second version of her house because if you go to the online Library of
19 California, the original house was a Victorian, there. There are no trees. So do we say that Mary
20 Ellen Pleasant didn't plant them because there are no trees? This is a similar case with the Cook
21 Street photos and no trees to start with. Then I went back to member Swae. I mean he was full of
22 evidence so I went back to member Swae's 1938 aerial map usually found on the David Rumsey
23 Collection, and he showed how the trees were already there in 1938. Let's assume that they were just
24 planted in 1938, which they weren't because they were already taller than the house, that's 77 years.

1 Any landmark in the city has to at least be 50 years of age. So then I started thinking of all that plus
2 the factors that hit on every, maybe not the rarity, but even the hybrid, if it's kind of not around San
3 Francisco, as Dr. Ritter's email seems to state, I think it has hit every single category but. But I was
4 also moved by the public input. Sitting in the community seat - I'm one of two here on the
5 community seat, and I just think that this tree must have something in it for it to be there that long,
6 related to this lot and. And maybe there's no proof, but there wasn't any proof of other things
7 either. So that's my sum-up.

8 **Male Speaker:** Any other comments? My only opinion is that we've had this debate before
9 and as I said... hold on. It drives home the point that we do not have any kind of protection for
10 backyard trees, that we always try to force a tree into landmark status and the landmark status is so
11 narrow, and we do know that when we have the meetings the community comes out and they really
12 try to support a tree,. I think that is significant also - and the fact that it is a prominent tree, and it is
13 quite visible from a distance. That is important, but I do think that we don't have the right tools to
14 protect trees of this nature and this stature in our city and. And I would like some day to approach
15 that in trying to have a backyard tree ordinance that over a certain diameter that you have to get
16 permission to take it down. So that is an aside comment but I think that is the background for this
17 discussion quite frankly. Now is it a landmark or is it not. ? We can't cut the baby in half, that's the
18 problem. Sandy?

19 **Sandy:** I appreciate that comment. I think I'm at present feeling inclined to take the ____
20 tack of . . . that sounds like a little bit of an aside comment about not cutting down landmark trees.
21 In looking through the Excel sheet and going through the five criteria, size and age, it's strong on
22 those categories. The species may not be rare but we do not have any of either of these species
23 landmarked. In the Category B, visual characteristics, I believe everyone said it has nice form and it
24 is a prominent landscape feature so it's a yes in the second category. The cultural historical category

1 is up in the air, so I would say lean toward a no on that because it's not definitive. Ecological
2 characteristics. I haven't heard anyone talk about it but in looking through the spreadsheet it
3 appears that that was a no across the board from people. It's not providing erosion control, sound
4 barrier. We didn't hear about wildlife habitat, which might be interesting, but I'm taking it that
5 because that was not noted it's not particularly of habitat importance. Fifth criteria, locational
6 characteristics, in a high traffic area, low tree density area, visible from public right away, so it's
7 clearly a yes in that category. So at the moment I'm seeing it as it's a yes in three categories in my
8 mind, and undetermined in one, and a no in another. I think that would be my way of looking at it.

9 **Hillson:** Yeah so. So as far as the environmental and everything that was all in the
10 Landmark Tree Committee minutes, which are very long, but they did strike on those points as well.
11 The public came out and talked about the wildlife they've seen there. A professor from San
12 Francisco State University, I remember had a document, something about biodiversity and what is
13 that thing called, carbon? Carbon sequestration. Water. What's the word? Storm water, yeah.
14 What Igor said. So thank you for waking me up. So those have been hit as well. There's a lot of
15 things that the subcategories seem to be hit on as well, so it's kind of hard reading all of the minute
16 notes.

17 28:58

18 **Male Speaker:** Any more comments? Great.

19 **Male Speaker:** Can you refresh my memory, just the language as it relates to the criteria
20 versus approval? Is it something that all criteria. . . ? I couldn't find the actual language of the
21 landmark tree requirements. Do all the categories and characteristics need to be met or? Or how
22 you weigh them...

1 **Hillson:** All the categories are treated pretty much equally and not all trees have all the
2 categories. Some trees that have been landmarked only hit one category and they were landmarked.
3 One tree I remembered, the thing that hit it was it was pruned aesthetically.

4 **Male Speaker:** They're considerations as part of the determination but any of them can be
5 contributing and/or not?

6 **Hillson:** Correct.

7 **Female Speaker (Mei Lin):** If you guys wanted to make a motion we could either take
8 public comment now or you could take a motion, and before you adopt a motion.

9 **Male Speaker:** Let's do public comment now.

10 **Female Speaker:** Any members of the public who would like to present please come up.

11 **Barri Kaplan Bonapart:** Good evening and thank you for taking the time to consider this.
12 My name is Barri Kaplan Bonapart, I'm an attorney and a mediator specializing in tree law and I
13 represent the property owner Dale Rogers in this matter. I first want to address some of the
14 questions that were raised by some of the council members. There was a question as to the rarity of
15 the hybrid species. There is a report by Dr. Ritter in your packet, not just an email and so perhaps at
16 some point when you have time you can review that, but he provides three points of summary at the
17 beginning of the report. He says 1) based on our findings the tree at 46 Cook Street is a hybrid; 2)
18 these hybrids are not rare in California; 3) the resources previously used to identify the tree at 46
19 Cook Street are not accurate, authoritative or reputable, and then he provides an explanation for
20 those summary points, and you have that in your packet. The other thing that you have in your
21 packet is Kathryn Jones, who many of you know and who is here with us this evening, also looked
22 into the historical connections that were alleged by the people who were in support of the
23 nomination and she was unable to find any support for the claims being made about a historical
24 connection and she has also written a report that's in your packet as well and is available here for any

1 questions or comment. But one of the things that she notes in the report is “if the tree was planted
2 on the property in 1885 the photo doesn’t show it” – and that’s the photo that was referenced
3 before that shows that block with no significant trees either on the block at all or specifically on that
4 property – “it would be 130 years old. If the tree is considered to be 108 years old it could have
5 been planted in 1907, the year Mr. Smith died. If it’s younger than 108 years Mr. Smith couldn’t
6 have planted it.” And there’s more to her report but she concludes that there’s no historical or
7 cultural significance that she was able to find.

8 You also have in your packets reports that have been done by Larry Costello, who all of you
9 know, and James MacNear, who I assume most of you know as well and. And they’ve painstakingly
10 gone through the criteria, which is really the only thing that matters here, and both of them have
11 determined that this tree does not meet the criteria. In fairness I think when initially the committee
12 members were going through the various criteria they hadn’t yet heard from the property owner’s
13 representatives. So I just wanted to let you know that Mr. Costello, Mr. McNear and Ms. Jones are
14 here to answer any questions and that this is an unusual case in that the property owner is not
15 submitting this for landmark nomination; in fact the property owner is opposed to it and it’s my
16 understanding that there’s only been one other instance historically where a nomination has been
17 made over the objection of the property owner. Thank you.

18 **James MacNear:** Good evening members of the council, I’m James MacNear, I’m a
19 consulting arborist and in summary when I was asked to do this evaluation I really hadn’t had much
20 experience with the landmark status so it was a very interesting kind of process to delve into. My
21 conclusion especially on the age of the tree, I think the tree really dates back to 1940 and in my
22 addendum report I compare a current photo of the tree with a circa 1946 photo and in my analysis,
23 the existing tree is a good 20 feet off of the tree that’s shown in that historical photo. If it was
24 planted in the 1940s that would make sense in terms of the size of the tree, the current condition of

1 the tree; if it was dramatically older, another 50 years, it just wouldn't look the same in my opinion.
2 So there's that. The other important element as we've discussed whether a hybrid a significant or
3 not but I think as I looked around the city and I asked Peter Ehrlich at the Presidio how many
4 Araucarias they have there and they have at least 40 so it turns out the tree is relatively common and
5 I think a lot more of these are hybrids than we realize just because it's hard to distinguish them. So
6 that's my comment, thank you.

7 **Kathryn Jones:** Hello, I'm Kathryn Jones. I was asked to look into the tree, the house and
8 Mr. Smith as to their historical and cultural significance. I searched several on-line collections. I
9 looked at the Bancroft Library on-line photo collection, which did contain the 1885 photo of the
10 property, but I found nothing else about Cook Street, George J. Smith or the Richmond District in
11 relation to that particular neighborhood that would indicate historical or cultural significance. I also
12 searched other on-line sources including the San Francisco Public Library, San Francisco Historical
13 Photograph Collection, found San Francisco Digital Archive, Richmond District Blog and didn't
14 find anything there either. The San Francisco Public Library Collection contains 314 photos of San
15 Francisco's streets but none of Cook Street. I found no mention of George J. Smith beyond what is
16 known regarding his employment at the Odd Fellows' Cemetery. There was some research by the
17 folks who were trying to make this a landmark tree and they looked to some research notes from a
18 book called Here Today, and the Here Today research notes states that Mr. Smith had access to the
19 trees and shrubs from the Odd Fellows' Cemetery, which obviously he probably did if he was the
20 director there. It seemed to me that the implication was that he took the trees and rescued them
21 from the cemetery because at the time the neighbors in the late 1800s were starting to think that
22 maybe cemeteries didn't belong in San Francisco but it took a really long time for the city to decide
23 not to have cemeteries in San Francisco and it was in the 1920s finally, long after Mr. Smith had
24 died. So he wasn't in the cemetery rescuing trees and putting them on his estate, he may have found

1 some trees that were extra in the cemetery and planted them around his estate which was very large.
2 I'm not exactly sure how big but it was way bigger than the property in question. There was in the
3 documentation that said that Mr. Smith excavated any trees from the cemetery so I concluded that
4 there was really no convincing historical or cultural association with this house, this man or this tree.

5 **Male Speaker:** Thank you.

6 **Larry Costello:** Good evening council members, my. My name is Larry Costello and I'm a
7 consulting arborist in San Francisco and deep in your packet somewhere is a statement that I
8 submitted to the Landmark Tree Committee during the second hearing, I believe and. And I'm here
9 tonight to encourage you not to support this nomination and basically I'll summarize my three
10 reasons for that. Number 1 there's really a lot of doubt about what it is. Dr. Ritter says it is a
11 hybrid, I believe that, but it's not a named hybrid so we know it's not Cook pine and it's not Norfolk
12 Island pine, but really what is it? Is it a 50-50 hybrid, is? Is it a 75-25 hybrid? We don't know. Does
13 it have traits that make it better than perhaps the parents; we? We don't know. Does it have traits
14 that make it less desirable than the parents; we? We don't know. So there are a lot of questions
15 about this particular tree and I think we really need to know what is being landmarked specifically,
16 and in this case it's more of an enigma than something very clear cut.

17 The second reason is perhaps when that property was an estate it was appropriate for that
18 location; now it's a backyard tree. It's really unsuitable for that location. It's a very large tree in a
19 small backyard in San Francisco. We know it's very large and structurally trees fail from time to time
20 and if this failed there would be consequences that would be severe. So typically it's more suitable
21 for parks and not backyards. I really don't think any of you would specify it for that location. Also
22 keep in mind that it does produce fruit. They're called cones, they're very weighty, 10 to 15 pounds,
23 and certainly we're all aware from the newspaper reports recently of a gentleman who was hit by a
24 fruit of that tree, of Araucaria, in San Francisco and sustained a significant injury. The last point I'll

1 make is that there may be some unintended consequences associated with landmarking this tree I'd
2 be concerned about because the property owner does not support it. Developers who are looking at
3 properties may develop a concern that the trees on that property, large trees may be subject to
4 landmarking action and if that's the case they may act to remove trees, and that would be very
5 unfortunate. They could remove some very nice trees and I think developers are capable of doing
6 that in certain cases. So I'd just be aware of unintended consequences that may occur as a result of
7 landmarking this tree. Thank you.

