

FILE NO. 160397

Petitions and Communications received from April 25, 2016, through May 2, 2016, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on May 10, 2016.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From Controller's City Services Auditor Division, regarding the employee separation process of the Airport Commission. (1)

From Recreation and Parks Department, submitting a report for the 3rd quarter of FY15-16 on Lead Poisoning Prevention. Copy: Each Supervisor. (2)

From Association of Bay Area Governments, regarding date change of the special ABAG General Assembly. Copy: Each Supervisor. (3)

From concerned citizens, regarding proposed ordinance designating a tree on 46A Cook Street as a landmark. File No. 160320. 5 letters. Copy: Each Supervisor. (4)

From District Attorney's, regarding San Francisco District Attorney's Sentencing Planner Program. Copy: Each Supervisor. (5)

From concerned citizens, regarding appointments to the Citizen's Committee on Community Development. File No. 160342. 15 letters. Copy: Each Supervisor. (6)

From Wendy Aragon, regarding appointment and terms to the SFPUC Citizen's Advisory Committee. Copy: Each Supervisor. (7)

From concerned citizens, regarding appointment to the Sunshine Ordinance Task Force. File No. 160407. 8 letters. Copy: Each Supervisor. (8)

From Peter Warfield, regarding San Francisco Public Library fines and fees. Copy: Each Supervisor. (9)

From the Dow Chemical Company, regarding the correct use of the trademark brand STYROFOAM. File No. 160383. Copy: Each Supervisor. (10)

From Cliff Culpeper, regarding homeless conditions. Copy: Each Supervisor. (11)

From John Palmer, regarding funding an open source voting system project. Copy: Each Supervisor. (12)

From Clerk of the Board, submitting a memorandum regarding
Professional/Organizational Memberships. Copy: Each Supervisor. (13)

From: Reports, Controller (CON)
Sent: Tuesday, April 26, 2016 2:36 PM
To: Calvillo, Angela (BOS); BOS-Supervisors; BOS-Legislative Aides; Kawa, Steve (MYR); Leung, Sally (MYR); Howard, Kate (MYR); Seip, Emily (MYR); Falvey, Christine (MYR); Elliott, Jason (MYR); Steeves, Asja (CON); Campbell, Severin (BUD); Newman, Debra (BUD); Rose, Harvey (BUD); Gosiengfiao, Rachel (BOS); SF Docs (LIB); CON-EVERYONE; MYR-ALL Department Heads; CON-Finance Officers; gmetcalf@spur.org; bob@sfchamber.com; jballesteros@sanfrancisco.travel; Leo Fermin (AIR); Ivar Satero (AIR); Richard Frattarelli (AIR); Linda Yeung (AIR); Wallace Tang (AIR); Jean Caramatti (AIR)
Subject: Issued: The Airport's Employee Separation Process Needs Improvement to Minimize the Risk of Unauthorized Access to Premises or Data

The Office of the Controller's City Services Auditor Division (CSA) today issued a memorandum on its audit of the employee separation process of the Airport Commission (Airport) of the City and County of San Francisco. The audit found that the Airport risks that its premises or data will be accessed by unauthorized individuals by not disabling separating employees' physical and network access in a timely manner and that the Airport's process for collecting Airport property from separating employees does not ensure that all items that were issued are collected.

To view the full memorandum, please visit our website at:
<http://openbook.sfgov.org/webreports/details3.aspx?id=2293>

This is a send-only e-mail address. For questions about the memorandum, please contact Director of City Audits Tonia Lediju at tonia.lediju@sfgov.org or 415-554-5393 or the CSA Audits Unit at 415-554-7469.

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MEMORANDUM

TO: Commission President and Commissioners
San Francisco Airport Commission

John L. Martin, Airport Director
San Francisco International Airport

FROM: Tonia Lediju, Director of City Audits
City Services Auditor Division

DATE: April 26, 2016

SUBJECT: The Airport's Employee Separation Process Needs Improvement to Minimize the Risk of Unauthorized Access to Premises or Data and to Ensure That Airport Property Is Collected

EXECUTIVE SUMMARY

The employee separation process at the Airport Commission (Airport) needs some improvement to reduce risks. Specifically:

- The Airport risks that its premises or data will be accessed by unauthorized individuals by not disabling separating employees' physical and network access in a timely manner.
- The Airport's process for collecting property from separating employees does not ensure that all items that were issued are collected.

The Airport agrees with the two findings and concurs with the four recommendations. The responses of the Airport are attached.

BACKGROUND, OBJECTIVES & METHODOLOGY

Background

The Airport. The Airport Commission operates San Francisco International Airport (SFO), a world-class airport that served more than 50 million domestic and international passengers in 2015. As the world's 21st busiest airport in 2014, SFO offers frequent connections to cities across the United States and the world. In fiscal year 2014-15 the Airport had 1,473 full-time equivalent approved budgeted positions. Including the employees of Airport tenants, airlines,

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vendors, and contractors, approximately 30,000 people work at SFO.¹ During the six-month audit period of July-December 2014, 103 Airport employees separated from the department and 117 transferred from the Airport to another department or changed jobs within the Airport.²

Employee Departure Process. According to Airport Labor Relations management, employees separate from the Airport through voluntary separations—for example, by resigning or retiring—or involuntary separations. Employees may also separate from the Airport by transferring to other departments. According to Airport staff and management, the Airport's employee separation process involves the responsibilities of the following Airport units:

- Human Resources – Labor Relations, a unit of Human Resources, is to be notified of an employee's separation and the reason for it by an employee's unit, according to management. According to Human Resource management, Human Resources issues a separation report to all the Security Access Office and Information Technology and Telecommunications units described further below, notifying these units of employees who separated from the Airport³. According to management, this unit is also responsible for retaining in the employee files record of the Airport Property Exit Form (Property Exit Form), a checklist used to track whether city property issued to each employee has been returned to the Airport upon the employee's separation.

Payroll, a unit of Human Resources, is responsible for processing and issuing the employee's final paycheck and for managing the payout of accrued balances, such as vacation and compensatory time off, according to Payroll staff.

Processing, a unit of Human Resources, is responsible for updating PeopleSoft Human Capital Management (PeopleSoft), the City's integrated human capital management system, with the employee's termination date.⁴

- Security Access Office (SAO) – The SAO is responsible for issuing, maintaining, and terminating the physical access Airport employees need to do their jobs, including badges and keys. The office is to terminate any employee's badge access immediately upon notification of a separation by Labor Relations or in response to being notified by the employee's department. SAO deactivates badges from 7:30 a.m. to 4:30 p.m., Monday through Friday. When the SAO is closed, the Airport's Security Operations Center can suspend or inactivate a badge 24 hours a day, 7 days a week.

¹ This audit only tested the departures of civil service employees of the City.

² The sample of separations tested in this audit included employees who transferred to other departments, but not those who changed jobs (or changed roles and remained in the same job classification) at the Airport.

³ The policies and procedures for processing separations, updated September 2015, require that Human Resources notify these groups weekly and that the notification be made via a ServiceNow ticket. According to staff, Human Resources began sending the report weekly in June 2015. Previously, the report was sent monthly via e-mail.

⁴ This audit did not test how the Payroll unit processes the final paycheck or how the Processing unit updates the Human Capital Management system.

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- Information Technology and Telecommunications (ITT) – ITT is responsible for managing all Airport employees' user accounts in the Airport's active directory through Quest, an ITT management system that controls employees' access to the Airport's internal networks. The unit reports that it also tracks telecommunication equipment issued to employees, such as personal computers or cell phones, through ServiceNow, a software program that includes an asset management module. Each supervisor is to return such equipment to ITT when an employee separates. When an employee separates from the Airport, Human Resources must notify the ITT Service Desk, which is to open a service ticket in its system to terminate the employee's user account and to provide the separating employee's manager a list of city property that had been issued to the employee.
- Fleet Services – Fleet services is responsible for closing the employee's account in the online CarShare application upon receiving e-mail, telephone, or written notification. According to Airport staff, this system is used by employees to reserve shared vehicles available for conducting Airport business.⁵
- Parking Management – When either a supervisor reports an employee separation or Human Resources sends the Separated Employees Report to Parking Management, Parking Management deactivates the employee in the parking system. Parking passes are to be collected by the separating employee's supervisor.⁶

According to Human Resources and ITT staff, the process for communicating separations and terminating access is as follows:

- 1) The separating employee's manager fills out a Property Exit Form listing the items that must be collected from the employee and certifying that they have been collected.
- 2) The manager sends the form to Human Resources. According to Airport policy, the form must be completed by the manager and sent to Human Resources before the employee's last day of employment.
- 3) Human Resources notifies ITT and SAO of the impending separation by sending ITT a separation report.⁷
- 4) ITT and SAO terminate the employee's access to the Airport's information technology systems and premises.

ITT provides the manager a list of items that had been issued to the employee, thus enabling the manager to check whether all items were, in fact, collected.

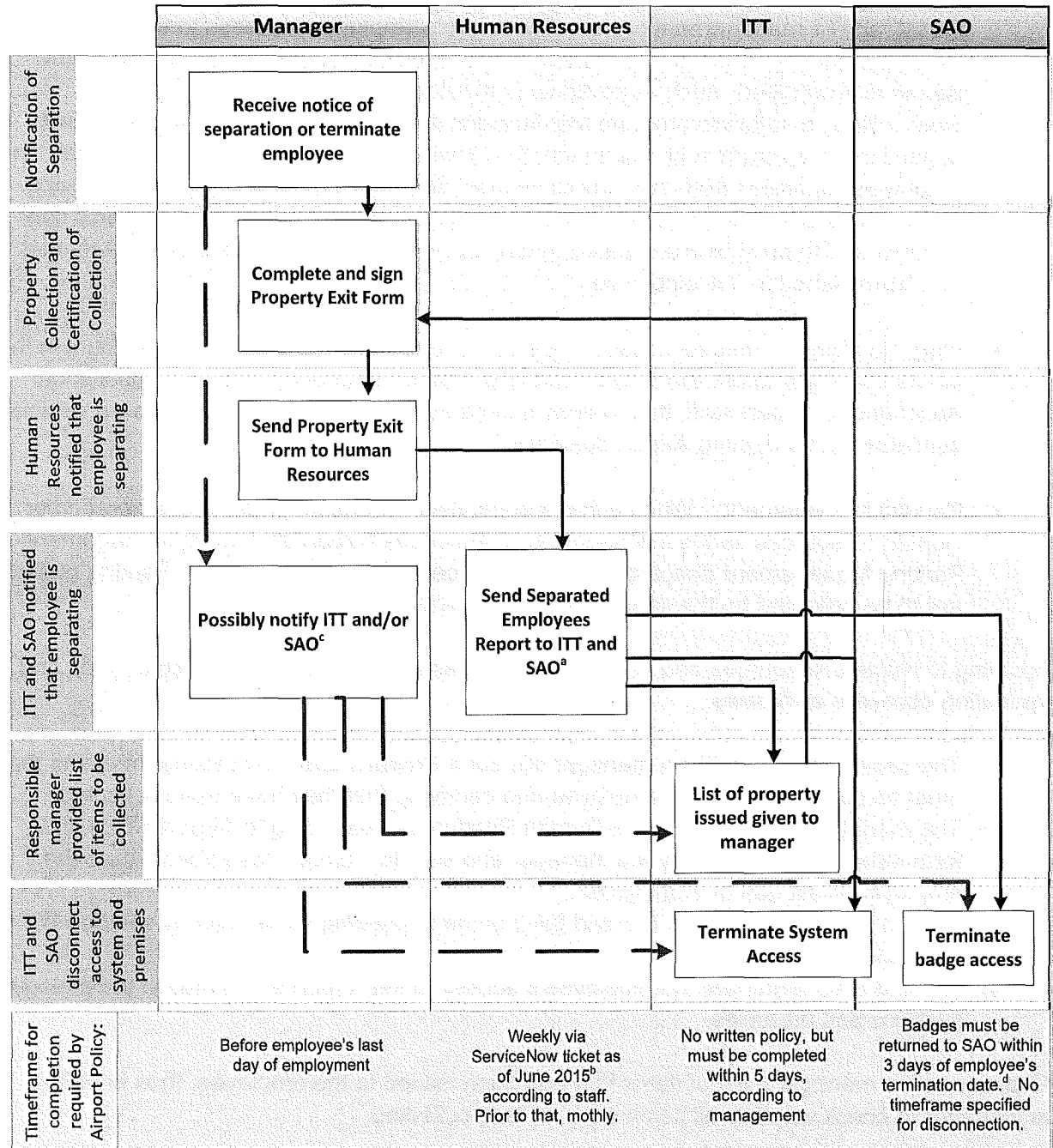
Exhibit 1 shows the separation process as described by ITT and Human Resources, and the timeframes in which Airport policy, if such policy exists, requires these processes to be carried out.

⁵ Fleet Services' functions are outside the scope of this audit and were not tested.

⁶ Parking Management's functions are outside the scope of this audit and were not tested.

⁷ The policies and procedures for processing separations, updated September 2015, require that Human Resources notify these groups weekly and that the notification be made via a ServiceNow ticket. According to staff, Human Resources began sending the report weekly in June 2015. Previously, the report was sent monthly via e-mail.

EXHIBIT 1 Airport-Issued Property Collection Process



Notes:

In the exhibit, solid lines represent the process according to written policies and procedures while dotted lines represent procedures that are not documented but were described by Airport management.

- a. The report is also sent to the CarShare manager, Parking Management and EEO. These units are not shown in the chart above because their procedures are outside the scope of this audit.
- b. Human Resources used to send this report monthly. According to Human Resources staff, Human Resources began sending it weekly in June 2015. As of September 2015, HR's standard operating procedures require that the Separated Employees Report be sent via a ServiceNow Ticket.
- c. While, according to Airport management there is no policy outside of what is stated on instructing managers how to handle separations, and the Standard Operating Procedures require that Human Resources send the ServiceNow request, Airport management also indicated that a manager could make the request directly.
- d. Prior to February 3, 2015, no timeframe specified.

Objectives

The objective of this audit was to determine whether the employee separation process at the Airport adequately mitigates risks to the City by:

- Recovering city-owned assets from departing Airport employees.
- Deactivating access to city facilities and electronic systems.⁸

The audit period was July 1 through December 31, 2014.