8 42:58

9 **Roy Leggett:** Hello my name is Roy Leggett and I am a consulting arborist as well, we. We
10 have lots of them here today. I'm also someone who lives nearby in an adjacent neighborhood and
11 I'd like to represent that first of all those people that I know that live on Cook Street are very
12 discouraged because of the way things have been going, but nevertheless they're giving it their best
13 shot, they. They really gave it their best shot and represented their opinions. So I hope you
14 remember that they are people that live on that street, it's. It's a close-knit community of people, the.
15 The street is significant to them, it's. It's meaningful to that community and those people and that
16 block. Also there are four points I just want to bring up. These are kind of responsive to things I've
17 heard tonight. I do support landmarking the tree but I can understand the discussions that you've
18 had. I think there are some interesting pros and cons that have come up and I respect that. Mr.
19 Sullivan, I'd like to just point you out as someone who recognizes majesty of trees. It's not about
20 splitting hairs. Your book is testament to that. Trees impact us in very positive ways, big trees that
21 are prominent trees more so than smaller species. I think that's relevant to landmarking. Trees are
22 different than buildings. I don't think the same criteria should apply. Buildings are stagnant, dead
23 objects; trees grow, trees impact us as part of an environment. This species whatever it is, I don't
24 really care, even though I think it's probably a Cook pine but it could be a hybrid. I do respect Mr.

1 Ritter and I think he probably has some good reasons for saying what he said. That doesn't mean
2 that it shouldn't be recognized for its prominence and its importance and its stature, and other
3 species may number in the thousands and we don't see them at all because they're small in stature
4 and they're below the scale of the buildings; this. This species is routinely well above the scale of the
5 buildings and prominent so we know where every one of these is that's been around for a few years.
6 This tree is ideally suited to the site in my opinion. It's a triple wide lot, with a single wide house and
7 a barn at the back. I think that's a reasonable ____place for this species. Araucaria bidwillii, that
8 had the cone that severely injured someone that was referenced by Dr. Costello, that species
9 produces cones that weigh up to 41 pounds; the. The species at stake here doesn't produce cones
10 anywhere near that size so I don't think that's a valid excuse for eliminating this tree from the
11 landscape. Thanks.

12 46:51

13 **Nancy Werfel:** Good evening, my name is Nancy Werfel, former 9-year member of the
14 Park Recreation Open Space Advisory Committee, PROSAC. I came to support officially
15 landmarking the Norfolk Island pine at 46-A Cook Street. It's highly visible from many vantage
16 points in the Jordan Park and Laurel Heights area and much loved by the community. The nine
17 pages of signatures on the petition to honor this tree attest to its neighborhood appreciation, as do
18 the many videos of the people who testified as to the tree's importance to them. Regardless of its
19 exact biological name it is tremendously tall, graceful in stature, and a very old feature of the area.
20 Thank you Mr. Leggett for pointing out your comments on this area. As a matter of fact this
21 council has already set the standard by which a Norfolk Island pine or whatever you call it may be
22 considered a landmark tree. In 2009 the council approved landmark status to an almost identical
23 tree at 2040 Sutter Street. The Planning Department has even listed the Sutter Street tree on its
24 complete list of landmarked trees as of 2012, a copy of the page from the landmark tree listing from

1 the Planning Department. The Sutter Street and Cook Street trees possess the same qualities for
2 meeting the landmark criteria. Their physical form, height, trunk diameter and age characteristics are
3 very similar. Commissioner Vargas phrased her assessment in 2009 of the Sutter Street tree as
4 providing valuable “environment benefits in the form of ecosystem services.” Indeed
5 Commissioner Hillan commented that the Sutter Street’s trees’ primary virtues were physical and
6 environmental; so. So does the Cook Street tree provide important benefits to birds and people
7 alike. Miss May Ling ___Mei Lin Hue commented that the Sutter Street tree property owner’s
8 board of directors had to approve the nomination, which required demonstrated community
9 support. She concluded that the tree creates character for the surrounding area. The Cook Street
10 tree has clearly demonstrated much broader community support than just that of a homeowner’s
11 association approval, and it is truly the defining feature of the area. Supervisor Jake McGoldrick
12 clearly stated that the landmark trees have special significance to the community in his 2006
13 resolution adopting the Urban Forestry Council’s procedures, therefore. Therefore I believe the
14 2009 rationale for landmarking the Sutter Street tree applies equally to the Cook Street tree. The
15 council may not convey landmark status on one Norfolk Island pine in 2009, and then arbitrarily not
16 apply the very same standards and conclusion on a nominated tree that has the same criteria in 2015.
17 You must be consistent in applying the letter and spirit of the law that governs your decision. The
18 integrity of this council is at stake with your action today. And Commissioner Flanagan, I thank you
19 for your comments and I just want to reassure you that right here I have 810. I carry it with me,
20 sleep with it night of course and it says that the council may designate a landmark tree in any tree
21 within the territorial limits of the City and County of San Francisco that meets the designated
22 criteria. So we don’t have to specify anything special for backyard trees, any tree includes it. Thank
23 you for your comments.

24 50:39

1 **Female Speaker:** Are there any additional public comments, please come to the front if
2 there are.

3 **Male Speaker:** Any additional comments here? Number one, Rose.

4 **Hillson:** It was mentioned about the property owner not nominating the tree and it was a
5 neighbor who brought it up as a nomination and there is one example of a tree that's occurred in
6 San Francisco so far under Landmark Tree Ordinance and this particular tree, the redwood tree, was
7 actually landmarked in the end. Dr. Ritter's report stating that it's not rare in California, while that
8 may be true. The, the landmark evaluation criteria form under rarity says unusual species in San
9 Francisco or other geographic region. In San Francisco we talk about trees in the Presidio perhaps
10 but we don't really think of the city part of San Francisco as being the Presidio; you, You expect
11 trees in Golden Gate Park and the Presidio but you don't expect this kind of large tree near Geary
12 Boulevard. Then as far as the historical background not found on Mr. George J. Smith, in my report
13 you'll see all the cites for San Francisco Call and all the other historical documents that I did use. I
14 did also use Bancroft Library as Ms. Jones did, Kathryn Jones, the historian, and there's plenty of
15 information in my report if you had time to read it. I know it was very boring and dry but that's
16 what I went through. So it's all there. The official survey. , I'd like you to understand that the Here
17 Today book which includes the text part and the appendix is an actual official survey adopted by the
18 Board of Supervisors of San Francisco, and the Planning Department uses it a lot, and the San
19 Francisco Heritage, to determine all kinds of things about a property. So it's not just a willie-nillie
20 survey. Finally, not knowing what kind of tree it is, that's kind of why my tree is landmarked; no.
21 No one knew what it was and that was all in the papers because to this day it's unknown but it's rare
22 and that's why it was landmarked, because of that factor – preserving the DNA, the genotype for
23 botany.

1 So all these things you get to think about in your head as you match what you are supposed
2 to look at, which is the criteria, the tree, the tree, the tree. Thank you.

3 53:19

4 **Male Speaker:** In light of a long agenda I'd like to call to question unless anyone else has
5 anything burning to say. I call to question. Mei Lin, do you want to do the vote?

6 **Mei Lin:** So what happens is one of you will make a motion to either support the
7 nomination, or to not support the nomination; we'll. We'll get a second and then we'll take a roll call
8 vote. **Chair Flanagan:** I move to support the motion.

9 **Mei Lin:** So Chair Flanagan moves to support the nomination of this tree; do we have a
10 second?

11 **Carter:** Second

12 **Mei Lin:** Member Carter seconds. So we will take a roll call vote. Member Taylor?

13 **Taylor:** I'm a little conflicted but I'm going to vote for it

14 **Mei Lin:** So yes on the motion?

15 **Taylor:** Yes on the motion.

16 **Mei Lin:** Member Andrew Sullivan.

17 **Sullivan:** No

18 **Mei Lin:** Member John Swae

19 **Swae:** No

20 **Mei Lin:** Member Carter

21 **Carter:** Yes

22 **Mei Lin:** Chair Flanagan

23 **Flanagan:** Yes

24 **Mei Lin:** Member Short

1 **Short:** No

2 **May Ling: Mei Lin:** Member Michael Sullivan

3 **Sullivan:** No

4 **Sullivan:** No

5 **Mei Lin:** Member Sherwin

6 **Sherwin:** Yes

7 **Mei Lin:** Member Lodgkin

8 **Lodgkin:** No

9 **Mei Lin:** Member Hillson

10 **Hillson:** Yes

11 **Mei Lin:** So we have 5 nos and 4 yeses so that motion doesn't carry. Does somebody want

12 to make a different motion?

13 **Female Speaker:** But there are 10 of us.

14 **Mei Lin:** Oh, so it's tied. It's 5 nos and 5 yeses.

15 **Hillson:** I make the motion to recommend to whoever is supposed to look at this next to

16 forward this nomination with no recommendation.

17 **Male Speaker:** Second

18 **Mei Lin:** Ok, on the motion to forward this with no recommendation.

19 **Male Speaker:** What are our choices?

20 **Mei Lin:** Thanks for asking. So three things can be the outcome here. You can get a

21 quorum vote, that. That would be 8 of you voting for it; 8 of you voting against it. If you vote for it

22 then the packet of information that we've collected so far, all these documents you have, and then a

23 Statement of Support would move forward to the Board of Supervisors for consideration. A no

24 recommendation would send the packet of information forward to the Board of Supervisors for

1 their consideration with a statement the council could not come to a recommendation on this and
2 then it's up to the Board of Supervisors to decide what they want to do. A no vote would stop the
3 nomination at this point and the tree could not be nominated again for three years. In the first two
4 cases the yes vote or the no recommendation, the tree would remain protected, the tree is protected
5 as a temporary landmark right now and that protection would continue. In the event of a no vote
6 the tree would no longer be protected.

7 **Male Speaker:** So in terms of this motion this basically puts it to the supervisors to make a
8 decision.

9 **Mei Lin:** That's correct

10 **Male Speaker:** And if we do nothing at this point, what happens?

11 **Mei Lin:** If we do nothing then the council's period for response ends in three days. So
12 then it would move forward to the Board of Supervisors; it's. It's considered a yes or supportive
13 vote from the council automatically if the council doesn't respond within the period of time they
14 have to respond. That's the way the code reads.

15 **Male Speaker:** I think the fair thing to do is to pass this onto the board with information
16 about what the council did, a 5-5 vote.

17 **Male Speaker:** I agree

18 **Hillson:** Yeah, with the vote showing 5 to 5

19 **Male Speaker:** And with all the background

20 **Hillson:** Oh yeah, they'll always get this paperwork

21 **Mei Lin:** So is the motion to forward no recommendation still on the floor?

22 **Male Speaker:** Yeah, I seconded it

23 **Mei Lin:** So just to make the motion really clear, the motion is to forward with no
24 recommendation and identification that the council was split 5 votes for, 5 votes against.

1 **Male Speaker:** Yes

2 **Mei Lin:** So we're going to take a roll call vote on this one too. Member Taylor

3 **Taylor:** I agree

4 **Mei Lin:** Member Andrew Sullivan.

5 **Sullivan:** Yes

6 **Mei Lin:** Member Swae

7 **Swae:** Yes

8 **Mei Lin:** Member Carter

9 **Carter:** Yes

10 **Mei Lin:** Chair Flanagan

11 **Flanagan:** Yes

12 **Mei Lin:** Member Short

13 **Short:** Yes

14 **May Ling: Mei Lin:** Member Michael Sullivan

15 **Sullivan:** Yes

16 **Mei Lin: May Ling:** Member Sandy Sherwin

17 **Sherwin:** Yes

18 **Mei Lin:** Member Lodgkin

19 **Lodgkin:** Yes

20 **Mei Lin:** Member Hillson

21 **Hillson:** Yes

22 **Mei Lin:** So this motion carries. The Board of Supervisors will receive the packet of

23 information we've collected so far and information on your split vote. Do we have any more public

24 comments? OK, we'll move on to the next item.

1 Item 5 is Geary Bus Rapid Transit. The council will hear a presentation....

2 59:12

3 [end]

4

5

6

7

Transcribed by Karen Ruggles

8

Press Play Transcription

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(415) 342-3476

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April 6, 2016

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EXHIBIT "O"

1 Urban Forestry Council meeting

2 March 25, 2016

3 [48:40]

4 The next item is hearing on nomination for Landmark Tree status of the Norfolk Island
5 pine, Araucaria heterophylla, located on 46-A Cook Street, Assessor's Block 1067, Lot 032, San
6 Francisco, California. The council will hold a hearing to determine whether the tree nominated at
7 the following location meets a criteria for designation as a landmark tree to forward findings to the
8 Board of Supervisors. The explanatory documents are San Francisco Board of Supervisors
9 Resolution #5-16; 46-A Cook Official Tree Nomination; 46-A Cook Street Landmark Additional
10 Exhibits; 46-A, Cook Street Staff Evaluation; Cook Report CV 150708, ; Hillan Evaluation; Hillson
11 Evaluation; McNear and Associates report and CV; Rogers Landmark Tree letter; Short Evaluation;
12 Swae Evaluation; evidential historic timeline of 46-A Cook Street; Cook Pine, summarized key
13 attribute confirming 46-A; Cook Street, Cook Pine species; Araucaria Landmark Nomination 1.1;
14 Rogers Landmark Tree letter addendum 9/30/15; August 6, 2015 Landmark Tree Committee
15 meeting minutes; October 1, 2015 Landmark Tree Committee meeting minutes; Summary of August
16 6, 2015 and October 1, 2015 Landmark Tree Committee meeting discussions; Landmark Tree
17 Committee Criteria Evaluation Summary Spreadsheet. This item is for discussion and action.

18 50:54

19 **Chair Flannagan:** For the record while we're setting up Rose's presentation we dealt with
20 this issue initially at the Urban Forest Landmark Tree Committee meeting; that basically was a tied
21 vote 2:2. That came in front of the Urban Forest Council after great public comment and good
22 conversation afterwards; that was also tied at 5 to 5. That means we were not able to get a majority
23 of the votes. So we sent that up the Board of Supervisors for them to make a decision since we
24 didn't come in with a minimum of 8 votes in favor of landmarking or not landmarking, and it went

1 in front of the Board of Supes and they've asked us to reconsider and try to come up with a vote.
2 Now this is not an official point of view, but because they really feel that this is an issue that should
3 be dealt with by the Urban Forest Council and not by the Board of Supervisors; they really rely on
4 our input and in fact it was tied 5-5. They said could you please go back and relook at the issue, and
5 that's what we're doing. So we have reopened it, we've been studying it and Rose will open up the
6 conversation with a presentation. I think it's really important for us today to live up to our
7 responsibility of recommending or not recommending to the Board of Supervisors, and not leaving
8 it in their hands and that's why we're here and I'm hoping that we will come up with a yay or nay
9 vote that we can pass on to the Board of Supes.

10 52:47

11 **Hillson:** Good morning council, public and staff. On the screen you will see a Power Point
12 that's just going to cycle itself images of the tree. Today this council, as Chair Flanagan says, has the
13 extraordinary privilege of fully vetting and taking action for the second time regarding the merits, if
14 any, of this tree in response to Board Of Supervisors Resolution No. 5-16, sponsored by Supervisor
15 Farrell, which has sent the matter back to this council after it forwarded a no recommendation vote
16 to the board from the October 27 meeting. As you know this council is to focus on the criteria as set
17 forth in Public Works Code 810 when making its decision. The background and nomination was
18 submitted by Richard Worn, a neighbor on Cook Street for the pine at 46-A Cook Street. On July
19 2nd, the Planning Commission hears the report on the tree and the property and passes Resolution
20 No. 19404 to initiate. On August 6th and October 1st there were two landmark, these are the two
21 Landmark Tree Committee hearings, there was discussion and we touched on the categories, the
22 criteria one, rarity. There was a mixed vote with the most votes for uncommon but it depended on
23 the species, so the species was up in the air between Norfolk Island pine, Araucaria heterophylla,
24 Cook pine; Araucaria columnaris, or a new one, hybrid. Then we went to physical attributes and in

1 these Landmark Tree Committee meetings we determined it was large, had distinguished form, good
2 condition, and was old. Historical: The evaluation forms from the Landmark Tree Committee
3 show overall there's a four yes, vote two partially, and later on it was a three to one yes-no vote.
4 Discussion included tree on Type A Historical Resource Present Parcel, formerly owned by George
5 J. Smith, Director of Odd Fellow Cemetery. There was mention of a Here Today survey, a city
6 adopted survey. There was a relation of the tree to Mr. Smith, or if it wasn't there's all kinds of
7 things on historical and we. We can probably debate that today.

8 On environmental, it's a prominent landscape feature in a moderate area of trees visible from
9 public right away and tied for wildlife habitat. Culturally, the neighborhood appreciation with 120
10 signatures on a Petition. Evaluation forms show three to one, contributes to neighborhood
11 character and is a prominent landscape feature. At the main meeting at the Urban Forestry Council
12 on October 27th, 2015 we had a few issues to iron out. Can a tree be anywhere in the city? Yes, per
13 the Landmark Tree Ordinance. What is the species of the tree? Various opinions from arborist
14 McNear. Norfolk Island, and then a hybrid. From arborist Leggett, Cook Pine. From Matt Ritter of
15 Cal Poly, hybrid. These are the tree experts. Not only unique trees are landmarked, there are other
16 points made at this meeting. I'm almost done. Agreement that whatever species it is, it is a nice
17 example of one and a good size. Various arguments on historic, whether by association or proof of
18 planting and other things. A brief summary by one Urban Forestry Council member at this meeting.
19 The criteria for age and size are strong, species not rare but neither of the species has been
20 landmarked, nice form, prominent landscape feature, environmental undetermined, and one 'no' in
21 some other category. Another member stated environmental benefits were hit on the committee. All
22 criteria categories are treated equally. Finally, not all landmark trees hit on all the criteria. In the
23 posted documents you should have had, council members, these pile of papers I have before me
24 which you will get after I am done so you're not reading them. I will show on the overhead.

1 56:39

2 This is the Excel spreadsheet with the Landmark Tree Committee evaluation form showing
3 the categories and who voted how, yes, no, yes, no and all that. So I summarized that and in
4 addition, today for those of you who don't like spreadsheets, I have a tabulated form and I'm going
5 to hand that out. There are a few copies over here on the table of these three documents, the rest of
6 them are going to the council members. So if you could take a look at those, it's this one, the
7 spreadsheet, and the written summary of the August 6th and October 1st Landmark Tree Committee
8 minutes because they're not in the packet, I understand there were only two hard copies and so I
9 made copies, I didn't know how many to bring. And that's the end of my presentation. Here's a
10 summary of my summary.

11 **Chair Flannagan:** Thank you Rose, and Rose, thanks for all the work you've put into this.
12 It's been extraordinary and I think some of this was already sent to us, Rose. I got this digitally this
13 week.

14 **Rose Hillson:** Yeah but sometimes it helps to have it in front of you because it's just hard
15 to visualize. At least for me it is.

16 **Chair Flannagan:** Ah-ha. Okay. But it's not different than what I saw?

17 **Rose Hillson:** No it's not different. The only newer form, it's not different, but on this
18 summary spreadsheet thing that I made in Excel, I neglected to duplicate the line Prominent
19 Landscape Feature under Cultural and that is something that's repeated twice in the evaluation
20 forms because it's also part of a resolution from the original Landmark Tree Ordinance that puts
21 emphasis on Prominent Landscape Feature. Thank you.

22 **Chair Flannagan:** So Mei Lin, should we have a conversation here and then open it up to
23 public comment, or which would you rather do?

1 **Male Speaker:** So the council can have discussion and public comment and then discussion
2 again.

3 **Male Speaker (Flannagan):** Okay. I'm going to kick off. I am not a tree expert. I have
4 spent a big part of my life recently dealing with trees so it's one of the things I really do enjoy is
5 talking to people who are experts and I recognize and appreciate their input. I think the Landmark
6 Tree Ordinance is a great ordinance; I do get nervous sometimes when I think that people try to use
7 the Landmark Tree Ordinance to accomplish other goals but in this case I don't think that's the
8 case. I do think that the way I look at this, I agree with one of the committee members saying a
9 landmark tree does not have to hit every single category. Clearly this is to me a prominent feature in
10 the neighborhood, it's. It's a neighborhood that doesn't have a whole lot of trees and as I drive by
11 it's one tree that I can see from a distance. The second thing is that we're not really sure what the
12 species is and we have people think it's a hybrid, it's a Norfolk, or it's a Cook Pine, but I think when
13 you come to the bottom line it's somewhat unique, the fact that you have that many people not
14 really sure what it is.

15 So I think the ordinance asks for something, a species that's unique, I think that I'd rather
16 err on the side, and I had a conversation with some people on the council, I'd rather err on the side
17 of saying well, if it's not clear what it is I think we should give it credit for being somewhat of a
18 unique species. Clearly this is something, it is a tree that has strong community input, we've. We've
19 had a similar case recently on Market Street where we had an enormous amount of community input
20 and so I don't think that's a determining factor but in the ordinance it does speak to the fact that is
21 this an important tree of the community. Therefore I am strongly urging that we landmark the tree.

22 **Female Speaker (Short):** I would like to start by saying that I do think that this is a
23 beautiful tree, I do not think that it should be cut down. I believe that it's a hybrid because Matt
24 Ritter believes it's a hybrid and I think he is the local expert. I think that we need, and we are

1 working on developing within the Landmark Tree Committee and with this council soon, an
2 alternative to landmarking large prominent trees that are really worth keeping in my mind, but may
3 not meet the criteria at least in my mind for landmark status. I really am very moved by the amount
4 of concern and passion in the community for this tree and I really think it's a lovely tree that should
5 be preserved, but personally in order to be consistent with the way I have voted previously in such
6 cases, I would not vote to landmark this tree, but again I want to emphasize that I think it's a very
7 nice tree, I don't think it should be removed, I would love to see the property owner commit to
8 working around it and using it as a prominent feature that could be a real selling point for the
9 property. But in order to be consistent with my previous votes, I won't vote to support it but I
10 really do think we need to have an alternative because I don't think landmark status is appropriate
11 for every large tree, but that doesn't mean that they should be removed without consideration.

12 **Male Speaker:** Public comment?