Methodology

The audit relied on information on the Airport's employee departure process and included fieldwork to accomplish the audit objectives. Specifically, the City Services Auditor Division (CSA) of the Office of the Controller (Controller):

- Interviewed key Airport personnel about employee departure procedures and internal controls.
- Assessed whether separated employees' badges and network access were disconnected in a timely manner for a sample of 34 employees who separated from the Airport during July through December 2014.
- Assessed whether the Airport maintained documentation certifying that all city property issued to employees had been collected from them upon separation.

Audit Authority

The audit was conducted under the authority of the Charter of the City and County of San Francisco (City), Section 3.105 and Appendix F, which requires that CSA conduct periodic, comprehensive financial and performance audits of city departments, services, and activities. Under its Charter authority and in accordance with CSA's fiscal year 2014-15 work plan, CSA audited the Airport's employee separation process as part of the ongoing program of auditing the employee departure process of departments across the City.

This performance audit was conducted in accordance with generally accepted government auditing standards. These standards require planning and performing the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for the findings and conclusions based on the audit objectives. CSA believes that the evidence obtained provides a reasonable basis for the findings and conclusions based on the audit objectives.

⁸ The audit covered Human Resources, SAO, and ITT but did not test the fleet services, parking management, payroll, or processing functions. Risks arising out of the payroll process are reviewed as part of CSA's payroll audit program.

RESULTS

Finding 1 – The Airport risks that its premises or data will be accessed by unauthorized individuals by not disabling separating employees' physical and network access in a timely manner.

The Airport does not terminate separating employees' access to its physical grounds and information systems in a timely manner, putting data and physical security at risk.

Two-thirds of badges were deactivated more than a week after employees separated.

Of 29 Airport security badge access terminations tested, 19 (66 percent) occurred more than 7 days after the employee separated. In 3 of those cases, 61 or more days elapsed between the employee's separation date and the disconnection of the badge. The greatest number of days that elapsed between the separation date and the date of badge disconnection in the sample was 284. Badges that took more than 10 days to deactivate belonged to staff whose positions varied widely, and included clerks, a contract compliance officer, housekeepers, a personnel analyst, a principal engineer, and public service aides. These positions can have various levels of access.

During the audit period the Airport did not have a policy specifying the timeframe within which SAO was to be notified of separations and in what timeframe SAO must terminate badge access.⁹

Delayed deactivation of Airport physical access privileges could result in unauthorized access to Airport facilities, putting employee and passenger safety at risk.

ITT accounts were closed an average of 79 days after employees separated.

A sample of 21 employee separations showed the Airport terminated ITT account access an average of 79 days after the employee's separation date. In 6 (29 percent) of the 21 separations, it took more than 60 days to terminate the employee's access to IT systems.

For 9 (43 percent) of the 21 access terminations tested, the request to discontinue access was sent to ITT via a ServiceNow ticket. In these 9 cases, the ServiceNow ticket was created an average of 15 days after the employee's separation date. According to Airport managers, Human Resources should create ServiceNow tickets weekly, but they can also be created by ITT in response to notification of impending departures or by the employee's manager. After ticket creation, it took ITT an average of 9 days to end the employee's ITT account access. For the 12 disconnections that were not requested via ServiceNow tickets, an average of 120 days passed between the employees' separation dates and the disconnection of ITT access.

⁹ In February 2015, the Airport implemented a departmental policy (Airport Operations Bulletin 15-01-AOB) requiring each Airport division to report an employee dismissal or change in identification badge status immediately and recover the badge and return it to the SAO as soon as possible, but no more than three business days after the change of the employee's status. This policy does not state, however, how long SAO has to terminate badge access.

Exhibit 2 shows the average time it took to close separating employees' accounts.

Type of Account Termination Requests	Sample Size	Average Days to Terminate		
		Disconnect	ServiceNow Request	ServiceNow Request and Disconnection
Account Termination Request Through ServiceNow	9	24	15	9
Other Method of Requesting Account Termination	12	120	-	-
Full Sample Requests	21	79	-	-

Source: CSA Analysis of PeopleSoft, ServiceNow, and ITT system requests and termination dates

No policy or procedure exists to guide ITT staff on the length of the period in which they must terminate user accounts. However, ITT management reported that the process should be completed within five days.

According to the National Institute of Standards and Technology, accounts should be disconnected upon employees' departure in a timely manner, particularly when an employee may be removed under involuntary or adverse conditions, in which case access should be removed immediately.

Recommendations

The Airport Commission should:

1. Ensure that badge access for separated employees is terminated within three days of the employee's separation and update the Standard Operating Procedures to reflect this requirement.
2. Ensure that Human Resources notifies ITT of impending resignations immediately upon learning of the separation via the ServiceNow system and that ITT disconnects separating employees' access within 24 hours.

Finding 2 – The Airport's processes for collecting property from separating employees does not ensure that all issued items are collected.

The Airport does not require that managers verify what items they need to collect from separating employees, and managers do not always follow Airport policy for collecting items.

To verify that separating employees have returned the city property issued to them, the Airport requires its supervisors to complete a Property Exit Form on which the supervisors list the items that should be collected—including mobile phones, laptop computers, parking permits, and the employees' Airport identification and Disaster Service Worker badges—and sign the form to certify that the items have been collected.

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However, the Airport does not have policies and procedures instructing its managers to verify the items that had been issued to an employee before the employee separates. Without such verification, the Airport risks not retrieving city property because the manager does not know what to collect.

According to management, ITT is to provide the manager a list of items that had been issued to the separating employee. However, ITT is often not notified of separations until after the employee's last day. A sample of nine ServiceNow tickets¹⁰ — forms that trigger ITT to carry out its employee separation work, including providing these lists — shows that tickets were created an average of 15 days after an employee's separation date. As a result, managers typically will not receive a list from ITT until several weeks after the employee has left the Airport.

Also, managers do not consistently follow the required procedure for documenting the collection of city property. This form was not completed for one of the ten cases tested.¹¹ Also, contrary to requirements, supervisors did not sign or ensure that separating employees signed the forms in five (56 percent) of nine forms examined, and Human Resources did not certify that it received the form in seven (78 percent) of nine cases.

The lack of verification and failure to follow processes indicate that the Airport may not always collect all items that have been issued to employees when these employees separate. This, in turn, may put at risk confidential information stored on assets such as computers and may lead to monetary losses for the Airport if items must be replaced unnecessarily.

Recommendations

The Airport Commission should:

3. Create and enforce a policy instructing managers on the tasks they must perform in the separation process, including obtaining from ITT an inventory of items that had been issued to the separating employee before the employee's departure and using this inventory to ensure the items have been collected.
4. Ensure that managers complete an Airport Property Exit Form for each separating employee and retain the forms.

¹⁰ The policies and procedures for processing separations, updated September 2015, require that Human Resources notify ITT weekly and that the notification be made via a ServiceNow ticket. According to staff, Human Resources began sending a report showing separations weekly in June 2015. Previously, the report to ITT and other groups was sent monthly via e-mail.

¹¹ CSA examined the separations of 34 employees, but only 10 of these separations would have required this process and had documentation available. Of the remaining 24 sample separations, 10 were of temporary employees to whom no items were issued, 8 were of employees whose records are no longer available because they transferred to another city department, 3 were of employees on medical leave and who never returned to work, and 3 could not be tested for other reasons.

The Airport's response is attached. CSA will work with the Airport to follow up on the status of the recommendations in this memorandum. CSA extends its appreciation to you and your staff who assisted with this audit. If you have any questions or concerns, please contact me at (415) 554-5393 or Tonia.Lediju@sfgov.org.

cc: Airport
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Ivar Satero
Richard Frattarelli
Linda Yeung
Wallace Tang

Controller
Ben Rosenfield
Todd Rydstrom
Mamadou Gning
Kate Chalk
Cynthia Lam
Joanna Zywno

Board of Supervisors
Budget Analyst
Citizens Audit Review Board
City Attorney
Civil Grand Jury
Mayor
Public Library

ATTACHMENT: DEPARTMENT RESPONSE



San Francisco International Airport

March 15, 2016

Tonia Lediju
Director of City Audits
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Subject: The Airport's Response to the Draft Employee Separation Audit Report

Dear Ms. Lediju:

Please find the attached Airport's Recommendation and Response form to the above referenced audit titled "The Airport's Employee Separation Process Needs Improvement to Minimize the Risk of Unauthorized Access to Premises or Data and to Ensure That Airport Property Is Collected."

The Airport appreciates our ongoing partnership with the Controller's Office to improve our employee departures processes, in support of our core value "Safety and Security is our First Priority."

If you have any questions, please feel free to call me at 650-821-5016.

Very truly yours,

A handwritten signature in black ink, appearing to read "Linda Yeung".

Linda Yeung
Director
People, Performance and Development

Attachment

cc: John L. Martin, Airport Director
Jeff Littlefield, Deputy Airport Director, Operations and Security
Ian Law, Airport Chief Information Officer
Wallace Tang, Airport Controller
Richard Frattarelli, Assistant Director of Human Resources
Mamadou Gning, CSA
Joanna Zywno, CSA

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AIRPORT DIRECTOR

April 26, 2016

For each recommendation, the responsible agency should indicate whether it concurs, does not concur, or partially concurs. If it concurs with the recommendation, it should indicate the expected implementation date and implementation plan. If the responsible agency does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

RECOMMENDATIONS AND RESPONSES

Recommendation	Response
The Airport Commission should:	
1. Ensure that badge access for separated employees is terminated within three days of the employee's separation and update the Standard Operating Procedures to reflect this requirement.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur The Security Access Office (SAO) will terminate badge access within three days of an employee's separation. SAO will reflect this recommended requirement in their SOP by April 1, 2016.
2. Ensure that Human Resources notifies ITT of impending resignations immediately upon learning of the separation via the ServiceNow system and that ITT disconnects separating employees' access within 24 hours.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur Human Resources (HR) implemented this recommendation as of March 4 th and is sending a daily separation report via ServiceNow to ITT and access is being disconnected within 24 hours by ITT.
3. Create and enforce a policy instructing managers on the tasks they must perform in the separation process, including obtaining from ITT an inventory of items that had been issued to the separating employee before the employee's departure and using this inventory to ensure the items have been collected.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur By May 30 th Human Resources and ITT will work together to create and enforce a policy regarding manager's responsibilities for separating employees. This policy will include ITT assets (if applicable) that were issued to an employee and retrieval of those assets upon the separation of the employee.
4. Ensure that managers complete an Airport Property Exit Form for each separating employee and retain the forms.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur By April 1 st Human Resources will ensure that managers complete an Airport Property Exit Form for each separating employee and this form will be placed in the employee's Personnel File.



RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2016 MAY -2 AM Philip A. Ginsburg, General Manager

Edwin M. Lee, Mayor

BOS-11 matrix
Cpage

April 29, 2016

Ms. Angela Calvillo
Clerk of the Board
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4689

Dear Ms. Calvillo:

Please find attached the Recreation and Park Department's report for the 3rd quarter of FY15-16 in response to the requirements of Resolution 157-99 Lead Poisoning Prevention. To date, the Department has completed assessment and clean-up at **182** sites since program inception in 1999.

We are currently considering cleanup options for Kezar Pavilion. Quarterly wipe testing was conducted this quarter to minimize the hazards to occupants. No lead hazards to the public were found.

I hope that you and interested members of the public find that the Department's performance demonstrates our commitment to the health and well being of the children we serve.

Thank you for your support of this important program. Please do not hesitate to contact me with any questions, comments or suggestions you have.

Sincerely,

Philip A. Ginsburg
General Manager

Attachments: 1. FY15-16 Implementation Plan, 3rd Quarter Status Report
2. Status Report for All Sites

Copy: K. Cohn, DPH, Children's Environmental Health Promotion

Attachment 1. Implementation Plan Status Report

3rd Quarter Status Report

Plan Item	Status
I. Hazard Identification and Control	
a) Program Revision	A revision of the project management procedures was completed in FY13-14.
b) Site Prioritization	Prioritization is based on verified hazard reports (periodic inspections), documented program use (departmental and day care), estimated participant age, and presence of playgrounds or schoolyards. Sites are selected on a rolling basis; as one site is completed, the next site on the list becomes active.
c) Survey	No surveys are currently planned (pending completion of Kezar Pavilion).
d) Cleanup	We are currently considering cleanup options for Kezar Pavilion. Quarterly wipe testing was conducted this quarter to minimize the hazards to occupants. No lead hazards to the public were found.
e) Site Posting and Notification	Each site has been or will be posted in advance of clean-up work so that staff and the public may be notified of the work to be performed.
f) Next site	Priority 138, Pine Lake
II. Facilities Operations and Maintenance	
a) Periodic Inspection	Annual periodic facility inspections are completed by staff. The completion rate for FY14-15 was 51%.
b) Housekeeping	Staff is reminded of this hazard and the steps to control it through our Lead Safe Work Practice.
c) Staff Training	Under the Department's Injury and Illness Prevention Program, basic lead awareness training is recommended every two years for appropriate staff (e.g. custodians, gardeners, recreation staff, structural maintenance staff, etc.).

Attachment 2. Status Report for RPD Sites

Status Report for RPD Sites

Sites are listed in order in which they were prioritized for survey. Prioritization is done using an algorithm which takes into account attributes of a site that would likely mean the presence of children from 0-12 years old (e.g. programming serving children, or the presence of a playground).

Sites are surveyed on a rolling basis. "Rolling" means that when one site finishes, the next site on the list will begin. Current sites are listed at the top. Sites not be completed in exact order of priority due to re-tests and other extenuating circumstances.

Re-tests of previous sites are completed every 10 surveys to ensure that past work has sustained an acceptable level of protection.

ALL SITES

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
147	Kezar Pavilion	Golden Gate Park	08-09	Survey completed. Longer term abatement in planning stages.		
138	Pine Lake Park	Crestlake/Vale/Wawona	07-08	Programmed retest; survey to be completed.	X	
172	Broadway Tunnel West-Mini Park	Leavenworth/Broadway				
173	Broadway Tunnel East-Mini Park	Broadway/Himmelman				
174	Lake Merced Park	Skyline/Lake Merced		Includes Harding Park, Flemming Golf, Boat House and other sites. Note that the Sandy Tatum clubhouse and maintenance facilities were built in 2004 and should be excluded from the survey.		
175	Ina Coolbrith Mini Park	Vallejo/Taylor				
176	Justin Herman/Embarcadero Plaza	Clay/Embarcadero				
177	Billy Goat Hill	Laidley/30th				
178	Coso/Precita-Mini Park	Coso/Precita				
179	Dorothy Erskine Park	Martha/Baden				
180	Duncan Castro Open Space	Diamond Heights				
181	Edgehill Mountain	Edgehill/Kensington Way				
182	Everson/Digby Lots	61 Everson				
183	Fairmount Plaza	Fairmont/Miguel				
184	15th Avenue Steps	Kirkham/15th Avenue				
185	Geneva Avenue Strip	Geneva/Delano				
186	Grand View Park	Moraga/14th Avenue				
187	Hawk Hill	14th Avenue/Rivera				
188	Interior Green Belt	Sutro Forest				
189	Japantown Peace Plaza	Post/Buchanan/Geary				
190	Jefferson Square	Eddy/Gough				
191	Joseph Conrad Mini Park	Columbus/Beach				
192	Kite Hill	Yukon/19th				
193	Lakeview/Ashton Mini Park	Lakeview/Ashton				
194	Maritime Plaza	Battery/Clay				
195	McLaren Park-Golf Course	2100 Sunnydale Avenue				
196	Mt. Davidson Park	Myra Way				
197	Mt. Olympus	Upper Terrace				
198	Mullen/Peralta-Mini Park	Mullen/Peralta Mini Park				
199	O'Shaughnessey Hollow	O'Shaughnessey Blvd.				
200	Park Presidio Blvd.	Park Presidio Blvd.				
201	Rock Outcropping	Ortega/14th Avenue		Lots 11, 12, 21, 22, 6		
202	South End Rowing/Dolphin Club	Aquatic Park		Land is leased		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
203	Russian Hill Open Space	Hyde/Larkin/Chestnut		Hyde Street Reservoir		
204	Saturn Street Steps	Saturn/Ord				
205	Seward Mini Park	Seward/Acme Alley				
206	Twin Peaks	Twin Peaks Blvd.				
207	Fillmore/Turk Mini Park	Fillmore/Turk				
208	Esprit Park	Minnesota Street				
209	Brotherhood/Chester Mini Park	Chester St. near Brotherhood Way				
210	Sue Bierman Park	Market/Steuart				
211	29th/Diamond Open Space	1701 Diamond/29th		Is not on current list of RPD sites (6/2/10).		
212	Berkeley Way Open Space	200 Berkeley Way		Is not on current list of RPD sites (6/2/10).		
213	Diamond/Farnum Open Space	Diamond/Farnum		Is not on current list of RPD sites (6/2/10).		
214	Joost/Baden Mini Park	Joost/N of Baden				
215	Grand View Open Space	Moraga/15th Avenue		Included in Grand View Park		
216	Balboa Natural Area	Great Highway/Balboa		Is not on current list of RPD sites (6/2/10).		
217	Fay Park	Chestnut and Leavenworth				
218	Guy Place Mini Park	Guy Place				
219	Portola Open Space					
220	Roosevelt/Henry Steps					
221	Sunnyside Conservatory	Monterey & Baden				
222	Topaz Open Space	Monterey & Baden				
1	Upper Noe Recreation Center	Day/Sanchez	99-00			
2	Jackson Playground	17th/Carolina	99-00	Abatement completed in FY05-06.	04-05	
3	Mission Rec Center	745 Treat Street	99-00, 02-03	Includes both the Harrison and Treat St. sides.	06-07	X
4	Palega Recreation Center	Felton/Holyoke	99-00			X
5	Eureka Valley Rec Center	Collingwood/18th	99-00			
6	Glen Park	Chenery/Elk	99-00, 00-01	Includes Silver Tree Day Camp		
7	Joe DiMaggio Playground	Lombard/Mason	99-00			
8	Crocker Amazon Playground	Geneva/Moscow	99-00			
9	George Christopher Playground	Diamond Hts/Duncan	99-00			
10	Alice Chalmers Playground	Brunswick/Whittier	99-00			
11	Cayuga Playground	Cayuga/Naglee	99-00			
12	Cabrillo Playground	38th/Cabrillo	99-00			
13	Herz Playground (and Pool)		99-00, 00-01	Includes Coffmann Pool		X
14	Mission Playground	19th & Linda	99-00	Notice of Violation abated. Mulch removed and replaced (FY13-14). Entire survey not completed.		
15	Minnie & Lovie Ward Rec Center	Capital Avenue/Montana	99-00			
16	Sunset Playground	28th Avenue/Lawton	99-00			X
17	West Sunset Playground	39th Avenue/Ortega	99-00			
18	Excelsior Playground	Russia/Madrid	99-00			
19	Helen Wills Playground	Broadway/Larkin	99-00			
20	J. P. Murphy Playground	1960 9th Avenue	99-00			X
21	Argonne Playground	18th/Geary	99-00			
22	Duboce Park	Duboce/Scott	99-00, 01-02	Includes Harvey Milk Center		
23	Golden Gate Park	Panhandle	99-00			
24	Junipero Serra Playground	300 Stonecrest Drive	99-00			

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
25	Merced Heights Playground	Byxbee/Shields	99-00			
26	Miraloma Playground	Omar/Sequoia Ways	99-00			
27	Silver Terrace Playground	Silver Avenue/Bayshore	99-00			
28	Gene Friend Rec. Center	Folsom/Harriet/6th	99-00			
29	South Sunset Playground	40th Avenue/Vicente	99-00			
30	Potrero Hill Recreation Center	22nd/Arkansas	99-00			
31	Rochambeau Playground	24th Avenue/Lake Street	00-01, 09-10	No abatement needed.		
33	Cow Hollow Playground	Baker/Greenwich	00-01; 09-10			
34	West Portal Playground	Ulloa/Lenox Way	00-01	No abatement needed		
35	Moscone Recreation Center	Chestnut/Buchanan	00-01			
36	Midtown Terrace Playground	Clarendon/Olympia	00-01	No abatement needed		
37	Presidio Heights Playground	Clay/Laurel	00-01			
38	Tenderloin Children's Rec. Ctr.	560/570 Ellis Street	00-01			
39	Hamilton Rec Center	Geary/Steiner	00-01	Note that the Rec. Center part of the facility is new (2010)		
41	Margaret S. Hayward Playground	Laguna, Turk	00-01			
43	Saint Mary's Recreation Center	Murray St./JustinDr.	00-01			
44	Fulton Playground	27th Avenue/Fulton	00-01			
45	Bernal Heights Recreation Center	Moultrie/Jarboe	00-01	No abatement needed		
46	Douglass Playground	Upper/26th Douglass	00-01			
47	Garfield Square	25th/Harrison	00-01			
48	Woh Hei Yuen	1213 Powell	00-01			
49	Father Alfred E. Boeddeker Park	Ellis/Taylor/Eddy/Jones	00-01			
50	Gilman Playground	Gilman/Griffiths	00-01			X
51	Grattan Playground	Stanyan/Alma	00-01	No abatement needed		
52	Hayes Valley Playground	Hayes/Buchanan	00-01			
53	Youngblood Coleman Playground	Galvez/Mendell	00-01			X
55	Angelo J. Rossi Playground (and Pool)	Arguello Blvd./Anza	00-01			
56	Carl Larsen Park (and Pool)	19th/Wawona	00-01			
57	Sunnyside Playground	Melrose/Edna	00-01	No abatement needed		
58	Balboa Park (and Pool)	Ocean/San Jose	00-01	Includes Matthew Boxer stadium		X
59	James Rolph Jr. Playground	Potrero Ave./Army Street	00-01, 02-03	This was originally supposed to be Rolph-Nicol (Eucalyptus) Park in 02-03, but the consultant surveyed the wrong site.		X
60	Louis Sutter Playground	University/Wayland	00-01			
61	Richmond Playground	18th Avenue/Lake Street	00-01			
62	Joseph Lee Recreation Center	Oakdale/Mendell	00-01			
63	Chinese Recreation Center	Washington/Mason	00-01			
64	McLaren Park	Visitation Valley	06-07		05-06	
65	Mission Dolores Park	18th/Dolores	06-07	No abatement needed	05-06	
66	Bernal Heights Park	Bernal Heights Blvd.	01-02	No abatement needed		
67	Cayuga/Lamartine-Mini Park	Cayuga/Lamartine	01-02, 09-10	No abatement needed		
68	Willie Woo Woo Wong PG	Sacramento/Waverly	01-02, 09-10	No abatement needed.		
70	Jospeh L. Alioto Performing Arts Piazza	Grove/Larkin	01-02	No abatement needed		
71	Collis P. Huntington Park	California/Taylor	01-02			
72	South Park	64 South Park Avenue	01-02			

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
73	Alta Plaza Park	Jackson/Steiner	01-02			
74	Bay View Playground (and Pool)	3rd/Armstrong	01-02	No abatement needed		
75	Chestnut/Kearny Open Space	NW Chestnut/Kearny	01-02	No survey done; structures no longer exist.		
76	Raymond Kimbell Playground	Pierce/Ellis	01-02			
77	Michelangelo Playground	Greenwich/Jones	01-02			
78	Peixotto Playground	Beaver/15th Street	01-02	No abatement needed		
80	States St. Playground	States St./Museum Way	01-02			
81	Adam Rogers Park	Jennings/Oakdale	01-02	No abatement needed		
82	Alamo Square	Hayes/Steiner	01-02			
83	Alioto Mini Park	20th/Capp	01-02	No abatement needed		
84	Beideman/O'Farrell Mini Park	O'Farrell/Beideman	01-02	No abatement needed		
85	Brooks Park	373 Ramsell	01-02	No abatement needed		
86	Buchanan St. Mall	Buchanan betw. Grove & Turk	01-02	No abatement needed		
87	Buena Vista Park	Buena Vista/Haight	01-02			
88	Bush/Broderick Mini Park	Bush/Broderick	01-02			
89	Cottage Row Mini Park	Sutter/E. Fillmore	01-02			
90	Franklin Square	16th/Bryant	01-02			
91	Golden Gate Heights Park	12th Ave./Rockridge Dr.	01-02			
92	Hilltop Park	La Salle/Whitney Yg. Circle	01-02	No abatement needed		
93	Lafayette Park	Washington/Laguna	01-02			
94	Julius Kahn Playground	Jackson/Spruce	01-02			
95	Jose Coronado Playground	21st/Folsom	02-03	As of 10/10/02 as per Capital Program Director, G. Hoy, there are no current plans for renovation		
96	Golden Gate Park (playgrounds)	Fell/Stanyan	05-06			
97	Washington Square	Filbert/Stockton	02-03	No abatement needed. Children's play area and bathrooms to be renovated in 3/04.		
98	McCoppin Square	24th Avenue/Taraval	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
99	Mountain Lake Park	12th Avenue/Lake Sreet	02-03	As of 10/10/02 as per Gary Hoy, no current plans for renovation		
100	Randolph/Bright Mini Park	Randolph/Bright	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
101	Visitacion Valley Greenway	Campbell Ave./E. Rutland	02-03	No abatement needed. Renovation scheduled 3/04.		
102	Utah/18th Mini Park	Utah/18th Street	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
103	Palou/Phelps Park	Palou at Phelps	02-03	No abatement needed. Renovation occurred Summer 2003. Marvin Yee was project mgr. No lead survey/abatement rpt in RPD files.		
104	Coleridge Mini Park	Coleridge/Esmeralda	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
105	Lincoln Park (includes Golf Course)	34th Avenue/Clement	02-03	Renovation scheduled 9/04		
106	Little Hollywood Park	Lathrop-Tocoloma	02-03	No abatement needed. Renovation scheduled 9/04		
107	McKinley Square	20th/Vermont	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
109	Noe Valley Courts	24th/Douglass	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
110	Parkside Square	26th Avenue/Vicente	02-03	Children's play area and bathrooms to be renovated in 9/03.		
111	Portsmouth Square	Kearny/Washington	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
112	Potrero del Sol	Potrero/Army	02-03	No abatement needed, renovation scheduled 9/04		
113	Potrero Hill Mini Park	Connecticut/22nd Street	02-03	Renovation scheduled 9/04		
114	Precita Park	Precita/Folsom	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
115	Sgt. John Macaulay Park	Larkin/O'Farrell	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
116	Sigmund Stern Recreation Grove	19th Avenue/Sloat Blvd.	04-05	As of 10/10/02 Capital Program Director indicates no current plans for renovation. Funding expired; will complete in FY04-05		
117	24th/York Mini Park	24th/York/Bryant	02-03	Completed as part of current renovation in December 2002, Renovation scheduled 3/04.		
118	Camp Mather	Mather, Tuolomne County	04-05			X
119	Hyde/Vallejo Mini Park	Hyde/Vallejo	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
120	Juri Commons	San Jose/Guerrero/25th	05-06			
121	Kelloch Velasco Mini Park	Kelloch/Velasco	02-03	No abatement needed. Children's play area scheduled for renovation on 9/04		
122	Koshland Park	Page/Buchanan	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		
123	Head/Brotherhood Mini Park	Head/Brotherwood Way	02-03	No abatement needed. As of 10/10/02 Capital Program Director indicates no current plans for renovation		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
124	Walter Haas Playground	Addison/Farnum/Beacon	02-03	Capital Projects to renovate in Spring 2003. Mauer is PM		
125	Holly Park	Holly Circle	02-03	Renovation planned to begin 4/03; Judi Mosqueda from DPW is PM		
126	Page-Laguna-Mini Park	Page/Laguna	04-05	No abatement needed		
127	Golden Gate/Steiner Mini Park	Golden Gate/Steiner		No Facility, benches only		
128	Tank Hill	Clarendon/Twin Peaks	04-05	No abatement needed		
129	Rolph Nicol Playground	Eucalyptus Dr./25th Avenue	04-05	No abatement needed		
130	Golden Gate Park	Carrousel	05-06			
131	Golden Gate Park	Tennis Court	05-06			
132	Washington/Hyde Mini Park	Washington/Hyde	04-05	No abatement needed		
133	Ridgetop Plaza	Whitney Young Circle	05-06	No abatement needed		
134	Golden Gate Park	Beach Chalet	06-07	No abatement needed		
135	Golden Gate Park	Polo Field	06-07			
136	Sharp Park (includes Golf Course)	Pacifica, San Mateo Co.	06-07			
137	Golden Gate Park	Senior Center	06-07			X
139	Stow Lake Boathouse	Golden Gate Park	06-07, 11-12	CLPP survey and clean-up completed in FY06-07. Site revisited in FY11-12 in conjunction with site maintenance work. Clearance for occupancy received and working closing out project financials with DPW.		
140	Golden Gate Park	County Fair Building	06-07	No abatement needed		
141	Golden Gate Park	Sharon Bldg.	07-08			
143	Allyne Park	Gough/Green	06-07	No abatement needed		
144	DuPont Courts	30th Ave./Clement	07-08			
145	Golden Gate Park	Big Rec	07-08			
146	Lower Great Highway	Sloat to Pt. Lobos	07-08			
148	Yacht Harbor and Marina Green	Marina	06-07, 07-08	Includes Yacht Harbor, Gas House Cover, 2 Yacht Clubs and Marina Green		
149	Palace of Fine Arts	3601 Lyon Street	09-10	No abatement needed.		
150	Telegraph Hill/Pioneer Park	Telegraph Hill	09-10	Clean-up responsibility transferred to Capital and Planning for incorporation into larger project at site.		
151	Saint Mary's Square	California Street/Grant	09-10	No abatement needed.		
152	Union Square	Post/Stockton	09-10	No abatement needed.		
153	Golden Gate Park	Angler's Lodge	07-08			
154	Golden Gate Park	Bandstand	07-08	No abatement needed		