13 **Kathleen Hallinan:** Commissioners, Kathleen Hallinan, San Francisco Forest Alliance, San
14 Francisco resident. I think that San Francisco, I'd like to propose, should start thinking of the value
15 of the trees. So in this landmark status discussion I'm hearing it's an unusual species, we're not too
16 sure if it's the right species, but really how about talking about how much work that tree is doing in
17 the environment in terms of carbon sequestration.? This is something. I do believe the name of this
18 meeting is Commission of the Environment, Urban Forestry, so I'd like to see San Francisco, and
19 I'd like to propose to you commissioners to take the challenge, to start to assign values to the trees
20 that are old, that are healthy, that are mature, and start to include in your discussions as
21 commissioners the amount of work that these trees are doing in our urban environment
22 sequestering carbon. So again I was just going to say Austin assigned their trees more than \$16
23 billion in value because of the carbon sequestration that they're doing. Again, San Francisco is the
24 city that leads the world. I would like to see you include in your discussions, Department of the

1 Environment, Commission for the Environment, the kind of work that these mature trees are doing.
2 There seems to be a flavor throughout these meetings that discuss the biodiversity, the natural areas,
3 we want to plant biodiversity, we want them to be natural, we want to return it to its natural state
4 but we don't have that kind of time. Judging from the report I just gave you, in San Francisco I'd
5 like to see you commissioners start discussing what value our mature, healthy trees are doing, carbon
6 sequestration. In our city of San Francisco and the United Nations Climate Change Council had
7 said that they're looking to local areas to be the front for this battle. So again, I think that you need
8 to add that to your language and we don't have much more time. Thank you.

9 **Vanessa Ruotolo:** Hello. Thank you all for being here today. We as a community are here
10 to present to you why the pine located at 46-A Cook Street, San Francisco is worthy of landmarking.
11 As you know of course and as we've learned, the Board Of Supervisors approved an ordinance in
12 1995 to provide for the landmarking of very special trees in San Francisco. In 2006 Supervisor
13 McGoldrick sponsored, and the board passed, a resolution to further specify the implementation
14 criteria to guide the landmarking process that this council originally wrote. These criteria are
15 organized the way you evaluate a nominated tree, but landmark status does not require that each tree
16 possess all possible qualities proposed. Upon review of the council minutes for the Cook Street pine
17 it appears that there may not have been agreement on the historic and rarity issues for this tree. We
18 believe the Cook Street pine does meet these criteria and we will present to you evidence of that.

19 66:13

20 We ask you to please remember that the council has landmarked other trees in the past
21 without requiring all the criteria to be met as a condition for supporting landmark. We ask you
22 please not to impose on the Cook Street tree a standard higher than you have previously required
23 for tree preservation, and. And finally I'd like to add that on the front page of this morning's
24 Chronicle was an article on this tree, it's its process thus far and its importance to the community.

1 Many believe this tree to be important. I urge you accept this tree meets landmark criteria. Yes, you
2 all agree it shouldn't be cut down, I want you also all to agree that it meets the criteria that is the law,
3 the ordinance that was written by our supervisor. So please, I urge you to accept that this tree meets
4 the landmark criteria and deserves its due process. Thank you very much.

5 **Roy Leggitt:** Hello, my name is Roy Leggitt and I'm a consulting arborist here in San
6 Francisco and. I've been practicing here for about 25 years. I've seen many Araucaria. We know this
7 is an Araucaria, we don't know which species. They are fairly widespread if you look regionally
8 around California along the coast range. I wouldn't call them particularly common, and I know there
9 have been people that call this common, but they are very prominent. This is a 1946 photo which I
10 know some of you have seen before and it shows a tree that in fact if you're at the right position
11 taking the photo to replicate that photo, it looks like it's the same tree to me. Similarly, but this is
12 not quite as clear. There's, there's another photo from Here Today, which is the official adopted
13 _____Sequa criteria document for landmark buildings. There is a tree that also appears to be the same
14 tree. So we don't know the exact age of this tree but trees do grow at different rates depending on a
15 lot of cultivation and environment issues. This species is far more rare than many other landmark
16 trees. For instance we have Tasmanian Blue Gums at Bush and Octavia, it's an extremely common
17 tree. We have Canary Island Date Palms on Dolores Street, those are also much more common than
18 this tree, and we have a Monterrey Cypress on Broadway which is also a very, very common species.
19 So I don't think that rarity is something that we should be hung up on. I think that we should
20 embrace this tree as a legitimate candidate for landmarking. Thank you.

21 **Female Speaker:** So after reviewing the minutes for the many meetings regarding the
22 landmarking of the pine on Cook Street we believe that the historic significance hasn't been
23 adequately considered so I kind of wanted to speak to that. In John Swae's July 2nd, 2015 Landmark
24 Nomination Case Report, on Page 2 of the document it refers to the book "Here Today" where the

1 46 Cook is mentioned. This is a book published in 1968 by the Junior League of San Francisco. The
2 findings of the Junior League survey were adopted by the Board of Supervisors on May 11th, 1970,
3 Resolution No. 26870. It's therefore an adopted local register under Sequa. In July Mr. Swae
4 acknowledged the book's reference to George J. Smith, the original owner of 46 Cook Street
5 properties who was a Director of the Odd Fellows, planted his estate with many trees which he
6 obtained from the cemetery. Today all that remains on his property is a one-story Italianate home
7 and carriage house.

8 These pictures have been shown before but they're referencing that and you can see that the
9 tree is present. Mr. Swae believed back in July that further research was needed to determine a
10 connection of the trees to Mr. Smith. In our information packet you will find evidence of further
11 research. The research notes and photos taken by the Junior League of San Francisco for the Here
12 Today book, they were found in the archives of the S.F. Public Library in August. The notes state
13 that some of the trees Mr. Smith obtained from the cemetery and planted on his estate still surround
14 the house. In addition the file included photos of the property taken at the time of their research
15 which are these photos. These photos include the trees on 46 Cook. The photos clearly document
16 the existence of the subject nominated Cook pine, as well as the Norfolk and Palms that were
17 removed in April.

18 **Female Speaker:** Good morning. So in the Planning Department's Property Information
19 Map, the document, it also states that San Francisco's practice of historic preservation would
20 traditionally protect landscaping on properties identified as known historic resources where the
21 landscaping is determined to be a significant feature of the property, or significant to the setting of
22 the property. The Planning Department's review procedures for historic resources also include
23 reference to the San Francisco Preservation Bulletin, No. 16, that describes the steps for evaluating
24 properties as historic resources for purposes of Sequa (?). The Category A-2, Category A-2 for the

1 46 Cook Street on the bulletin states right down here “only a preponderance of evidence
2 demonstrating that the resource is not historically or culturally significant will preclude evaluation of
3 the property as a historic resource.” The trees have been historically documented by the same
4 source, Here Today, which has been talked about previously that the San Francisco Planning
5 Department and San Francisco Board of Supervisors adopted to determine the historic eligibility of
6 buildings, structures, districts, objects or sites. In compliance with the Preservation Bulletin 16, it is
7 clear that the 46 Cook Street is a historic site and there is every reason to believe that this tree is part
8 of the original landscape. Thank you.

9 73:34

10 **Richard Worn:** Hi. My name is Richard Worn, I am the nominator of the tree in question
11 and I urge you to use your criteria and look at the facts. They are all pretty much, as far as I can see,
12 although I’m biased because I want the tree nominated of course, but the facts are pretty clear from
13 what I can tell. On February 23rd, many members of the community came to the Urban Forestry
14 Council Meeting at City Hall to show their strong support for the landmarking of the Cook Street
15 pine. The meeting was canceled at the last minute and there was no time to alert everyone. Here is a
16 video of those who could not make this meeting, those you would have seen and heard the night of
17 the cancelled meeting.

18 [74:32 Video]

19 **Male Speaker:** So note to the Chair, the time has expired.

20 **Chairman:** Okay.

21 [Video continues]

22 [Video continues]...I am Diane Jones. I walk by that tree every day...fundamental
23 properties...Please landmark this tree...I’m here to show my support...Lyla Chapman...amazing
24 tree that’s been here over one hundred years...

1 **Male Speaker:** The time's expired.

2 **Bern Preedy:** I'm Bern Preedy. I'm a resident, I live across the street from the tree. I'd like
3 to seat my time for the video. Thank you.

4 [Video continues]

5 82:02

6 **Speaker:** The time's expired.

7 (Another person demarks their time for the video)

8 **Young Female Speaker:** Hello. Over the last 11 months my parents, my friends, my
9 neighbors and I have been doing what we were told by the City to do to protect a tree that I really
10 love. This tree is really important to me. When I was five years old my parents and I would walk
11 over Lone Mountain to kindergarten. At the top of the mountain I would look back onto my
12 neighborhood. I would see the tall trees and know that was where my home was. It made me feel
13 safe and I liked that. We were told that the Board of Supervisors were supposed to decide. I even
14 met our Supervisor with my mom, but they didn't do what we were told they were supposed to do.
15 Sometimes my mom wants to give up but I keep telling her not to. Please let this tree live. I was
16 taught in school that trees help us breathe. The bigger the tree the more it helps. Please help
17 landmark a perfectly healthy tree that helps us breathe. Thank you.

18 **Jim Tranen:** Good morning, my name is Jim Tranen (?). I live at 63 Cook Street across the
19 street from the tree. This is my daughter Eve. So I think that video is really important to consider,
20 showing the support from the neighborhood. It's a unique andhow do we turn this thing on? My
21 daughter drew this beautiful picture. So it's a unique, beautiful and majestic tree and I think what's
22 nice about it is that, obviously the size, and the area where we live it's relatively flat and so you can
23 see it from all over the flat part of the neighborhood, but it's also visible. It's, it's an asset because it's
24 visible from all over a bunch of other neighborhoods, from way up in Laurel Heights, Lone

1 Mountain, as well as the general area around there and it's visible from a lot of different view points.
2 So based on the photos it's obviously been around for a long time, a lot longer than probably all of
3 us, and also from the presentation it meets, it sounds like it meets all of the landmark qualifications.
4 So it seems pretty clear that it should be landmarked. I'm an architect and I do a lot of work in the
5 city and due to the location of the tree, protecting it would not significantly impact the development
6 potential of that lot. So please landmark the tree. I think it should be enjoyed and appreciated by the
7 residents that are here and the ones that will be here for years to come, and did you want to say
8 anything? (To daughter Eve) Oh, and she had written a couple notes saying that it's a Cook Street
9 Pine on Cook Street, she. She thought that was really unique. "It's a pretty tree and if you chop it
10 down the animals will have no place to live, they. They will have to move and go to a different
11 home.."

12 **Male Speaker:** Your time's expired.

13 **Jim:** Okay – "and all of their friends might not live with them anymore and they'd be very,
14 very sad.." Okay so thank you.

15 85:23

16 **Nadine May:** Hi, good morning. My name is Nadine May, I'm a second generation San
17 Franciscan. I was actually born in Children's Hospital five blocks away from this tree and I grew up
18 in the opposite direction but five blocks away from the tree and. And when I was young my parents,
19 we walked a lot in the neighborhood and we always walked by that tree and. And my parents always
20 pointed it out saying it was a beautiful and old tree and talked about the cemeteries that had existed
21 in the area, and always told us to protect nature. It's important to protect old houses and old people,
22 but it's very important to protect old trees. I really urge you to designate this tree as a landmark for
23 San Francisco so that we can all continue to enjoy it. Thank you.