Status Report for RPD Sites

Priority	Facility Name	Location	Completed	Notes	Retest	Entered in FLOW Program
155	Golden Gate Park	Bowling Green	07-08	Retested 4/09; 16 ppb first draw, still in program		X
156	Golden Gate Park	Conservatory	08-09	No abatement needed.		
157	Golden Gate Park	Golf Course	09-10			
158	Golden Gate Park	Kezar Stadium	07-08			X
159	Golden Gate Park	Nursery	09-10	No abatement needed		X
160	Golden Gate Park	Stables	na	Being demolished. Hazard assessment already completed by Capital.		
161	Golden Gate Park	McLaren Lodge	01-02, 02-03	Done out of order. Was in response to release/spill. See File 565.		
162	Corona Heights (and Randall Museum)	16th/Roosevelt	00-01	Randall Museum used to be separate, but in TMA, Randall is part of Corona Heights, so the two were combined 6/10.		
163	Laurel Hill Playground	Euclid & Collins	10-11			
164	Selby/Palou Mini Park	Selby & Palou	10-11	No abatement needed		
165	Prentiss Mini Park	Prentiss/Eugenia	10-11	No abatement needed		
166	Lessing/Sears Mini Park	Lessing/Sears	10-11	No abatement needed		
167	Muriel Leff Mini Park	7th Avenue/Anza	10-11	No abatement needed		
168	10th Avenue/Clement Mini Park	Richmond Library	10-11	No abatement needed		
169	Turk/Hyde Mini Park	Turk & Hyde	10-11	No abatement needed		
170	Exploratorium (and Theater)	3602 Lyon Street	13-14	Eight metal doors with loose and peeling paint were cleaned up; one water source shut off indefinitely.		
171	Candlestick Park	Jamestown Avenue	10-11			
New Facilities: These facilities not to be included in CLPP survey as they were built after 1978.						
	Alice Marble Tennis Courts	Greenwich/Hyde		Not owned by RPD. PUC demolished in 2003 and all will be rebuilt.		
	Richmond Rec Center	18th Ave./Lake St./Calif.		New facility		
	Visitacion Valley Playground	Cora/Leland/Raymond		Original building clubhouse and PG demolished in 2001. Facility is new.		
	King Pool	3rd/Armstrong		New facility		
	Patricia's Green in Hayes Valley	Hayes & Octavia		Built in 2005		
	India Basin Shoreline Park	E. Hunters Pt. Blvd.		Built in 2003		
	Parque Ninos Unidos	23rd and Folsom		Built in 2004		
	Victoria Manolo Draves Park	Folsom & Sherman		Built in 2006		
	Aptos Playground	Aptos/Ocean Avenue		Site demolished and rebuilt in 2006		

To: BOS-Supervisors
Subject: FW: Merger Discussion - Date Changed to 5/19

-----Original Message-----

From: Association of Bay Area Governments [mailto:wallyc@abag.ca.gov]
Sent: Friday, April 29, 2016 5:29 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Merger Discussion - Date Changed to 5/19

Date changed for the special ABAG General Assembly.

New date and time:

May 19, 2016, 12:00 Noon to 3:00 pm

Location TBD (Please check our website and watch for email updates.)

Free registration -

<https://store.abag.ca.gov/authorizenet/ga-spring16-special-meeting.html>

(If you're already registered, thank you. There is no need to re-register.)

To: BOS-Supervisors
Subject: File 160320 FW: Landmarking of Tree on Cook Street
Attachments: 4.27.2016 Letter from B. Bonapart to J. Givner re Dale Rogers.pdf

From: Office [<mailto:Office@treelaw.com>]
Sent: Thursday, April 28, 2016 3:47 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Landmarking of Tree on Cook Street

Dear Ms. Calvillo: The attached letter has been hand-delivered and sent via Hightail email (with exhibits) to the UFC and the Deputy Attorney's Office. The attached is for your information and files.

Kim Ashley
Office Manager & Legal Assistant
BONAPART & ASSOCIATES
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(415) 332-3313 TELEPHONE
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This communication is not meant to be all inclusive of fees, rates, policies or procedures. It does not imply we have or will take your case or that there is any agreement of confidentiality. Confidential information should not be shared without a signed agreement between all parties. No communication or future communications from a Paralegal or Legal Assistant are legal advice and should not be considered as such.



BONAPART & ASSOCIATES
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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 1, 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.

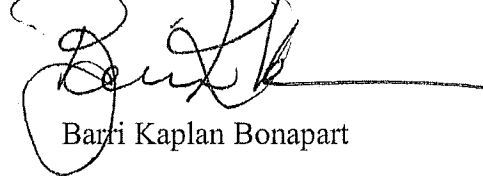
B. Harmful Public Policy Implications: Unintended Consequences

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.

From: Office <Office@treelaw.com>
Sent: Friday, April 29, 2016 9:40 AM
To: Board of Supervisors, (BOS); Ausberry, Andrea; Calvillo, Angela (BOS)
Cc: 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: File No. 160320. Ordinance designating tree at 46A Cook Street as a landmark tree
Attachments: 4.28.2016 Letter from B. Bonapart to A. Calvillo re Cook Street tree landmarking.pdf
Importance: High

Please see attached time-sensitive correspondence from Barri Kaplan Bonapart regarding the above referenced tree landmarking on the UFC's May 2, 2016 Agenda.

Kim Ashley
Office Manager & Legal Assistant
BONAPART & ASSOCIATES
2330 Marinship Way, Suite 302
Sausalito, California 94965
(415) 332-3313 TELEPHONE
(415) 332-4603 FAX
office@treelaw.com

This communication is not meant to be all inclusive of fees, rates, policies or procedures. It does not imply we have or will take your case or that there is any agreement of confidentiality. Confidential information should not be shared without a signed agreement between all parties. No communication or future communications from a Paralegal or Legal Assistant are legal advice and should not be considered as such.


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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2016 APR 29 PM 1:24
BY 

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.

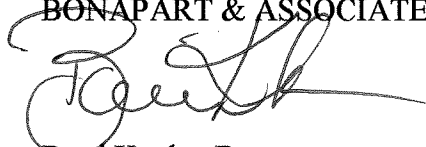
We request that the Committee consider the attached Exhibits as part of its deliberations. Exhibit A is a report, addendum, and CV prepared by renowned consulting arborist James MacNair who considered all of the criteria set forth in the Ordinance and determined the tree is not an appropriate candidate. 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



Barri 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



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

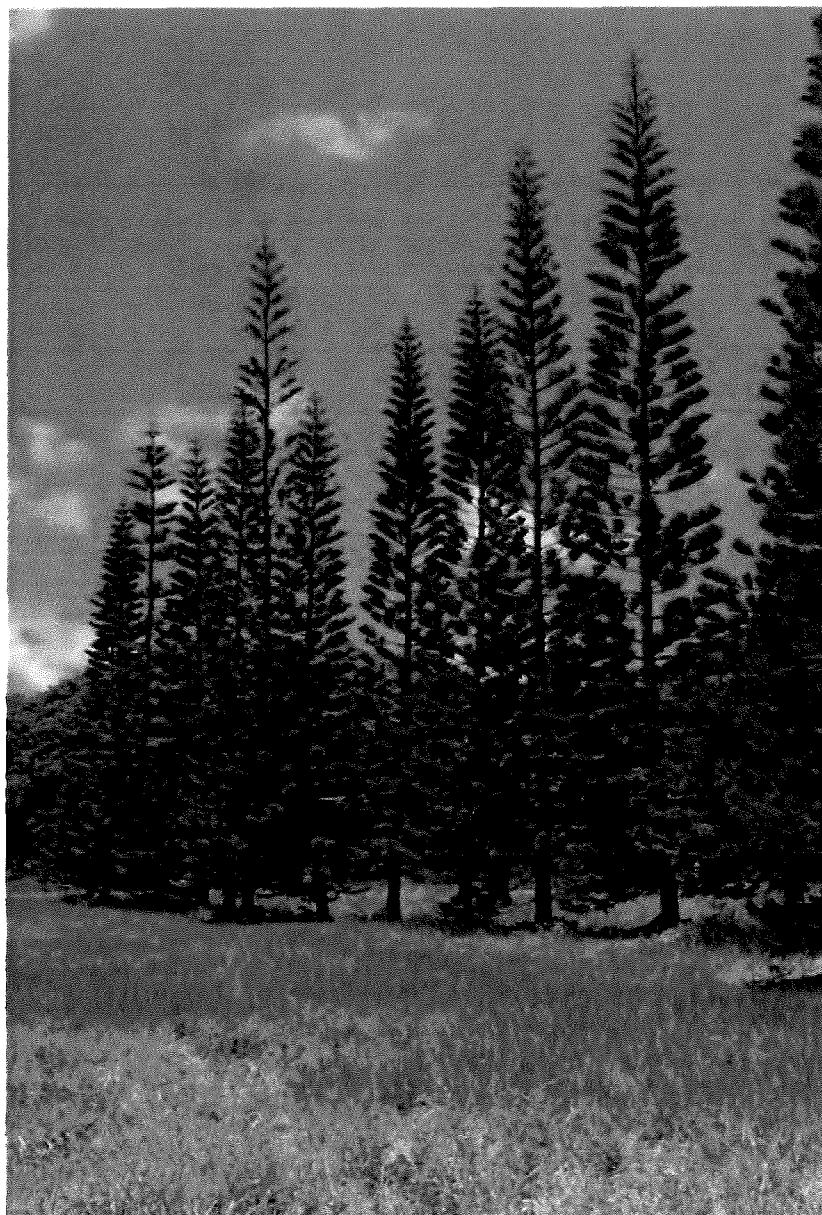
Comparison of Norfolk Island pine and Cook pine

Page 3 of 8

8/6/15



Cook pine



Cook pine



Bark of Cook pine

Norfolk Island pine images:



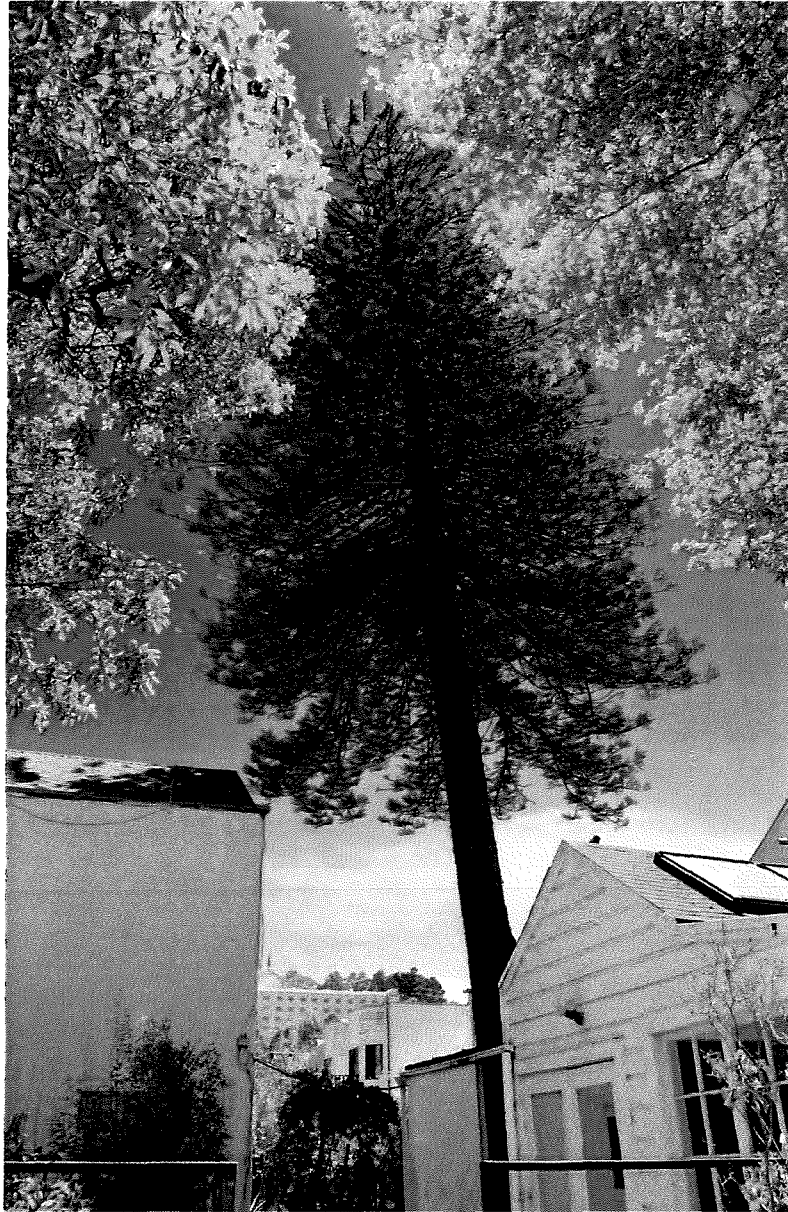
Bark of Norfolk Island pine



Bark of Cook Street tree.



Norfolk Island pine



46 Cook Street tree.

MACNAIR
&
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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.

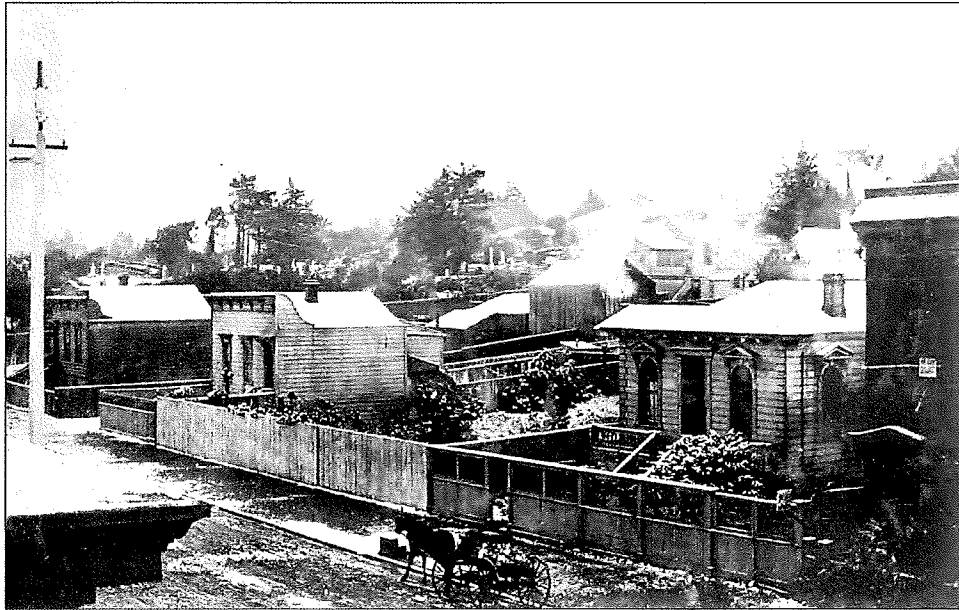


Circa 1946 image showing a Norfolk pine close to the apparent property line. The trunk is barely visible.

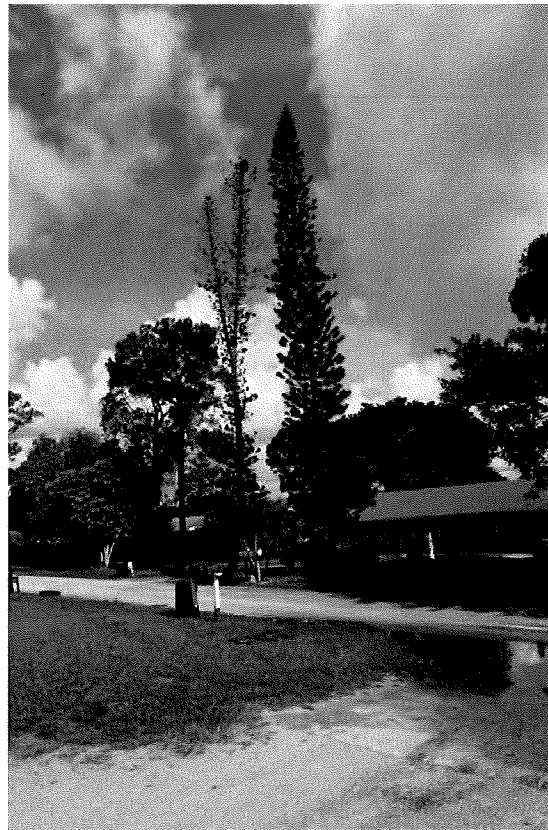


Current image showing subject tree located in different location than that shown in the circa 1946 image.

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.

Review of Landmark Tree Nomination- Norfolk Island Pine, 46 Cook Street, San Francisco- Report
Addendum
Page 6 of 6
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.



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.

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.

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 Applicant~~ **[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 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 **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 Erhlich 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

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: Barri Bonapart <Barri@treelaw.com>
Sent: Saturday, April 30, 2016 1:17 PM
To: Board of Supervisors, (BOS); Ausberry, Andrea; Calvillo, Angela (BOS)
Cc: 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: File No. 160320. Ordinance designating tree at 46A Cook Street as a landmark tree; May 2, 2016 hearing.
Attachments: Rogers Landmark Tree Letter 8-3-15 (2).pdf

Dear Gentlepersons: The attached letter should have been included as part of Exhibit A to the below letter sent yesterday, April 29, 2016. Thank you for your attention to this matter.

Regards, Barri K. Bonapart

From: Office
Sent: Friday, April 29, 2016 9:40 AM
To: Board.of.Supervisors@sfgov.org; Andrea.Ausberry@sfgov.org; angela.calvillo@sfgov.org
Cc: malia.cohen@sfgov.org; aaron.peskin@sfgov.org; mark.farrell@sfgov.org; jon.givner@sfgov.org; scott.wiener@sfgov.org; john.avalos@sfgov.org; london.breed@sfgov.org; david.campos@sfgov.org; jane.kim@sfgov.org; eric.l.mar@sfgov.org; norman.yee@sfgov.org; Katy.Tang@sfgov.org
Subject: File No. 160320. Ordinance designating tree at 46A Cook Street as a landmark tree
Importance: High

Please see attached time-sensitive correspondence from Barri Kaplan Bonapart regarding the above referenced tree landmarking on the UFC's May 2, 2016 Agenda.

Kim Ashley
Office Manager & Legal Assistant
BONAPART & ASSOCIATES
2330 Marinship Way, Suite 302
Sausalito, California 94965
(415) 332-3313 TELEPHONE
(415) 332-4603 FAX
office@treelaw.com

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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.

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.

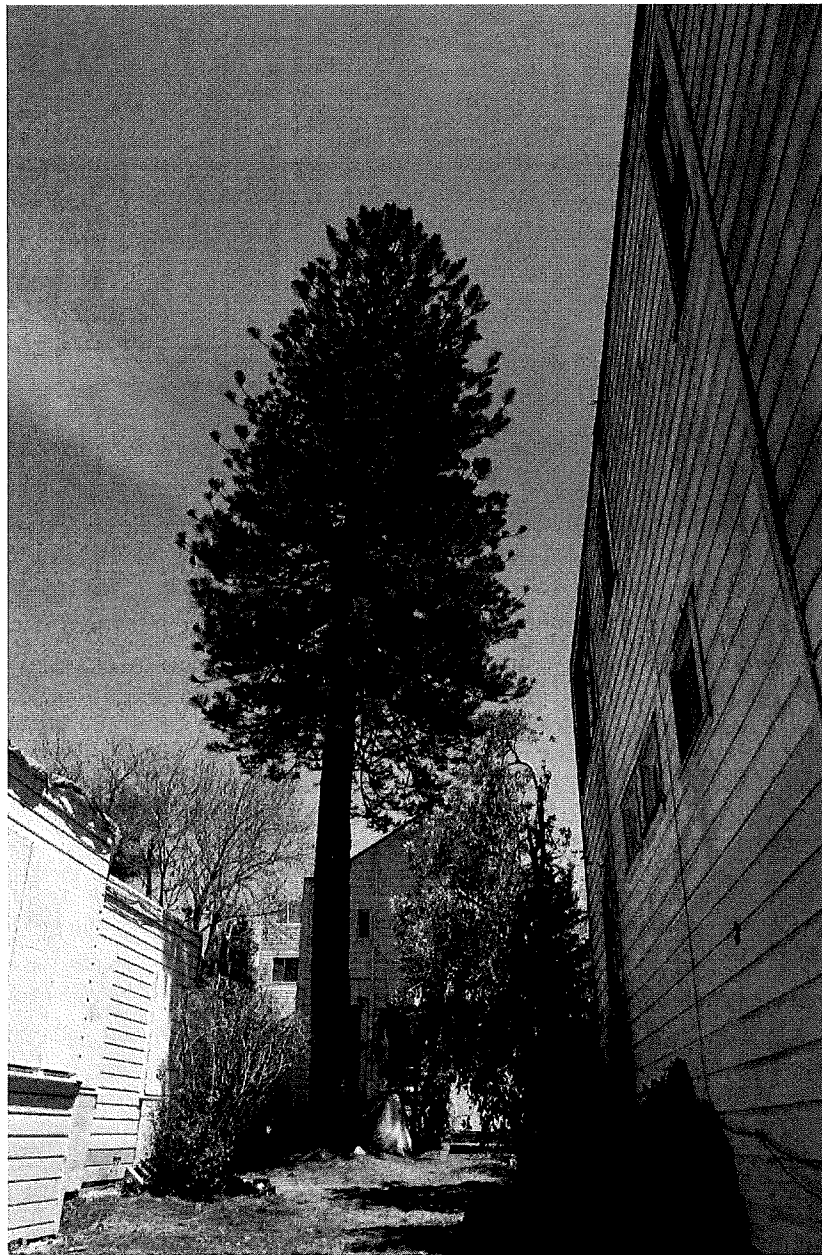
Please contact me with any questions, or if additional information is required.

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.

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Ausberry, Andrea
Subject: File 160320FW: Additional report
Attachments: may 2, 2016 notice of hearing (l148871xBDEE0).pdf
Importance: High

From: Office [mailto:Office@treelaw.com]
Sent: Monday, May 02, 2016 11:18 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Cc: Barri Bonapart <Barri@treelaw.com>
Subject: FW: Additional report
Importance: High

Dear Ms. Calvillo: Attached is a report that should be included with Dale Rogers' letter submittals regarding the Cook Street tree landmarking on today's agenda.

Kim Ashley
Legal Assistant
Bonapart & Associates
Marina Office Plaza
2330 Marinship Way, Suite 302
Sausalito, CA 94965
Tel: (415) 332-3313
Fax: (415) 332-4603

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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

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: SFDA's Sentencing Planner Program: Transforming the way that prosecutors approach cases

From: Aroche, Luis (DAT)
Sent: Monday, May 02, 2016 9:50 AM
Subject: SFDA's Sentencing Planner Program: Transforming the way that prosecutors approach cases

Dear Community Leaders,

Under District Attorney George Gascón leadership, the SFDA has developed new justice system component that we believe can significantly reduce recidivism, improve public safety and strengthen the communities, and reduce reliance on mass incarceration. We establishing metrics and data systems to track and improve our work. We are at a pivotal moment-poised to move “alternative programs” into the core of our prosecutorial approach and serve as a model of reform.

Our prosecutors increasingly recognize that they can-and should-play a key role in recidivism reduction, but they need practical tools to take the leap from ideal to real. In 2012, the SFDA launched our Sentencing Planner Program (SPP), which transforms the way that prosecutors approach cases by developing individualized sentences that address the needs and risks of justice-involved individuals. This model fundamentally shifts our prosecutorial mandate and approach, moving from the traditional metrics of conviction rates and prison terms to recidivism reduction and public safety.

The SPP model is comprised of a social worker with expertise in evidence-based programs to address criminogenic needs and detailed knowledge of the programs and services available in San Francisco. Prosecutors refer cases to SPP in the early stages of prosecution. The SPP conducts in-depth case reviews, often including interviews with the defendant and attorney, to determine if alternatives to incarceration are appropriate for the defendant, and provides a written report with detailed recommendations dispositions including length and type of supervision, education requirements, vocational training requirements, and rehabilitation and behavior adjustment programs. The prosecutors decides whether to incorporate the SPP recommendations into the final disposition.

The simplicity of the SPP model belies the significance of its reform to the system. It redefines a “win” for prosecutors. It reduces costs across all stages of the criminal justice system-from the courthouse, where case resolve faster, to jails and prisons, to the street, where police no longer expend resources on individuals who would otherwise remain enmeshed in the cycle of crime. Independent evaluation of the SPP program by the Goldman School of Public Policy in May 2014 preliminarily found that it reduces recidivism and prosecutor reliance on incarceration.

Please feel free to share with all your networks.

In Partnership,

Luis

Luis M. Aroche, MPA
Sentencing Planner
San Francisco District Attorney's Office
850 Bryant Street, Room 322
San Francisco, CA 94103
Office: 415-553-1160

Fax: 415-575-8815
Email: luis.aroche@sfgov.org
www.sfdistrictattorney.org

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From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: FW: File 160342 CCCD appointments

From: Karen Nemsick [mailto:karen@rebuildingtogethersf.org]
Sent: Monday, April 25, 2016 5:39 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: CCCD appointments

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on this Tuesday April 26th.

My experience with Peter is that he has a wide range of knowledge about the City's affordable housing programs, which makes him a real resource for service organizations, advocates and for city staff. He is very passionate about his work and well regarded in the community.

I encourage you to vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process.

Thank you
Karen

Karen Nemsick
Executive Director, Rebuilding Together San Francisco
National Affiliate Council Representative

Rebuilding Together San Francisco
Pier 28, The Embarcadero San Francisco, CA 94105
p: 415-905-1611 ext. 202 f: 415-905-1610
www.rebuildingtogethersf.org

Want to learn more? [Click here for our 2015 video!](#)

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: File 160342 FW: Oppose Peter Cohen's appointment to the Citizen's Committee on Community Development

From: Sonja Trauss [<mailto:sonja.trauss@gmail.com>]
Sent: Tuesday, April 26, 2016 8:56 AM
To: SOTF, (BOS) <sotf@sfgov.org>
Cc: sfbarentersfed <SFBArentersfed@googlegroups.com>
Subject: Oppose Peter Cohen's appointment to the Citizen's Committee on Community Development

Dear BoS,

I am writing to ask you not to appoint Peter Cohen to the Citizen's Committee on Community Development. Please appoint someone whose primary commitment is to building affordable housing.

It's not clear that Peter Cohen's primary commitment is building affordable housing. For instance, Peter Cohen was heavily involved in opposing reform of the Discretionary Review process. DR reform would have saved 100s of man-hours for the planning department, and the failure of DR reform doesn't increase the amount of affordable housing produced in San Francisco. In fact, because opponents of affordable housing can use the current DR process to frustrate affordable housing developments, the failure of DR reform puts subsidized housing projects at risk. It's not at all clear why an affordable housing advocate should have been involved in the DR reform process at all, and if he was, it should have been to encourage DR reform.