1 **Nancy Werfel:** Good morning. I'm Nancy Werfel. I support landmarking the Cook Street
2 tree because trees matter, especially this tree. The issue before you has even achieved front page
3 coverage in today's Chronicle. This very tall, very old, majestic tree has been a landmark to the
4 Jordan Park, Richmond area for many years. I believe it does meet all of the criteria for your
5 landmark status. The supporters of the nomination have already demonstrated the overwhelming
6 public support to make the landmark designation official. This council has already previously
7 approved the landmark of a Norfolk Island Pine on Sutter Street, very similar in stature to this Cook
8 Pine with much less neighborhood support and public visibility that this tree actually has. There's a
9 precedent for nominating a tree on private property that is not proposed by the landowner which
10 then subsequently becomes landmarked by the Board of Supervisors. This happened in 2014 for a
11 Sequoia tree on Market Street. Also the Public Works Code, Section 810 states, "any tree within
12 territorial limits of the City and County of San Francisco can be designated for landmarking." Any
13 tree. I understand that there is an uncertainty about the rarity of this pine tree. Since it could be a
14 Cook pine, rare in San Francisco, I expect that this council would err on the side of protecting a
15 possibly rare tree from harm. It is your duty to preserve this specimen not to assume its heritage is
16 ordinary. This tree is just why the Board of Supervisors passed a law to protect important trees for
17 future generations to appreciate. Please evaluate this nomination with the same fairness you have
18 given the other 20 landmarked trees. Thank you for your consideration.

19 **Male Speaker:** I'm going to start calling from the public comment cards. I'm sorry I didn't
20 start it earlier. James McNear.

21 88:39

22 **James McNear:** Good morning members of the council, pleasure to be here. As I look at
23 this in my role as a consulting arborist and I'm also the arborist for the City of Healdsburg. I'm in
24 charge of looking at heritage trees that are designated or requested permits for removal and I take

1 this kind of a responsibility very seriously in these roles and I think it's important to look at the
2 regulation, look at the ordinance, and make sure you're interpreting things correctly and I think this
3 Landmark Tree Ordinance is a very good ordinance, I like it a lot. There is ambiguity in the
4 terminology and there is no kind of weighting of criteria within that and certainly this tree is a
5 prominent tree, a lot of public support, I really love the passion that's been exhibited here. But in
6 my opinion especially on the historical significance, I'm of the opinion this tree really dates back to
7 the 1950s. I looked at the photos circa 1950 to '46 and the tree is in a different location. This tree is
8 only eight and a half feet from the structure. So I think it's a much younger tree than has been
9 portrayed, certainly not over, way over a hundred years old. Besides that, in the rarity, a lot of
10 discussion about the species. Matt Ritter, top taxonomist in the State, he's convinced it's a hybrid
11 and fairly common in California. So when you look at all the criteria, the environmental factors, I
12 just come down on the side that it really doesn't qualify as a landmark tree and it's a species that
13 belongs in a park, a big open space area. I don't recommend large coniferous species for small
14 urban yards, eventually a problem, and. I think I appreciate the difficulty of this decision – but in my
15 opinion it doesn't qualify under the current ordinance. Thank you.

16 **Male Speaker:** Barri Bonapart

17 90:53

18 **Barri Bonapart:** Good morning my name is Barri Kaplan Bonapart and I'm the attorney
19 for the Rogers. I specialize in tree law and I wrote a treatise on tree law and Mr. Rogers and his wife
20 like the rest of us appreciate the idea behind tree protection and preserving our urban forest,
21 however. However, the landmark tree nomination process is not the proper vehicle to accomplish
22 that goal. Indeed as we have heard abuse of that process can lead to unintended consequences of
23 increased destruction of our urban canopy and that's something we have to be very aware of. I'm
24 going to be the bad guy here and I'd like to address Commission Flanagan's statement about his

1 nervousness of the ordinance being used for ulterior motives and. And it's very difficult when you
2 see an impassioned plea by community members and children but in this situation the process has
3 been spearheaded by neighboring property owners who do have an ulterior motive rather than just
4 saving trees or this particular tree. Although it's not part of your materials that were submitted to
5 you the parties behind this nomination have been representing to others on social media that Mr.
6 Rogers is a "flipper" who cares "only about buying and selling property and making as much money
7 as possible." A petition was circulated by them stating "if we can convince City Hall to save this
8 remaining historic tree it will send a message to them that we can't ask for zero development just
9 creative development." They've even called Mr. Rogers "evil." They've left a threatening voicemail
10 on Mr. Roger's phone and have sent him strongly worded texts. They told him last year that he
11 should be prepared for a significant battle and here we are, today's front page news on the
12 Chronicle.

13 They enlisted the assistance of his tenants who used the process to their economic advantage
14 in negotiating a buy-out agreement in which they agreed to withdraw their support of the landmark
15 process in exchange for more money, a lot more money. I'd like to conclude while it may be
16 tempting to succumb to the pressures of a crowd I request the council reject the nomination as
17 improper based on incorrect information. Thank you very much. I guess I'm the bad guy today.

18 [Audience: If you're lying you should stop]

19 [Audience: Don't talk about my motives, you don't know....]

20 **Male Speaker:** Well, excuse me, let's keep it to just public comment at this point and direct
21 it towards us, not to other people. Someone gave me a name here that I cannot read, it starts with an
22 "L." Great, thank you.

23 **Lee Lin Rogers:** Thank you for listening to me. My name is Lee Lin Rogers, I'm the
24 mother of two 8 year -old daughters of Dale L. Rogers. My family consists of four of us and my 89

1 year old aging mother. We purchased 46 Cook in San Francisco with our sincere desire to improve
2 46 Cook residence as a place that we call a permanent home in San Francisco where. Where my
3 daughters will have a clean and pleasant environment to play safely, enjoy their playtime with their
4 school friends and children from the neighbors. As a mother of small children and a daughter of an
5 aging mother, eliminating safety concern in our home creating a pleasant living residence is my
6 responsibility and my right. This extremely tall pine tree in our yard threatens my family's safety and
7 it is forever a liability that my family and anyone, including the City of San Francisco, cannot afford
8 to have. As a Chinese immigrant, an American citizen it is my right and my freedom to own a safety
9 home where my family has a happy life, a life that is free of any threats and liability to provide a
10 safety environment for my children, my aging mother and my family living together. It is not
11 anyone's business to control us as a property owner. To remove a fast growing tree that is inside
12 our property line, that poses significant liability, threat to the safety of my family and life, our
13 property, our neighbor's lives and their properties. As a property owner act responsibly not only to
14 our family but also to our neighbor and their property. Why would you not support that? Thank
15 you.

16 **Male Speaker:** Larry Costello

17 **Larry Costello:** Good morning, my name is Larry Costello and I'm a consulting arborist,
18 and a former member of this council, as many of you know, and former member of the Landmark
19 Tree Committee. Clearly the question before you this morning is whether this tree qualifies as a
20 landmark tree. Does it possess the traits that are needed to be a landmark tree? In my view the
21 answer is no and that's an unequivocal no. What are the traits? Is it rare? I think it's been well
22 established that it's not rare. As a hybrid Matt Ritter has said it's not rare. We see plenty around San
23 Francisco, Araucarias. Member Hillan has noted that he has seen lots of them. Is it exceptional or
24 unique? I haven't heard any testimony that this is an exceptional or unique specimen of the hybrid.

1 Does it have historical significance? It's been established that that's not the case, in fact Member
2 Swae has indicated that he couldn't find historical significance. So I just don't see how this qualifies
3 as a landmark tree. Not only doesn't it meet landmark status in my mind but it's really inappropriate
4 for the location that it's at. It's a large tree in a small yard surrounded by houses; that's. That's not a
5 good combination in San Francisco. If you look at the tree you can see that there is a lean to the
6 tree towards the east, that. That was shown on the pictures here, I looked at it this morning. There
7 is a lean. No one knows how stable that root system is, or unstable that root system is, and so there
8 is....Thank you very much.

9 **Male Speaker:** Dale Rogers

10 98:22

11 **Dale Rogers:** Good morning. I never knew that my life would end up like this. Anyway
12 my name is Dale Rogers, I am the property owner. I'm married with twin 8 year old girls, I'm a Viet
13 Nam veteran and am currently unemployed after being laid off at the recent HP corporate split
14 which you all know about too. I purchased the property with much of my lifetime savings for a
15 down payment so that I could move my family from a condo to a house along with my wife's elderly
16 89 year old mother. I grew up in urban areas as well as a small farm with my grandparents who were
17 all naturalists. I've tended huge flower and vegetables gardens, I've had to plant and cut down trees
18 as necessary. We've made sizable contributions over the years to organizations such as the Morton
19 Arboretum in Chicago, world famous; the Nature Conservancy, the Audubon Society, the National
20 Wildlife Federation, on and on and on. I'm another nature person. OK. So much for me. My
21 property at Cook Street required significant rehabilitation prior to moving my family into the
22 property. This includes landscaping of the grounds so that my family and our visitors can have a
23 safe and enjoyable yard. The attempt at taking or landmarking of this oversized tree in my back
24 private property by outsiders against my will increases my liabilities, maintenance, negatively impacts

1 my use of solar power which I use now, which offsets tons of carbon. I get a report every month in
2 my current place. So on and so forth. Let's see. The liability of this leaning tree is significant. They
3 already know about the pinecone that fell on somebody and killed them . . . or hurt them. Let's see.
4 If the tree falls it's probably going to hit, it's going to wipe out a minimum of one, maybe two or
5 three neighborly structures. I've already had one insurance carrier cancel and non-renew my
6 property insurance citing vegetation risk concerns and as all of you know who are property owners
7 and carry a mortgage you have to have insurance to obtain and keep a mortgage. If I put my
8 layman's legal hat on the landmark process, the taking of one's private property against the owner's
9 wishes raises all sorts of taking compensation payment and transfer of liability _____. Etc.
10 related questions into mind, etc. Thank you.

11 **Male Speaker:** Nathan Churchill

12 **Nathan Churchill:** Good morning, I'm Nathan Churchill and a personal friend of the
13 Rogers family. I've been a resident of San Francisco since the 1960s. I am here to briefly express
14 my support for Dale and Lee Lin today in their goal of creating a lifetime residence for their family
15 at 46 Cook Street with a garden and a backyard that is suitable and safe for their family, including
16 their two young daughters and elderly mother. I first visited 46 Cook Street in 1972 when my best
17 friend from college lived in the carriage house. That was 44 years ago. I've been back
18 approximately a hundred times since. The grounds and the house had a lot of deferred maintenance
19 back then and even more in recent years. I was delighted when Dale and Lee Lin were able to
20 recently acquire the property with a goal of making it their permanent family home. At last 46 Cook
21 Street would be repaired and properly maintained with children playing in the yard. Back in the
22 1970s there was an odd assortment of unpruned trees growing wild around the property including
23 the subject tree in the backyard. Today that tree, neglected since my first visit over 40 years ago has
24 grown to nearly 100 feet in height and is dramatically out of proportion to the neighborhood, the

1 lot, the house, the yard and the people who live there. I would compare the appearance of the tree
2 to the Empire State Building, dwarfing everything around with a somewhat threatening presence. It
3 is also leaning backwards and to the east which is especially troubling since most high winds come
4 from the west and. And if and when this overgrown tree falls down it could cause considerable
5 damage to this home and also the neighbor's houses. Who will be responsible for property damage
6 and possible human injury in that event.? Is this panel willing to overrule the wise and prudent
7 wishes of the owners and take responsibility for this overgrown maverick pine tree in the backyard
8 of 46 Cook Street? Thank you.

9 **Male Speaker:** Ed Coots [sic]Cortez

10 **Ed Cortez:** Good morning, my name is Ed Cortez. I owned a home in San Francisco
11 since 1991, I have two kids. Like me, Dale Rogers is not a landlord or a property developer, he is a
12 father of two children and a husband. What does it mean to buy a home? It is to live an American
13 dream. Couples have a dream of raising a family in their own home. Couples have a dream to
14 upgrade their home for family enjoyment and safety. This is what the Rogers family is planning to
15 do, live this dream. When one purchases a home one inherits private property rights. Private
16 property rights give the owners the right to live their dream, the right to use and beautify. Dale is
17 exercising his property rights in a positive way, he's. He's preserving the home, upgrading the
18 landscaping. Concerned, concerned about the environment, he invested in solar panels which
19 provide a carbon offset equal to hundreds of trees. The large tree impacts the use of solar panels.
20 My comments on landmarking a tree: I strongly believe landmarking a backyard tree is a violation of
21 private property rights. It forces the property owner to pay directly for a broad public problem not
22 of the owner's making. Landmarking a tree creates a negative impact on property value. Financial
23 losses could be hundreds of thousands of dollars or even millions if it impacts the structure. The
24 local government needs to understand the negative impact on the owner on any landmarking

1 decisions. What is the value of the tree? It's not native to S.F. The tree is too large for a backyard
2 space and too close to the house. It presents a danger to the residents. Roots are impacting the
3 home's foundation and sewage. There is a argument that the historical value of this tree is
4 associated with George Smith. Given George Smith's stature and his ownership of multiple
5 properties he would value the home as a memory, not the tree. He pursued the American dream.
6 In summary, landmarking the tree violates property rights and ruins one's American dream. The
7 tree presents a danger and the City has provided no end life plan for any landmark tree. It is
8 expected that it will just have to fall down to end the landmark status and result in property damage
9 and potential injury and death. Can I read two more statements?

10 **Chair Flanagan:** Any other public comment.

11 **Female Speaker (sounds like Planning Commissioner Moore):** Thank you all for being
12 all here. So what is so unsafe about this tree? A falling cone, that it leans. That lean is a defined
13 characteristic of a Cook pine and by the way that other pine that was mentioned, it was not a Cook
14 or a Norfolk, it was a b___ b_____ bunny(sic) tree. Very interesting actually Eastern-y. I was just
15 going to say I understand the personal safety and paranoia of the owners but I don't think that a
16 family and a personal matter can be as important as community matter and that's all I have to say,
17 thank you.

18 **Chair Flanagan:** Thank you. Any further public comment?

19 **Mei Lin Hui:** Those have been distributed [talking to member in audience]

20 **Chair Flanagan:** No further comment. OK, discussion.

21 **Michael Sullivan:** So I was a vote not to landmark the tree at the prior meeting but I
22 remember being right on the edge and seeing arguments on both sides. I went actually back and
23 forth in my head that day before voting. I in general think we ought to defer to property owners
24 when a tree is in the backyard and I think we have to be really rigorous about making our

1 determinations based on the criteria of the ordinance and not landmarking every large tree that
2 comes before us even if it tugs at our heart strings. But what I've given more thought to since that
3 first meeting is the rarity of this tree. I know there's some debate about whether the tree is a Cook
4 pine or a hybrid or just what it is, but there's nobody that knows more about trees in California than
5 Matt Ritter and if Matt Ritter thinks it's a hybrid of a Cook and a Norfolk Island pine that's good
6 enough for me. In my spare time for fun I actually hunt down rare trees in San Francisco and put
7 them up on a website at sftrees.com and. And I have never found any Cook pine or any Norfolk
8 Island hybrid. They may be common in California but I don't believe they're common in San
9 Francisco. I've just never seen one, I don't know of anyone who can identify one in San Francisco.
10 So I'm going to come down today and vote to landmark the tree, although I think we've got to be
11 very careful that this doesn't set a precedent for landmarking every large tree in backyards that
12 neighbors love. I also think that whatever resolution we adopt today, we shouldn't identify the tree
13 as a Norfolk Island pine because I don't believe the consensus of the experts is that that's what it is.
14 So I'd recommend that we describe it as a hybrid, as Matt Ritter believes.

15 **Member Manzone:** First I'd just like to commend all of you for making it out not just this
16 morning for your participation, but also for the unfortunately cancelled meeting last month. I think
17 just the presence of engagement on both sides of the issue is really integral to this process and I'd
18 like to take the opportunity to also encourage all of you who are here today to stay active or perhaps
19 even increase your activity and engagement on all urban forestry matters, not just when there's one
20 particular tree up for consideration because. Because it's really this kind of enthusiasm and
21 momentum again on both sides of the debate that helps drive appropriate policy decisions in the
22 city. So I really encourage you to stay involved beyond this one particular matter. That being said I
23 was not present for any previous votes so I'm looking at this issue with a bit of fresh eyes. It seems
24 to me that a lot of the discussion today turns on the issue of rarity and species and that it's a really

1 close call and. And reasonable minds on both sides can differ and so I'd like to remind my fellow
2 council members that the City and County of San Francisco has formally adopted the precautionary
3 principle to help guide us in situations just as this. So the precautionary principle tells us when
4 evidence can fall on both sides, that we need to take the course that's most conservative or most
5 risk-adverse in this case and for me that really means designating it as a landmark because there is
6 such a close call, and. And again, I think our city policy around the precautionary principle
7 substantiates that. And I'll leave it at that.

8 **Member Lacan:** So just a couple of thoughts. I was another no vote earlier and after
9 seeing all the community support, which is one of the criteria, I too will be changing my vote to a
10 yes. Having said that I also hope that this does not set a precedent. I don't think the Landmark
11 Tree Ordinance is all that good actually, I will disagree with a number of speakers and that's
12 perhaps a discussion for another time. But I would strongly encourage the community to stay
13 involved and when we finally get to discussing a backyard tree protection ordinance that doesn't
14 involve landmarking, I think it'll be critical to hear from people on both sides. I very much hear the
15 opponents today and their concerns about property rights and what some people perceive as
16 government overreach. Again, I hear you very, very clearly. So that's all for me, thank you.

17 **Male Speaker:** Rose

18 **Member Hillson:** I appreciate everyone who came here. I'm sorry about the last meeting
19 that was cancelled. I'm going to go through this as quickly as possible, I'm going to focus and keep
20 track on the criteria because that's what we're focused to do. That's our charge, follow Section 810.
21 112:39

22 So I look at the criteria and I want to respond to some of the public comment. The historic
23 thing. Trees: trees still surround the house. That's an interesting one because in the notes and the
24 files in the history room, if the trees still surround the house in the '70s and they were already

1 matured, then they had to have been there before the '70s. Even in the '50s. How fast do these
2 Norfolk Island pines grow? They're not real fast because if you look at the picture from the '50s
3 and then the subsequent one from the '70s when the Here Today survey came out, it must have
4 grown at least 20 feet, but between '50 and '70 that's 20 years. A foot a year. I don't think that's
5 fast. Acacias are fast; 4 feet a year and I know that because my neighbor has a huge acacia.

6 In response to hazards on a property,; the Landmark Tree Committee came out, surveyed
7 the tree, found it to be in good condition. There's a category on the criteria form, - the evaluation
8 form, - that has a category for hazard. Not one member of the Landmark Tree Committee marked
9 hazard. If it had been known as a hazard it would have been marked as a hazard. The other thing is
10 Cook pine. We: we know for a fact that it's not heterophylla, that's the consensus on that. It went
11 from heterophylla because that's what everyone thinks when they first see it. Then it went to hybrid
12 and then people jumped over Cook. Just in my opinion, everyone else thinks it's a hybrid, I'll get to
13 that. In my opinion after looking at the pictures without anything else, and I showed this on the
14 screen in the revolving Power Point, the cone has the scales and it has recurved needles. I call them
15 needles, they're probably just scales, but I read the Hortus III. I read every single document that's
16 before me right here. In fact I have double the stack at home and I take this seriously because I try
17 to be objective, I follow the ordinance and if the ordinance is not quite there, and as Igor says not
18 quite solid in some ways, then blame it on the ordinance. But I'm just trying to follow the ordinance
19 and what I see is the recurved scales are for a Cook pine and. And the lean. : I'm glad that every
20 single one of these people who brought it up, the lean from Lee Lin, the lean from some of these
21 other people who said that it's leaning. The lean is another feature of a Cook pine! In fact getting
22 back to hybrid let's just assume it's a hybrid. I can pass out the emails from Matt Ritter and I have
23 extras. The thing is arborist McNear says that the Ritter is a top taxonomist in the state and it's
24 common in California, these hybrids. OK, so I looked at his email and that's what he says, "hybrids

1 are common in California in that they are around but not everywhere. I have personal knowledge of
2 about 10 of them. I'm sure Jason my graduate student knows of more." So he's talking about
3 California. "I don't know of any in San Francisco." So if we're all now on the consensus that it's a
4 hybrid there aren't any in San Francisco and he's the top taxonomist. OK, there's that one. So in
5 terms of my opinion, it's rare.

6 The second thing is the historical significance because that's the one everyone gets hung up
7 on. Historically I was trying to figure out was there a Norfolk Island pine at Laurel Hill Cemetery.
8 Everyone knows there were Monterey Cypresses, everyone knows there were all these all other
9 shrubs and some shrubs that I have and I would like to say that I went back and I have one picture
10 of this Laurel Hill Cemetery entrance. Now, you're going to see in this picture way in the back, in
11 back of that monument - what is obviously a Norfolk Island or a Cook or some other pine; but it's
12 obvious it's not a Monterey Cypress, and I do know that these trees existed in Laurel Hill Cemetery.
13 In the Here Today paperwork that the people found it says this guy, being an Odd Fellows
14 Cemetery Director he had access to these things. I live in a home also from the 1800s. My home
15 was resided in by a Laurel Hill Cemetery gardener and caretaker. I have history on the guy, I have
16 lists of plants and these particular trees were used in the cemeteries. So I'm making more of a
17 connection there but let's now go to proof positive. One more thing about history. I looked a past
18 history of landmarked trees and what I found is that there's a landmarked tree, the California
19 Buckeye, on 28th Avenue, may have historical association with the oldest houses in the
20 neighborhood. In the packet you're going to see a Woody LeBounty (?) letter that the council
21 members should have gotten; he talks about the Western neighborhoods. This area of Cook Street,
22 Blake, those are the new names, it used to be Ferry; the old names from the 1800s. This was the
23 Point Lobos Avenue Homestead Extension and this area is one of the oldest homesteads in this part
24 of town. So if you say this buckeye may have a historical connection with the oldest houses in the

1 neighborhood, this one does, this house was from the 1870s. In fact someone mentioned well, how
2 could there be this tree that was from way back then if it's front of a carriage house, he couldn't
3 have used his carriage, and there was a mention of the carriage and the horse in front of a book [sic]
4 in the Richmond District, the Bancroft Library has this picture from the 1800s. What happened
5 with that is that Mr. George J. Smith owned five lots. This lot at 46-A Cook is really 46 Cook; it's a
6 triple wide lot, the house is in the middle, and what you have there is a stable in the back, there are
7 sliding doors to the stables in the back. He had the property on Blake as well and my house had a
8 horse barn in the back as well, not as nice a property because my owner only owned three lots, he
9 didn't own five. But what happens is the horse is brought in to the back of the stable and the
10 carriage is left in the front; the carriages in those days are not long, they're short, they're like Model
11 T's. So that explains why the tree is in front of the carriage house; that doesn't mean it was blocked
12 and therefore couldn't have been a carriage house.