Another example of Peter Cohen's ambivalence about affordable housing was his apparent absence of support for Supervisor Wiener's Affordable Housing as Principal Use bill. Cohen's organization, the Council for Community Housing Organizations, did not come out publicly to support the bill. Fernando Marti testified neither in favor or against the legislation at the Planning Commission, but neither Marti nor Cohen testified at all at the time of its passage. In fact, rumors circulated at the time that Peter Cohen was unhappy with Mercy Housing for supporting it publicly. I have no way of knowing whether this rumor is true, but it should at least be investigated before Peter Cohen is appointed to this Citizen's Committee. This rumored behavior is not in line with what we would expect from an advocate of affordable housing.

Finally, Peter Cohen has been actively campaigning against the Affordable Housing Bonus Program and its 4,100 potential Below Market Rate units. A person whose first priority is affordable housing would not oppose the AHBP.

Thank You,

Sonja Trauss
www.sfbarf.org

--
Now it's time to vote for housing: May 10th at CITY HALL www.sfyimby.org

From: Griffith, Anne <agriffith@enterprisecommunity.org>
Sent: Tuesday, April 26, 2016 9:44 AM
To: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Lim, Victor (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Cc: Peter Cohen (peter@sfic-409.org)
Subject: Citizen's Committee on Community Development - Reappointment of Peter Cohen

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on today, Tuesday April 26th.

Peter is a rare and critical asset in promoting and supporting the needs of San Francisco's more vulnerable residents. Not only does Peter have the breadth and depth of experience in the areas of community development that are so critical to San Franciscans (affordable housing development and related services, public housing, homeownership preservation and access, all of the related supportive services), he also has the capacity to step back, reflect, and consider the impact of policies from a variety of vantage points. In addition, and as you know, Peter is committed and enthusiastic in his support. His commitment is evident in the energy that he brings to his work, his desire and ability to connect the dots among the related community development sectors and the ways in which he remains focused on realizing real impact across the City by blending all of his personal and professional skills.

Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process.

Thank you,
Anne Griffith

Anne Griffith
Senior Program Director - Public Housing
101 Montgomery Street, Suite 1350
San Francisco, CA 94104
[Enterprise Community Partners, Inc.](#)
415.395.9295 | Fax: 415.395.9453
Facebook | LinkedIn | Twitter | YouTube | Our Blog, @the horizon
Invest with Us | Donate to Enterprise Community Partners, Inc.

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: File 160342 FW: Support for Peter Cohen for CBDG committee

From: Evans, Derek
Sent: Tuesday, April 26, 2016 10:18 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: FW: Support for Peter Cohen for CBDG committee

From: Lisa Zahner [<mailto:lisa@urbansolutionsf.org>]
Sent: Tuesday, April 26, 2016 9:56 AM
Subject: Support for Peter Cohen for CBDG committee

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on this Tuesday April 26th.

I have known Peter for over 10 years, as a passionate partner in our school community and neighborhood development. And, even though he and I may not agree all the time, (indeed, who does?) I appreciate his thoughtfulness and depth and breadth of experience when considering the important issues around community development.

Please support Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process, and I believe he would be a good asset for the Committee.

Thank you
Lisa Zahner

Lisa Zahner | Executive Director
Urban Solutions
1167 Mission Street, Suite 200, San Francisco, CA 94103
O: 415.553.4433 x109
M: 415. 948. 5747

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From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: File 160342 FW: Senator Mark Leno - for distribution
Attachments: Peter Cohen.pdf

From: Sun, Susan [<mailto:Susan.Sun@sen.ca.gov>]
Sent: Tuesday, April 26, 2016 10:39 AM
To: Khoo, Arthur (BOS) <arthur.khoo@sfgov.org>
Subject: Senator Mark Leno - for distribution

Hi Arthur – as per our conversation, attached is a letter for distribution to the members of the Board for today's meeting at 2:00pm. This is a letter in support of Peter Cohen for appointment to the Citizen's Committee on Community Development.

Thanks for helping to get it out,

Susan

Susan Sun, District Director
Senator Mark Leno
P: (415) 557-1300
F: (415) 557-1252
www.senate.ca.gov/Leno

STATE CAPITOL
ROOM 5100
SACRAMENTO, CA 95814
TEL (916) 651-4011
FAX (916) 651-4911

California State Senate

DISTRICT OFFICES
455 GOLDEN GATE AVE.
SUITE 14800
SAN FRANCISCO, CA 94102
TEL (415) 557-1300
FAX (415) 557-1252

SENATOR
MARK LENO
ELEVENTH SENATE DISTRICT

SENATOR.LENO@SEN.CA.GOV
WWW.SENATE.CA.GOV/LENO

COMMITTEES:
BUDGET AND
FISCAL REVIEW
CHAIR
JOINT LEGISLATIVE
BUDGET
CHAIR
ENVIRONMENTAL QUALITY
JUDICIARY
LABOR & INDUSTRIAL
RELATIONS
LEGISLATIVE ETHICS
PUBLIC SAFETY



April 26, 2016

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Supervisors:

I am writing to support the reappointment of Peter Cohen to the Citizen's Committee on Community Development (CCCD). I have known Peter since the early 2000s when I was a Supervisor and he was active as a Hayes Valley and Upper Market neighborhood advocate.

Peter had a reputation as a persistent, detail oriented and respected leader in the community. We worked together on the City's Inclusionary Housing ordinance which I authored 15 years ago. Peter was a dedicated core member of the stakeholders group that negotiated the policy terms and then hammered out the technical details with my staff and the City Attorney's office. That policy remains to this day a great accomplishment in San Francisco housing policy, and I'm glad to have worked with Peter in that context. Over the last several years while I have been at the State level, I've collaborated with Peter on various issues, including the challenging process of rebuilding our affordable housing programs and funding sources as Redevelopment was dissolved. Again, Peter demonstrated his persistence as we worked through the details of dissolution legislation, and then he played a lead role in the effort to craft the City's Housing Trust Fund which restored the equivalent of our lost redevelopment funds for affordable housing.

Peter has a wide range of knowledge about the City's affordable housing programs and he has a good reputation among a wide range of community and stakeholder groups. He will bring great value to the Citizen's Committee on Community Development. I fully support Peter's reappointment to the CCCD. He has the needed relevant experience and he understands the importance of "community" in the City's community development process.

Sincerely,

A handwritten signature in black ink that reads "Mark Leno".

Mark Leno
11th Senate District

ML:ss

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: [sfbarentersfed] Re: Oppose Peter Cohen's appointment to the Citizen's Committee on Community Development

From: Starchild [mailto:sfdreamer@earthlink.net]
Sent: Sunday, May 01, 2016 10:42 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Fwd: [sfbarentersfed] Re: Oppose Peter Cohen's appointment to the Citizen's Committee on Community Development

I concur with Brian Hanlon's message below. Just say no to NIMBYism!

Love & Liberty,

(((starchild)))

I wrote the following to the BoS:

Dear Supervisors,

I am writing in opposition to Peter Cohen's appointment to the Citizen's Committee on Community Development. I urge you to support candidates that work to make San Francisco an inclusive city that welcomes lower- and moderate-income people to live in its neighborhoods. Peter Cohen fights to make San Francisco an exclusionary city for the wealthy.

Peter Cohen recently lobbied against AB 2501, amendments to the California Density Bonus Law. Advocates for low-income people and the homeless including the Western Center on Law and Poverty, California Rural Legal Assistance (CRLA), and Housing California, all supported the bill. While the Density Bonus Law went into effect in 1979, exclusionary cities have long refused to grant housing developers density bonuses to encourage on-site affordable housing. Peter sided with the League of Cities, a Sacramento-based lobbying organization that defends the abilities of cities to exclude "undesirable" people in contravention to the spirit, and sometimes the letter, of state law.

Wealthy San Franciscans do not need allies on the Citizen's Committee on Community Development. As a Mission resident and a tenant without a lease, I urge you to only appoint members who will fight on behalf of marginalized residents.

Thank you,

Brian Hanlon

California Renters Legal Advocacy and Education Fund

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: File 160342 FW: Letter of Support for Peter Cohen to Citizen's Committee CDBG

From: Jennifer Martinez [mailto:jennifer@faithinactionba.org]
Sent: Tuesday, April 26, 2016 8:15 AM
Subject: Letter of Support for Peter Cohen to Citizen's Committee CDBG

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on today.

When Peter was on the Citizen's Committee on Community Development 2011-2015, he was an active participant in the committee, bringing with him many years of experience in community development work across San Francisco, close relationships with people in the community, developers, city staff, and public officials. He is a particularly strategic partner in accomplishing CCCD's third priority "strengthening the capacity of community-based organizations that serve low- and moderate-income communities." Peter's experience to speak across sectors and listen to the voices of various communities makes him a critical representative that we need on the Committee.

Please vote for Peter's appointment. He has the necessary experience to play an effective role on the Committee, the commitment to low- and moderate-income people, and he understands the importance of the community's voice in the CBDG process.

Sincerely,

Dr. Jennifer Martinez
Executive Director
Faith In Action Bay Area (formerly SFOP/PIA)
650-796-4160 (c)
[Follow us on Facebook](#)

From: John Buehrens <jbuehrens@uusf.org>
Sent: Tuesday, April 26, 2016 9:13 AM
To: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Cc: 'Peter Cohen'
Subject: Citizens' Committee on Community Development

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on this Tuesday April 26th.

Peter is a well-informed advocate for more affordable housing in our city. He has been very helpful in advising our congregation's work in the field. This winter we presented him with a community service award.

Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process.

Thank you

John A. Buehrens
Senior Minister
First Unitarian Universalist Society
1187 Franklin Street
San Francisco, CA 94109

From: Board of Supervisors, (BOS)
To: Evans, Derek
Subject: File 160342 FW: Citizens' Committee on Community Development, Peter Cohen Appointment
Attachments: Peter Cohen Letter.doc

From: Joe Wilson [mailto:jwilson@hospitalityhouse.org]
Sent: Tuesday, April 26, 2016 8:09 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Avalos, John (BOS) <john.avalos@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>; Farrell, Mark (BOS) <mark.farrell@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Kim, Jane (BOS) <jane.kim@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Campos, David (BOS) <david.campos@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Wiener, Scott <scott.wiener@sfgov.org>; Breed, London (BOS) <london.breed@sfgov.org>
Cc: Hsieh, Frances (BOS) <frances.hsieh@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Lee, Ivy (BOS) <ivy.lee@sfgov.org>; Pagoulatos, Nickolas (BOS) <nickolas.pagoulatos@sfgov.org>; Maybaum, Erica (BOS) <erica.maybaum@sfgov.org>
Subject: RE: Citizens' Committee on Community Development, Peter Cohen Appointment

Thank you for your attention.
Sincerely,
Joe Wilson

--
Joseph T. Wilson
Community Building Program Manager



290 Turk Street
San Francisco, CA 94102
ph.: 415.749.2111
fax: 415.749.2136
jwilson@hospitalityhouse.org
www.hospitalityhouse.org

Facebook: <https://www.facebook.com/HospitalityHouse>
Twitter: <https://twitter.com/HospitalityHous>
Flickr: https://www.flickr.com/cchh_cap

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April 25, 2016

Board of Supervisors, City & County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall Room 244
San Francisco, CA 94102

RE: Citizens Committee on Community Development

Dear Supervisor:

My name is Joe Wilson and I am writing to express my strong support for **Peter Cohen's re-appointment to the Citizens' Committee on Community Development (CCCD)**. Peter is currently Co-Director of the Council of Community Housing Organizations (CCHO). Peter was first appointed as member of the CCCD in 2011.

I have known Mr. Cohen as a friend and colleague for more than 12 years and have worked with him on development issues affecting such diverse communities as Visitacion Valley and the Tenderloin. Peter has an exceptional understanding of community development, particularly as it relates to housing, family support, education, workforce development, and youth leadership. Peter has a breadth of experience that is a significant asset for the Committee, and his grasp of both policy and practice, coupled with his innate understanding of development's affect on people and communities is a rare blend.

Peter's experience as a member of the Infrastructure Working Group, the Biosciences Task Force and the Market/Octavia Citizens' Advisory Committee reflects his breadth of knowledge of a range of issues and his commitment to the people of San Francisco, and the unique but shared needs of the City's diverse communities. Peter understands affordable housing development, the importance of a range of efforts to preserve existing housing stock, investing in home ownership and first-time home buyer programs, as well as tenant counseling and eviction prevention efforts.

Again, Peter brings a unique and refreshing understanding of not only *how* to advance effective and necessary community development and housing policies, but *why* community development is an essential element of City infrastructure and policy: to benefit the people of San Francisco whose lives are affected every day.

And as a long-time resident raising a family in San Francisco, Peter has a personal stake in the City making effective investments in its people.

I believe the people of San Francisco would benefit greatly from Peter Cohen's experience, ideas, and commitment and enthusiastically support his appointment to the Citizens' Committee on Community Development. Thank you for your attention.

Sincerely,

Joseph T. Wilson

From: Rafael Mandelman <rafaelmandelman@yahoo.com>
Sent: Tuesday, April 26, 2016 7:37 AM
To: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Cc: Peter Cohen
Subject: Please Reappoint Peter Cohen to Citizen's Committee on Community Development

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which I understand you will be voting on today. Peter brings a strong background in the activities and services that comprise the "community development" landscape, an understanding of the City's wide range of housing programs, and a deep commitment to pushing the City to serve folks most in need. Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CDBG process.

Sincerely,

Rafael Mandelman

From: Natasha Yankoffski <natasha.yankoffski@engmannoptions.com>
Sent: Monday, April 25, 2016 12:25 PM
To: Natasha Yankoffski
Cc: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Subject: URGENT -- Voting on this Issue - April 26, 2016 Reappointment of Peter Cohen to Citizen's Committee on Community Development
Attachments: LTR OF SUPPORT FOR PETER COHEN'S REAPPOINTMENT TO CBDG - APRIL 2016.pdf

Good afternoon.

Please find attached Mr. Engmann's letter of support for Peter Cohen's reappointment to the Citizen's Committee on Community Development which is being voted on tomorrow, Tuesday April 26, 2016.

Regards.

**Natasha Yankoffski
Executive Assistant to Douglas Engmann
Engmann Options, Inc.
1 Embarcadero Center, # 1150
San Francisco, CA 94111
Ph: 415.733.3001
Fx: 415.781.4641**

Douglas J. Engmann
1 Embarcadero Center, # 1150
San Francisco, CA 94111
415.733.3001

April 25, 2016

City & County of San Francisco
Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Reappointment of Peter Cohen to Citizen's Committee on Community Development

Dear Supervisors:

This letter is to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on tomorrow, Tuesday, April 26, 2016.

I have known Peter for many years and he is one of the most ethical, dedicated, hard working and informed members of the community I have worked with. Peter understands the array of activities and services in the "community development" landscape. He has worked throughout the neighborhoods of San Francisco, affording him insight to the breadth of community development, the interconnections between "sectors" (i.e. affordable housing, work force, tenant & home ownership, family support, education and youth leadership) and the ability to relate to people in a way that a technocrat cannot.

I strongly urge you to vote for Peter's reappointment. He has the experience and truly understands the importance of the community's voice in the CBDG process.

Feel free to contact me if you would like to discuss this further.

Very truly yours,



Douglas J. Engmann

From: RMorine@aol.com
Sent: Monday, April 25, 2016 1:29 PM
To: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Cc: peter@sfic-409.org; rmorine@aol.com
Subject: Peter Cohen -- Supporting CDBG Committee Appointment

Dear Supervisors,

I am writing to express my support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on this Tuesday April 26th.

I first met Peter nearly 10 years ago in his capacity as a community organizer working on economic development issues at the neighborhood level in Visitacion Valley.

Peter skillfully moderated and advised a collection of Visitacion Valley advocates, residents, and organizations as we formulated an economic development plan for our commercial corridor. With Peter's assistance the Visitacion Valley community created a plan that went on to become the framework for our inclusion in OEWD's Invest In Neighborhoods Program, facilitated a major streetscape improvement project, expanded the boundaries of Redevelopment during the Schlage Lock reuse dialogue, as well as numerous other community empowerment efforts.

Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process.

Thank you
Russel Morine
Visitacion Valley Resident

From: Board of Supervisors, (BOS)
To: BOS-Supervisors; Evans, Derek
Subject: File 160342 FW: Support for Peter Cohen - CDBG
Attachments: 2016-04-25 Citizens Cmte CDBG letter of support for P Cohen.docx

From: Carlos Serrano-Quan [mailto:carlos@homeownershipsf.org]
Sent: Monday, April 25, 2016 2:39 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Peter Cohen <peter@sfic-409.org>
Subject: Support for Peter Cohen - CDBG

Dear San Francisco Board of Supervisors,

I am writing to express my support for the reappointment of Mr. Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on this Tuesday April 26th.

Mr. Cohen has knowledge of the community development field and experience with service providers across many sectors (affordable housing, workforce, tenant and homeownership, small business, commercial corridors, etc) and also his background and many years work in community-based planning.

He has a proven track record of work in the community and I have a great deal of respect for this integrity and character.

I wholeheartedly support Peter Cohen to be reappointed to the CDBG Committee.

Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process.

Very Truly Yours,

Carlos Serrano-Quan, Executive Director
HomeownershipSF
275 5th Street #314
San Francisco, CA 94103
www.HomeownershipSF.org

Carlos Serrano-Quan, MSW
Executive Director
HomeownershipSF
275 5th Street #314
San Francisco, CA 94103
Tel: 415.202.5462
Fax: 415.670.9896
www.HomeownershipSF.org

Register for the 2016 San Francisco Housing EXPO: <https://www.eventbrite.com/e/san-francisco-housing-expo-tickets-22589649249>.



June 25, 2016, 11 am - 2 pm @ St. Mary's Cathedral
REGISTER HERE



Dear San Francisco Board of Supervisors,

I am writing to express my support for the reappointment of Mr. Peter Cohen to the Citizen's Committee on Community Development, which the full Board of Supervisors will be voting on this Tuesday April 26th.

Mr. Cohen has knowledge of the community development field and experience with service providers across many sectors (affordable housing, workforce, tenant and homeownership, small business, commercial corridors, etc) and also his background and many years work in community-based planning.

He has a proven track record of work in the community and I have a great deal of respect for this integrity and character.

I wholeheartedly support Peter Cohen to be reappointed to the CDBG Committee.

Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process.

Very Truly Yours,

Carlos Serrano-Quan, Executive Director
HomeownershipSF
275 5th Street #314
San Francisco, CA 94103
www.HomeownershipSF.org

From: Norman Fong <nfong@chinatowncdc.org>
Sent: Monday, April 25, 2016 7:35 PM
To: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Subject: Letter of Support for Peter Cohen - Citizen's Committee on Community Development
Attachments: Letter of Support Peter Cohen - Citizen's Committee on Community Development.pdf

Dear Supervisors,

Please see the attached letter of support for Peter Cohen's reappointment to the Citizen's Committee on Community Development. Thank you.

Norman

Rev. Norman Fong | Executive Director

Chinatown Community Development Center
1525 Grant Avenue, San Francisco, CA 94133
<http://www.chinatowncdc.org>



Chinatown Community
Development Center
華協中心

April 25, 2016

San Francisco Board of Supervisors
1 Dr Carlton B Goodlett Pl
San Francisco, CA 94102

RE: Re-appointment of Peter Cohen to Citizen's Committee on Community Development,
BOS April 26, 2016 Agenda, Item 25

Dear President Breed and Members of the Board,

I am writing to express CCDC's full and enthusiastic support for the reappointment of Peter Cohen to the Citizen's Committee on Community Development.

Mr. Cohen has been and will be an extraordinary asset to the Committee. He has many years of professional experience with affordable housing and community development issues and has demonstrated a deep personal commitment to serving communities in need. Peter also brings extensive knowledge from working on multiple city and regional task forces and committees that will benefit the work of the Committee

Therefore we urge you to reappoint Peter Cohen to the Citizen's Committee.

Sincerely,

Rev. Norman Fong
Executive Director

From: Steve Suzuki <ssuzuki@andnet.org>
Sent: Tuesday, April 26, 2016 12:44 AM
To: Board of Supervisors, (BOS); Evans, Derek; Avalos, John (BOS); Rubenstein, Beth (BOS); Breed, London (BOS); Roxas, Samantha (BOS); Campos, David (BOS); Chung Hagen, Sheila (BOS); Cohen, Malia (BOS); Farrell, Mark (BOS); Kim, Jane (BOS); Lee, Ivy (BOS); Mar, Eric (BOS); Lim, Victor (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Low, Jen (BOS); Wiener, Scott
Subject: Letter of Support -Peter Cohen CCCD
Attachments: Ltr-support Peter Cohen CCCD.pdf

Please find the attached letter supporting Peter Cohen for appointment to the CDBG- CCCD.

Thank you,
Steven Suzuki

April 25, 2016

Dear Supervisors,

I am writing to express my support for the reappointment of **Peter Cohen** to the Citizen's Committee on Community Development (CCCD), which the full Board of Supervisors will be voting on this Tuesday April 26th.

I firmly believe that Peter is an excellent choice for the Committee as he understands the broad array of activities and services in the "community development" landscape including non-profits, government and private funders. His work across the different neighborhoods of SF has given him a unique understanding of the breadth that is required for positive community development, the interconnections between "sectors" (affordable housing, workforce, tenant and homeownership, family support, education, youth leadership, etc), and an ability to relate to people and hear them rather than just being a technocrat.

I feel that as an appointee to the CCCD Peter will bring a strong understanding of the City's wide range of housing programs including:

- affordable housing development and housing services
- acquisition/rehab to preserve existing housing
- public housing rehabilitation
- tenant counseling, homeownership assistance, eviction and legal services
- housing access outreach and assistance
- alignment with housing stabilization and first-time homeownership goals of BOS

Please vote for Peter's appointment. He has the experience and understands the importance of the community's voice in the CBDG process. In this critical time of housing shortage, displacement and loss of the arts, residents and services from San Francisco we need someone like Peter and his skills more than ever!

Thank you and I look forward to your support,

Steven Suzuki
Resident-Excelsior District

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: SFPUC CAC Appointments and Terms
Attachments: Letter from the Chair Regarding SFPUC CAC Appointments.pdf

From: wendolyn aragon [mailto:wendolyn.aragon@gmail.com]
Sent: Tuesday, April 26, 2016 2:12 PM
To: Evans, Derek <derek.evans@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Zhu, Tracy <TZhu@sfgwater.org>; Buendia, Jessica (PUC) <jbuendia@sfgwater.org>; Fernandez, Catherine (PUC) <cfernandez@sfgwater.org>; Ellis, Juliet (PUC) <jellis@sfgwater.org>
Subject: SFPUC CAC Appointments and Terms

Derek,

Please see the attached letter for distribution to members of the Board of Supervisors and/or legislative staff regarding the upcoming term end-dates for the San Francisco Public Utilities Commission Citizen's Advisory Committee. I am asking to ensure that the reappointment process is seamless and not disruptive to the the flow of the CAC.

Thank you,
Wendy Aragon
SFPUC CAC Chair

April 26, 2016

To: The San Francisco Board of Supervisors
From: Wendy Aragon, Chair
Re: SFPUC CAC Appointments

Dear Supervisors,

I am writing on behalf of the 15 appointed members of the San Francisco Public Utilities Commission Citizens Advisory Committee. Staff was recently informed by the Clerk of Board of Supervisors that our appointed terms will collectively expire on May 8, 2016. We were surprised by this news, as many of us, and likely many of you were of the belief that our four year terms corresponded with our date of appointment. However, the Clerk of the Board of Supervisors informed us that the four year terms are assigned to the seats, and the term end dates occur every four years since the formation of the CAC.

Your appointee will be reaching out to your office seeking reappointment before the end of this term and before seats are listed as vacant by the Clerk's office. Nearly all of our members were appointed or reappointed within the past two years or in some cases, the past few months.

I understand that appointments are done at each officer's discretion and preference; however I would like to express how important it is that all of our members be reappointed and allowed to retain their seats. All of our Commissioners and Staff will tell you what an impressive job that I have done as Chair of the CAC over the past two years. But I also know that I would not be a successful Chair if it were not for every single member of the CAC.

When I first came to the CAC, it was more than obvious that we had a major diversity problem. When I took the Chair, I helped staff to seek out and empower women, people of color, young people, and LGBTQ people and encouraged many of them to apply to their current seats. While some of our members were directly selected by their appointing officers, a considerable percentage of our members are those whom I put forward to several of your offices are now serving on the CAC. Every member of our CAC is enthusiastic, proactive, and holds a level of expertise in their field as it relates to the Power, Water, and Wastewater enterprises. More importantly, we are one of the most cohesive and productive policy bodies in the City. We may not always agree on hot-button issues outside of the SFPUC, and every now and then we differ on those within our purview, but the level of comradery and respect within the body is phenomenal. Together we have passed multiple resolutions, enhanced lines of communication with staff, the Commission and community stakeholders, implemented social media, and are in the process of engaging in direct community outreach in our districts and among our constituency groups.

I understand that your offices are very busy and so this matter may seem like a low priority, but I am asking you and your staff to help us treat this matter with expediency. Given all that we have worked for, we would like to continue to work together to fulfil the purpose and mission of the CAC as set forth by the CAC ordinance. Furthermore, I ask that those Supervisors serving on the Rules Committee to consider changing the parameters for the SFPUC terms so that in the future, terms are either staggered in clusters every two years or correspond with actual appointment date.

Thank you so much for your time and I look forward to working with all of you to resolve this matter.

Best Regards,
Wendy Aragon

SFPUC CAC Chair

CC: Tracy Zhu – SFPUC Stakeholder and Advisory Body Analyst
Jessica Buendia – SFPUC Community Benefits Manager
Catherine Fernandez Smith – SFPUC Community Benefits Director
Juliet Ellis – Assistant General Manager of External Affairs, SFPUC

From: Brittany Clark <brittclark2@gmail.com>
Sent: Wednesday, April 27, 2016 2:58 PM
To: Board of Supervisors, (BOS); Evans, Derek; Tang, Katy (BOS); Cohen, Malia (BOS); Mar, Eric (BOS)
Subject: Letter of support for Leuwam Tesfai

To Whom It May Concern,

We are delighted to support The League of Women Voters nomination of Leuwam Tesfai to the Sunshine Ordinance Task Force.

Leuwam has been a warm and supportive friend for more than four years. She is thoughtful and responsible, a natural connector of people, and a champion of public service.

Leuwam's dedication to her community is evident in everything she does, including her ongoing work on the board of the League of Women Voters of San Francisco. Her current role as an attorney for the Public Utilities Commission also demonstrates that she is a qualified candidate to navigate public records law and bring important details to light.

In short, we believe Leuwam will be a great asset in any advisory or leadership role.

Sincerely,
Britt Clark and Victor Kumsomboone
Inner Richmond

From: Sean Simon <sxsimon7@gmail.com>
Sent: Tuesday, April 26, 2016 2:12 PM
To: Board of Supervisors, (BOS); Tang, Katy (BOS); Cohen, Malia (BOS); Mar, Eric (BOS); Evans, Derek
Subject: Support Leuwam Tesfai for the Sunshine Ordinance Task Force

Supervisors Tang, Cohen and Mar,

I am writing in support of Leuwam Tesfai to join San Francisco's Sunshine Ordinance Task Force. I have worked with Leuwam for five years at the CA Public Utilities Commission and I know her to consistently demonstrate the highest values of public service.

Over the last year, I've had the pleasure of serving along side Leuwam as advisors to Commissioner Randolph. Leuwam handles public records act requests for our office and ensures timely compliance with all requirements, in addition to excelling at a host of many other professional assignments in her capacity as advisor to the Commissioner. Leuwam's legal training, procedural prowess and acumen while working with diverse stakeholders makes Leuwam uniquely qualified for the Sunshine Ordinance Task Force.

I would be happy to answer any follow up questions you may when considering candidates for this position.

Regards
Sean Simon (SF Resident, D10)
415-971-0805

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: File 160407 FW: Sunshine Ordinance Task Force-Leuwam Tesfai

From: laura schadler [mailto:lauraschadler@gmail.com]

Sent: Tuesday, April 26, 2016 2:17 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Evans, Derek <derek.evans@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>; Mar, Eric (BOS) <eric.mar@sfgov.org>

Subject: Sunshine Ordinance Task Force-Leuwam Tesfai

Hello All,

I am writing on behalf of Leuwam Tesfai who has been nominated to fill a seat on the Sunshine Ordinance Task Force. I have known Leuwam for eight years and during that time I have known her to be someone who is deeply committed to her work. She is dedicated to public service, both as an attorney for the Public Utilities Commission and as a board member of the League of Women Voters. Her passion, knowledge, and experience make her an excellent candidate. Leuwam possesses genuine engagement with and concern for her community, and would be an invaluable addition to the task force.