13 Then I have a few other things to say. In the packet that we got there's also a letter from
14 Eric Mar, Supervisor Eric Mar. "Dear Chair Hillson and Council members, thank you for the work
15 you and your committee have done in educating the public regarding the value of trees as well as
16 protecting and strengthening the urban canopy we have today. I'm writing to you to urge the
17 landmarking of the pine tree located at 46-A Cook Street. It is my understanding the tree meets all
18 of the criteria by my predecessor, Supervisor McGoldrick's 2006 Resolution No. 440-06 pursuant to
19 Ordinance 1706. The 46-A Cook Street pine fulfills historic criteria, special significance to the
20 community and environmental benefits." He goes on to say that "the 46-A Cook Street pine has
21 been present in the community for generations. Like many children and families I walk the area.
22 Love the tree as well. George J. Smith, Director of one of the big four cemeteries was the first
23 owner after it was transferred from the historic garden cemeteries. In addition there have been
24 research supported by on how large trees are crucial to wildlife and urban biodiversity. In terms of

1 rarity, arborists have also argued that the tree is a Cook pine which is less common than the Norfolk
2 Island pine on Sutter that was unanimously approved before.” Actually the Sutter one was never
3 landmarked but it was unanimously approved at the Landmark Tree Committee. So there is no
4 Norfolk Island pine or Araucaria columnaris, which is the Cook pine, or a hybrid; not. Not one of
5 these has been landmarked in the city if someone wants to know. We have a bunch of other ones.
6 “Today the tree continues to inspire the community with its timeless beauty. From children to the
7 elderly it has been standing tall for generations. It is an invaluable element of the local skyline and
8 this standing tree is precisely the kind of historical asset San Francisco’s Urban Forestry Council was
9 intended to protect. I respectfully urge the council to support landmark designation. Sincerely, Eric
10 Mar.”

11 If you go back to see Resolution 440-06 all those sentiments about economic, visual,
12 ecological, prominent, beautiful feature – they’re all in that original ordinance that Supervisor
13 McGoldrick wrote up. So in my mind, I think as well to err on the side of caution, I would support
14 landmarking the tree. Thank you.

15 122:00

16 **Member Manzoni:** I just actually have a point of clarification or a question for fellow
17 council members. It’s my understanding that the ordinance doesn’t speak to or define, when we’re
18 thinking about rarity geographically, is that correct? Because to me I hear a lot of comments about
19 fairly common in the state of California vs. the real life here in San Francisco and if I’m correct in
20 thinking that the ordinance doesn’t specify how we’re comparing this rare quality, right? It’s very
21 different throughout California vs. San Francisco. To me we should be having a narrow view – it’s
22 the San Francisco Landmark Tree Ordinance, not the California State Landmark Tree Ordinance.
23 So I would just like to put that out there for people’s consideration that if we’re throwing out facts I
24 personally am looking more at what’s the reality on the ground in San Francisco.

1 **Mei Ling Hui:** So when the council last talked about the code and focus of the ordinance
2 and changed the form the counseling committee at that time determined that rarity applies to San
3 Francisco.

4 **Male Speaker:** Yeah, I'd add that historically that's been the main consideration, ___a
5 priority in San Francisco.

6 **Hillson:** Just for information, on the evaluation form that the committee members use
7 under rarity there's a line that says "unusual species in San Francisco or other geographic regions."
8 So that you get a choice but this is San Francisco and we focus mainly on San Francisco. Thank
9 you.

10 **Male Speaker:** Mr. Chair, can we consider at some point my proposal to whatever
11 resolution we adopt to name the tree as a hybrid?

12 **Male Speaker (Flanagan):** Yes. You can help me on the wording. The motion would
13 state that I urge the Board of Supervisors landmark this tree on 46 Cook because of its physical
14 attributes, its rarity of species as a hybrid.

15 **Male Speaker:** I think the resolution when it identifies the tree should refer to it as
16 Araucaria hybrid. Araucaria heterophylla, Araucaria columnaris hybrid.

17 **Male Speaker:** Bingo, he said it. And then say environmental benefits and cultural support.

18 **Mei Lin Hui:** So the motion is to urge the Board of Supervisors to protect the hybrid
19 Norfolk Island/Cook pine at 46-A Cook Street due to its rarity, environmental benefits, cultural
20 support and physical attributes, is that correct?

21 **Chair Flanagan:** Is there a second?

22 **Manzone:** Second

23 **Male Speaker:** Alright, is there any other discussion on this?

1 **Hillson:** Do you want to go into the subcategories for the whereas'es for the resolution
2 here or are you going to craft that because? Because according to the summary that I gave, you can
3 count the votes under the subcategories and maybe you could throw it into the resolution; or are we
4 going to hammer that out here?

5 **Male Speaker:** Through the Chair. There's no resolution, this is just a motion.

6 **Hillson:** OK

7 **Male Speaker:** We're going to do a rollcall vote.

8 **Mei Lin:** When we don't have a resolution in place at the meeting, because we don't know
9 how it's going to turn out, in the past the council has identified why the tree should be
10 recommended for landmark status to the Board of Supervisors, those four reasons, and we can just
11 plug that into the resolution template. So that's what we're discussing right now, just for
12 clarification.

13 **Malcolm Hillan:** I'm sorry. I didn't understand that May Ling. Mei Lin, can you repeat
14 that?

15 **Mei Lin Hui:** To recommend the tree for landmark status to the Board of Supervisors the
16 Urban Forestry Council usually sends a resolution. We didn't know what the outcome was and we
17 don't have a resolution here for you guys to discuss today, but in the past we've gotten the advice
18 that you can identify why the tree should be landmarked and then if you pass the motion then we
19 will craft the resolution based on that feedback. So a resolution would say the Urban Forestry
20 Council urges the Board of Supervisors to landmark the tree based on the rarity, physical attributes,
21 the cultural support and the environmental benefits.

22 **Chair Flanagan:** Malcolm, does that answer your question?

23 **Malcolm Hillan:** Yeah I guess so. I'm a little unclear. Michael, you're asking that we
24 change the name from heterophylla to hybrid. Is that something that we're voting on. We're? Or is

1 this - we're talking about a straight up and down vote on the landmarking of the tree, not the name
2 right now? OK.

3 **Michael Sullivan:** I noted that in the Board of Supervisor's resolution it was referred to as
4 a Norfolk Island pine, which I think is not correct and. And so I wasn't even aware that there wasn't
5 a particular resolution today. But I just think the tree should be referred to as a hybrid because I
6 think it's important to my vote that it's not a Norfolk Island Pine. So I think we ought to refer to it
7 by what the consensus and especially Matt Ritter's view is, that it's a hybrid.

8 **Mei Ling Hui:** So the motion is to recommend the hybrid tree; it's to do both things,
9 Malcolm.

10 **Malcolm Hillan:** I do have some comments to add actually, add some discussion before
11 we vote. Again like everyone else I appreciate everybody's interest and participation. I have to say
12 that I do regard this as a common tree in San Francisco by all appearances. There just seems to be
13 quite a bit of, with all deference to Matt Ritter, I see a lot of uncertainty and lack of ____unanimity
14 regarding the species of the tree. With regard to Yolanda's comment about the precautionary
15 principle, I think you could also look at it that the most risk-adverse, more cautious route in this case
16 would be, in fact, not to landmark it on that basis because of the risks involved on the property. So
17 I think that can be looked at either way if you're applying the precautionary principle. I very much
18 appreciate the current neighborhood interest in the tree, the cultural and neighborhood appreciation.
19 It would have been I think more convincing if there had been any interest in this tree or the quartet
20 of trees that previously existed there before those first three trees went. Very sad and I'm going to
21 join my other council members and saying that I very much would like to see this tree remain, but
22 the neighborhood interest, although it's very strong now, it would have been more convincing as a
23 basis for landmarking if any of it had existed prior to this coming up in reaction to the removal of
24 the trees initially. Let's see. I'd like to also say as the longest serving member of the Landmark Tree

1 Committee, I've seen the landmark ordinance being used and attempted to be used repeatedly as an
2 after the fact tree protection effort and I'm tired of it and I think that our efforts to find alternate
3 routes to protect trees outside of landmarking are extremely important and. And I would also ask
4 that everybody on both sides of this issue remain involved after the fate of this tree has been
5 determined, in getting input to the committee, to the city in general, on fair and well thought
6 through protections for trees other than landmarked trees. But the misuse of the Landmark Tree
7 Ordinance is a problem and I see unfortunately this is another case where the Landmark Tree
8 Ordinance is being used as such a vehicle. All of this said, some of the other members here have
9 changed their vote from their initial take on the tree. My initial evaluation was to preserve the tree,
10 to protect it as a landmark, my thoughts being mainly with the historical evidence, which actually
11 hasn't panned out. What was initially presented by the neighbors impressed me and then as we
12 looked closer, to me the historical significance of the tree and the property has diminished. But I
13 will say that my initial reaction to the tree, landing in the neighborhood when I arrived first to look
14 at it, the closer I looked at the tree simply as a literal landmark, it's stature in relationship to the rest
15 of the neighborhood which is more or less devoid of similar trees, it strikes me as a literal landmark
16 that. That was included in my original notes and as hard as it is for me to swallow this misuse of the
17 ordinance I am going to stick by my original take on this tree that it has a literal landmark quality to
18 it and I will be supporting.

19 133:21

20 My biggest hesitation relative to today's presentation is the problem of risk, of potential
21 liability issues should the tree fail. I have no answer for that, just that the tree is sound, it's not a tree
22 that has a reputation for unpredictable failure. I don't think presently it's an unusual hazard but
23 again, it's a question that I think somebody of a higher pay grade is going to have to answer because
24 I really don't have much to say about that. Thank you.

1 **Male Speaker (Flannagan):** Thank you, Malcolm, and before we take a vote I just want to
2 also commend everyone who has come here today. This is a really tough question and while I think
3 the ordinance is a good ordinance, I do think that we as a council have to re-look at it and we have
4 to look at the idea of protecting backyard trees, but that's aside from this issue. I think that the
5 amount of work and time that everyone has put into this has been extraordinary. I hope as I want
6 to repeat what other people have said, that this is not the only time that you all get involved in urban
7 forestry issues in the city because there are many other urban forestry issues that'll be coming up,
8 that'll be facing us in the future, and we need that passion and that desire to try to maintain our
9 urban forest. So thank you all and it's a tough question and I now ask for the vote.

10 **Male Speaker:** We're going to read the motion one more time.

11 **Mei Lin Hui:** Did Malcom make a request to amend the motion?

12 **Malcolm:** No, I did not.

13 **Mei Lin Hui:** So the motion is to urge the Board of Supervisors to landmark the hybrid
14 tree at 46-A Cook Street due to its physical attributes, rarity, environmental benefits and cultural
15 support.

16 **Male Speaker:** Member Flanagan.

17 **Flanagan:** In favor

18 **Male Speaker:** Member Short.

19 **Short:** No[inaudible]

20 **Male Speaker:** Member Hillan

21 **Hillan:** In favor

22 **Male Speaker:** Member Hillson

23 **Hillson:** Yes

24 **Male Speaker:** Member LacaLa_____

1 **La_____:** Yes

2 **Male Speaker:** Member Sullivan

3 **Sullivan:** No

4 **Male Speaker:** Andrew Sullivan. Member Michael Sullivan.