All my best,
Laura Schadler

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: File 160407 FW: Letter in support of Leuwam Tesfai's nomination to the City's Sunshine Ordinance Task Force

From: Katie Short [mailto:kshort84@gmail.com]
Sent: Monday, April 25, 2016 2:53 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Evans, Derek <derek.evans@sfgov.org>; Tang, Katy (BOS) <katy.tang@sfgov.org>; Cohen, Malia (BOS) <malia.cohen@sfgov.org>
Subject: Letter in support of Leuwam Tesfai's nomination to the City's Sunshine Ordinance Task Force

To the members of the San Francisco Board of Supervisors Rules Committee:

I am writing to express my strong support for the San Francisco League of Women Voters' nominee, Leuwam Tesfai, for a seat on the City's Sunshine Ordinance Task Force. Leuwam's demonstrated leadership, resourcefulness, personal integrity, and dedication to public service are among the key attributes that highly recommend her for a post with the Sunshine Ordinance Task Force.

I have known Leuwam for nearly two decades, from our days in high school in Texas to now, when we both very happily call San Francisco home. While I have known Leuwam for many years as a friend, I also recently had the great privilege of serving with Leuwam on the Board of the San Francisco League of Women Voters. Leuwam's unwavering adherence to the highest standards of personal integrity in her work, in addition to her leadership, professionalism, and resourcefulness, make her a critical member of the League's Board.

As well as being an active Board member, Leuwam is an attorney for the California Public Utilities Commission. Her service with the state not only means she has an extensive understanding of public records law, but it also demonstrates an inspiring dedication to public service.

Leuwam certainly has the requisite skills for the seat on the City's Sunshine Ordinance Task Force, and she would be a tremendous asset to the Task Force, bringing her breadth of experience, resourcefulness, and integrity to her work on the Task Force. As a San Francisco resident, I would be proud to know that someone like Leuwam was sitting on the City's Sunshine Ordinance Task Force.

Please do not hesitate to reach out to me with any questions regarding my letter of support. Many thanks for your time and for your consideration of Leuwam's nomination.

All the best,
Katie Short

Katie Short
kshort84@gmail.com
713.299.7566 - mobile

S)

From: Peterson, Rachel A. <rachel.peterson@cpuc.ca.gov>
Sent: Wednesday, April 27, 2016 10:32 AM
To: Board of Supervisors, (BOS); Tang, Katy (BOS); Cohen, Malia (BOS); Mar, Eric (BOS); Evans, Derek
Subject: Support Leuwam Tesfai for Sunshine Ordinance Task Force

Dear San Francisco Board of Supervisors,

I am writing to give my strong support for Leuwam Tesfai as a nominee to the San Francisco Sunshine Ordinance Task Force. I have known and worked with Leuwam at the California Public Utilities Commission since 2013, and have been her direct supervisor for the past year. Leuwam is a person and an employee of strong moral character who is highly committed to public service. She has been working with me on several sunshine initiatives to improve the public accessibility of the California Public Utilities Commission, and she executes her duties with attention to fairness, transparency, and pragmatism. She is professionally and personally very well suited to be a member of San Francisco's Sunshine Ordinance Task Force, given her knowledge of public records law in California, the fact that she is an attorney, and the fact that she holds herself to high ethical standards.

Thank you for the opportunity to provide this note of support, and I am happy to answer any further questions about Leuwam.

With regards,
-Rachel

Rachel Peterson

Chief of Staff to Commissioner Liane Randolph
(415) 703-2872 office
(415) 757-7844 cell
rp1@cpuc.ca.gov

From: Jacob Rossman <jrossman102@gmail.com>
Sent: Tuesday, April 26, 2016 6:18 PM
To: Board of Supervisors, (BOS); Evans, Derek; Tang, Katy (BOS); Cohen, Malia (BOS); Mar, Eric (BOS)
Subject: Sunshine Ordinance Task Force (Leuwam Tesfai)

Dear Rules Committee,

I write to express my support for Leuwam Tesfai to be appointed to a seat on the Sunshine Ordinance Task Force.

I am a litigation attorney at Lombardi, Loper & Conant, LLP and my family and I are longtime residents of San Francisco, where I was also raised. I met Ms. Tesfai in 2009 during our first year of law school at University of San Francisco School of Law, where we both graduated in 2012. I also had the pleasure of serving as one of her Article Editors when Ms. Tesfai led the University of San Francisco Intellectual Property Bulletin as its Editor-in-Chief in law school.

Ms. Tesfai is a fair leader, hard worker, and has shown dedication to public service in her role as an attorney for the California Public Utilities Commission and her work on the Board of the League of Women Voters of San Francisco. I believe that her skills and knowledge in public records law working for the State of California qualifies hers an excellent candidate to protect public interest in my hometown of San Francisco.

Very truly yours,

Jacob Rossman

From: Shauna Lawhorne <shauna.lawhorne@gmail.com>
Sent: Tuesday, April 26, 2016 8:25 PM
To: Board of Supervisors, (BOS); Evans, Derek; Tang, Katy (BOS); Cohen, Malia (BOS); Mar, Eric (BOS)
Subject: In Support of Leuwam Tesfai

To whom it may concern,

I am writing this email in support of Leuwam Tesfai for a seat on the Sunshine Ordinance Task Force. I have known Leuwam for over a decade and can speak to her long-standing dedication to public service. Currently I serve on the Board of the League of Women Voters of San Francisco with Leuwam and she approaches her position of Communications Chair with passion and drive. Additionally, Leuwam is an attorney with the California Public Utilities Commission where she has developed skills and knowledge in public records law that would serve her well on the Sunshine Ordinance Task Force. Also, her time spent working for the state has strengthened her commitment to an open and transparent government.

Other public service roles Leuwam has undertaken include being a member of her Neighborhood Emergency Response Team with the San Francisco Fire Department, mentoring high school students with the California Law Academy, and coordinating volunteer work for her office at the San Francisco Food Bank.

I truly believe Leuwam's background and steadfast commitment to public service make her a very strong candidate for this appointment and I hope you will consider her nomination.

Best,
Shauna Lawhorne
1609 12th Avenue
San Francisco CA 94122

From: whitney watts <whitney.watts@gmail.com>
Sent: Tuesday, April 26, 2016 11:41 PM
To: Board of Supervisors, (BOS); Evans, Derek; Tang, Katy (BOS); Cohen, Malia (BOS); Mar, Eric (BOS)
Subject: In support of Leuwam Tesfai for Sunshine Ordinance Task Force seat

To whom it may concern,

I am writing to express my support of Leuwam Tesfai, League of Women Voters of San Francisco nominee for the Sunshine Ordinance Task Force seat. I have known Leuwam for over 10 years as an undergraduate at Emory University in Atlanta, Georgia to her now position serving as an attorney at the CPUC in San Francisco, CA. Leuwam is steadfast and smart; a hard worker who excels in everything she touches. She has an amazing knowledge of the law and shows true passion for protecting the ideals of an open government. I work with her weekly as a volunteer and member of the LWVSF and I can truly attest to her skill set. Not only would she be a quality candidate, but also she would be a true asset to the task force. It would be a clear miss to not support her appointment to this position. Thank you and have a good evening.

Best,

Whitney Watts

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Success -- and Continued Problematic SF Public Library Fines and Fees
Attachments: pw-v2-SFPL-Halves-Proposed-Tech-Fees-Following-Library-Users-Assn-Whistleblowing-Revelations-4-19-16v2.doc

-----Original Message-----

From: Library Users Association [mailto:libraryusers2004@yahoo.com]
Sent: Monday, April 25, 2016 2:57 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Success -- and Continued Problematic SF Public Library Fines and Fees

Dear Supervisors:

Library Users Association whistleblowing successfully helped cut two newly-proposed library fees in half.

And the Library Commission Thursday, April 21, approved the revised schedule of fees.

But -- As your body has ultimate authority to pass on the fines and fees -- and will be asked to do so shortly -- please know that we still believe that the revised proposed fees -- \$500 and \$250 for loss of or damage to laptops and tablets, respectively -- is a potentially crushing burden on poor and working San Franciscans.

AND IT ISN'T JUST THE MONEY -- fines and fees that patrons owe -- in any amount -- cause POTENTIALLY USER-CRIPPLING RESTRICTIONS ON LIBRARY SERVICES TO USERS.

We also believe you should insist that all library fines and fees be removable by patrons via non-monetary means such as volunteer efforts, Project 20, and the like.

And we believe you should insist that the library prepare and follow policies that do not instantly restrict library services when patrons owe even tiny amounts. Currently a patron owing anything over 10 dollars is blocked from borrowing books and other 'physical items'. But also -- owing even one penny or more prevents the use of Inter-library Loan and, according to library management, LINK+ -- both of which enable patrons to obtain materials from other library systems.

We attach a press release we sent out prior to Thursday's Library Commission meeting describing the background.

Thank you for your attention to this.

Peter Warfield
Executive Director
Library Users Association
415/753-2180
board.of.supervisors@sfgov.org

Cc:
board.of.supervisors@sfgov.org, John.Avalos@sfgov.org, London.Breed@sfgov.org, David.Campos@sfgov.org, Malia.Cohen@sfgov.org, Jane.Kim@sfgov.org, Katy.Tang@sfgov.org, Norman.Yee@sfgov.org, Mark.Farrell@sfgov.org, Eric.L.Mar@sfgov.org, Scott.Wiener@sfgov.org, Aaron.Peskin@sfgov.org

Library Users Association

P.O. Box 170544, San Francisco, CA 94117-0544

PRESS RELEASE

CONTACT: Peter Warfield

April 19, 2016

Tel./Fax: (415) 753-2180; cell/text 735-8963

Following Library Users Association Criticism, S.F. Public Library Cuts Proposed Tech Fees in Half

San Francisco, Tuesday, April 19, 2016 -- After Library Users Association blew the whistle on just how much City Librarian Luis Herrera's proposed new technology fees were -- \$1,000 for a lost or damaged laptop borrowed by a patron, \$500 for a tablet, and \$50 for "peripherals/accessories" -- Mr. Herrera cut the top two proposed fees in half.

The Library Commission is to consider the newly-revised proposed fees at its next regularly-scheduled meeting Thursday, April 21, 2016, having rejected the original proposal on February 4 following revelations about the exact amounts by Mr. Warfield.

Library Users Association Executive Director Peter Warfield said, "We are glad that the Library proposal is being made less hurtful to patrons than before, but the real goal, achievable now, should be a fine-free system for late book returns, just as kids under 18 have had for years -- and very importantly, allowing non-cash resolution of fees for such things as lost books through community service and other volunteer efforts."

Neither the City Librarian nor anyone in library management had ever mentioned the amount of the proposed new technology fees at the two meetings at which the fees were presented to the Library Commission, in January and February earlier this year. Additionally, a two-page cover memo from the City Librarian to the Commission February 4, and a seven-page PowerPoint presentation also made no mention of the specific amount of the technology fees. Both documents instead focused on specific proposed fee reductions, such as removal of the \$1 fee for replacing a lost library card.

Mr. Warfield had said, "It is shocking that the City Librarian would even consider imposing such extraordinarily high fees, and that he would conceal the enormous amount of that fee from the Commission by omitting it from his presentation and memo to the commissioners. I am glad that we were able to open the eyes of the commission and that the members made the sensible decision to reject these fees."

The commission had apparently been unaware of the specific amount of the fees until Mr. Warfield alerted them during public comment at the February 4 meeting. Subsequently, no commissioner seconded the motion to approve the proposed fees.

Another increased fee opposed by Library Users Association is the returned-check fee, proposed to increase from \$10 to \$35. There is no revision to this proposed fee.

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RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

File 160383
BDS-11, COB, GAO
Leg Dep.
CPAGE

2016 APR 29 AM 10:31

BY THB

The Dow Chemical Company
Trademark Department
9330 Zionsville Road
Indianapolis, Indiana 46268
United States of America

April 26, 2016

Board of Supervisors
City of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, California 94102-4689

Attention: Angela Calvillo, Clerk of the Board

RE: Correct Use of the Trademark Brand STYROFOAM®

Dear Sir/Madam:

We have recently become aware of the proposed Ordinance Amending the Environment Code – Food Service and Packaging Waste Reduction, File No. 160383. We note that The Dow Chemical Company's **STYROFOAM®** trademark has been used incorrectly in the proposed Ordinance in reference to expanded polystyrene packaging and food service containers.

Our **STYROFOAM®** trademark is used incorrectly on page 1, "Section 2. Findings. . . . (b) Polystyrene foam, aka 'Styrofoam', is an environmental pollutant that is commonly used for packaging and as food service ware in the City and County of San Francisco." **STYROFOAM®** is not used for packaging products or food service ware. Our **STYROFOAM®** trademark is also used incorrectly on page 7, in the definition for " 'Polystyrene Foam' means blown polystyrene and expanded and extruded foams (sometimes called Styrofoam™) . . ." **STYROFOAM®** is extruded polystyrene, not expanded polystyrene. (See Enclosure.)

You may or may not be aware that The Dow Chemical Company has developed and sold the **STYROFOAM®** brand of insulation for more than 50 years. Dow is the owner of numerous registrations for the trademark **STYROFOAM®** throughout the world. The trademark **STYROFOAM®** is used on Dow's plastic foam insulation and construction products for use in residential, commercial and industrial buildings, and on floral and craft products. It may not be used to describe other products, such as polystyrene packaging, food service ware or as a generic description for foam products. It also may not be used to describe other types of foam that are used for insulation and construction materials.

STYROFOAM® brand extruded polystyrene is not used to produce packing materials, foam cups, trays or other food containers. These expanded polystyrene foam products should be referred to with the generic terms "polystyrene foam" or "foam," rather than referring to our branded trademark name. Dow has worked over the years to produce an exceptional product and developed substantial good will and brand equity in the brand **STYROFOAM®**. This fame, good will, and brand recognition is important to Dow and it is equally important that we do not permit use of our trademarks by others in a manner that would cause harm to our brands.

The mention of **STYROFOAM®** in conjunction with expanded polystyrene packaging and food service containers is incorrect