5 **Michael Sullivan:** Yes

6 **Male Speaker:** Member Taylor

7 **Taylor:** Yes

8 **Male Speaker:** Member Carter

9 **Carter:** Yes

10 **Male Speaker:** Member Manzoni

11 **Manzone:** Yes

12 **Male Speaker:** Member Swae

13 **Swae:** Yes

14 **Male Speaker:** The motion passes.

15 [applause]

16 136:34

17 **Male Speaker:** The next item is review and approval of the 2016 recommended street tree
18 list and resolution filed 2016-03-UFC approving the list. The explanatory documents, draft 2016
19 recommended street tree list and draft resolution filed 2016-03-UFC; this item is for discussion and
20 action....

21 [end]

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Transcribed by Karen Ruggles

Press Play Transcription

(415) 342-3476

April 7, 2016

Ausberry, Andrea

160320

From: vanessa ruotolo <vanessa123@earthlink.net>
Sent: Saturday, April 30, 2016 11:58 AM
To: Board of Supervisors, (BOS)
Cc: Ausberry, Andrea; Calvillo, Angela (BOS); Cohen, Malia (BOS); Peskin, Aaron (BOS); Farrell, Mark (BOS); Givner, Jon (CAT); Wiener, Scott; Avalos, John (BOS); Breed, London (BOS); Campos, David (BOS); Kim, Jane (BOS); Mar, Eric (BOS); Yee, Norman (BOS); Tang, Katy (BOS)
Subject: Re: May 2, Land Use Committee Item #3

Dear Supervisors,

I know you've been bombarded with documents around the 46A Cook Street tree nominated for landmarking so I will be very brief. My name is Vanessa Ruotolo. I live at 60 Cook Street and am the neighborhood representative for the movement to landmark the Norfolk Island/Cook Pine hybrid tree at 46A Cook Street.

I wish to clarify the facts of the case vs. the recent allegations made by the property owner's attorney.

1. It is alleged that this case is unprecedented. It is not. Supervisor Wiener achieved landmarking a tree of similar circumstances on Market Street. The Board of Supervisors approved this landmarking in 2014.
2. It is alleged that there is no proven historic connection. Our research has proven that the property is documented in the book Here Today and has been categorized by the San Francisco Planning Dept as a Category A historically significant property.
3. It is alleged that there is no proof of rarity. Dr. Matt Ridder, a leading authority on species identification, identified the tree as a hybrid and the Urban Forestry Council's majority agreed this is a rare tree for San Francisco.
4. It is suggested that the Board of Supervisors consider the Urban Forestry's Landmark Tree Committee's vote of 2-1. Regardless of that Committee's vote, the ultimate decision for recommendation always rests in the hands of the full Urban Forestry Council. After thoughtful consideration and deliberation, the full Urban Forestry Council voted 9-2 in favor of landmarking this tree and the final decision to landmark is to be made by the Board of Supervisors. The matter is now in your hands.

Thank you very much for reading.

Sincerely,

Vanessa Ruotolo

From: Short, Carla (DPW)

Sent: Tuesday, September 01, 2015 7:47 AM

To: Hui, Mei Ling (ENV) <meiling.hui@sfgov.org>

Subject: please forward to Landmark Tree committee members

Hi Mei Ling,

Here is the information I got back from Dr. Matt Ritter regarding the Norfolk vs. Cook Pine:

I can tell from the images that this is hybrid between *Araucaria columnaris* and *A. heterophylla*. It sounds from your description as well that it is demonstrating characters between the two. There are many hybrids of those two species in California. One of my graduate students is studying the population genetics and lean of these trees and we're hoping to find the markers necessary to clarify which trees are hybrids in California and which trees are just demonstrating within species variation. I'd call this one a hybrid based on the images though. The bark and leaves of both species are virtually identical and the only reliable character to tell them apart in cultivation is the shape of the canopy and the lean.

Hybrids are common in California, in that they are around, by not everywhere. I have personal knowledge of about 10 of them, I'm sure Jason (my graduate student) knows of more. I don't know of any in San Francisco and they are way, way less common than *A. heterophylla*. I don't think they have a name. Most hybrids that only occur in cultivation are not named, for the most part, and these two trees do not have overlapping ranges in the wild.

Thanks,
Carla

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

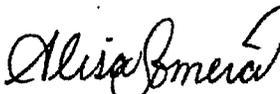
Date: Monday, May 2, 2016

Time: 1:30 p.m.

Location: Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Subject: File No. 160320. Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as a landmark tree pursuant to Public Works Code, Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made as part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, April 29, 2016.


for Angela Calvillo
Clerk of the Board

DATED: April 20, 2016
POSTED/MAILED: April 22, 2016

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No 554-5184
Fax No. 554-5163
TTD/TTY No. 5545227

公聽會通知

三藩市市及縣市參事委員會
土地使用與交通運輸委員會

- 日期: 2016年5月2日星期一
- 時間: 下午1時30分
- 地點: 市政廳，立法會議廳 250 室，1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- 議題: 檔案號碼 160320。該項條例選定位於Cook街46A號(評估批地街區編號1067、地段編號032)的Norfolk Island/Cook雜交松(即由異葉南洋杉 *Araucaria heterophylla* 與庫氏南洋杉 *A. columnaris* 雜交而成)，依據工務法規第810條，作為地標樹，須作出有關裁斷以支持該選定，並要求履行公務以促進地標樹的選定。


for Angela Calvillo
市參事委員會書記

張貼/郵寄: April 22, 2016

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

NOTIFICACIÓN DE AUDIENCIA PÚBLICA

JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SAN FRANCISCO

COMITÉ DE USO DE TERRENOS Y TRANSPORTE

SE NOTIFICA POR LA PRESENTE que el Comité de Uso de Terrenos y Transporte celebrará una audiencia pública para considerar la siguiente propuesta y dicha audiencia pública se celebrará de la siguiente manera, en tal momento que todos los interesados podrán asistir y ser escuchados:

Fecha: Lunes, 2 de mayo de 2016

Hora: 1:30 p. m.

Lugar: Cámara Legislativa, Sala 250 del Ayuntamiento
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Asunto: Expediente Núm. 160320. Ordenanza que nombra el árbol híbrido de Pino de Norfolk y Pino de Cook (*Araucaria heterophylla* x *A. columnaris*) en 46A de la Calle Cook (Parcela de la Cuadra Núm. 1067 del Tasador, Lote Núm. 032) como árbol prominente según la Sección 810 del Código de Obras Públicas, realiza conclusiones que respaldan el nombramiento, y solicita actos oficiales en cumplimiento del nombramiento del árbol prominente.

Angela Calvillo,
Secretaria de la Junta

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

PROOF OF MAILING

Legislative File No. 160320

Description of Item(s):
Landmark Tree Designation - Norfolk Island/Cook Pine Hybrid Located at 46A Cook Street

I, Andrea Ausberry, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date: April 22, 2016

Time: _____

USPS Location: Repro Pick-up Box in the Clerk of the Board's Office (Rm 244)

Mailbox/Mailslot Pick-Up Times (if applicable): N/A

Signature: _____
A. Ausberry

Instructions: Upon completion, original must be filed in the above referenced file.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Mohammed Nuru, Director, Public Works
Deborah Raphael, Director, Department of the Environment
John Rahaim, Director, Planning Department
Jonas Ionin, Director, Planning Commission

FROM: Andrea Ausberry, Assistant Clerk
Land Use and Transportation Committee

DATE: April 13, 2016

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Farrell on April 5, 2016.

File No. 160320

Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as a landmark tree pursuant to Public Works Code, Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: andrea.ausberry@sfgov.org

c: Frank Lee, Public Works
Fuad Sweiss, Public Works
Guillermo Rodriguez, Department of the Environment
Anthony Valdez, Department of the Environment
Mei Ling Hui, Urban Forestry Council Coordinator
Scott Sanchez, Zoning Administrator
Sarah Jones, Acting Environmental Review Officer,
AnMarie Rodgers, Senior Policy Advisor
Aaron Starr, Acting Manager of Legislative Affairs
Joy Navarrete, Environmental Planning
Jeanie Poling, Environmental Planning

Member, Board of Supervisors
District 10



City and County of San Francisco

COB
Inclerk, Leg
Dep.

MALIA COHEN
馬莉亞郭嫻

DATE: April 29, 2016
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Malia Cohen
RE: Land Use and Transportation Committee
COMMITTEE REPORT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 APR 29 AM 10:15
AK

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on May 3 2016, as a Committee Report:

**160320 Landmark Tree Designation - Norfolk Island/Cook Pine Hybrid
Located at 46A Cook Street**

Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook Street (Assessor's Parcel Block No. 1067, Lot No. 032) as a landmark tree pursuant to Public Works Code, Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

This matter will be heard in the Land Use and Transportation Committee Regular Meeting on May 2, 2016, at 1:30 p.m.

Sincerely,

A handwritten signature in cursive script that reads "Malia".

Malia Cohen
Member, Board of Supervisors

President, District 5
BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-7630
Fax No. 554-7634
TDD/TTY No. 544-5227

*BOS-11, COB, Land
Leg Dep. Managers Use
official clerk*

London Breed

PRESIDENTIAL ACTION

Date: April 26, 2016
To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 160320 Farrell
(Primary Sponsor)

Title. Landmark Tree Designation - Norfolk Island/Cook Pine Hybrid
Located at 46A Cook Street

Transferring (Board Rule No 3.3)

File No. _____
(Primary Sponsor)

Title. _____

From: _____ Committee

To: _____ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor _____

Replacing Supervisor _____

For: _____ Meeting
(Date) (Committee)

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 APR 26 PM 3:08
BY *[Signature]*

London Breed

London Breed, President
Board of Supervisors

BOARD of SUPERVISORS.



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 544-5227

MEMORANDUM

Date: April 6, 2016
To: Members, Board of Supervisors
From: *AKC* Angela Calvillo, Clerk of the Board
Subject: Urban Forestry Council – Landmark Tree Nomination on 46A Cook Street

On March 28, 2016, the Office of the Clerk of the Board received communication from the Urban Forestry Council (UFC), responding to the Board of Supervisors Resolution No. 5-16 (File #160053), recommending the Board of Supervisors protect the hybrid Norfolk Island/Cook Pine hybrid tree located at 46A Cook Street as a landmark tree, due to its rarity, physical attributes, environmental benefits, and cultural support.

Under the San Francisco Public Works Code Section 810 (b)(4), the Board of Supervisors, by ordinance, may designate as a "landmark tree" any tree within the territorial limits of the City that meets the adopted designation criteria, or may rescind such designations.

If you wish to pursue an ordinance in this matter, you can submit a request to the City Attorney's Office following the usual process.

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

RECEIVED
BOARD OF SUPERVISORS
SANTA ANITA COUNTY

2016 APR 14 4:51
Time stamp or meeting date

BY _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor [] inquires"
- 5. City Attorney request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Supervisor Mark Farrell

Subject:

Landmark Tree Designation of Norfolk Island/Cook Pine Hybrid Located at 46A Cook Street

The text is listed below or attached:

Ordinance designating the Norfolk Island/Cook Pine hybrid (*Araucaria heterophylla* x *A. columnaris*) tree at 46A Cook Street (Assessor's Block 1067, Lot 032) as a landmark tree pursuant to Public Works Code Section 810, making findings supporting the designation, and requesting official acts in furtherance of the landmark tree designation.

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: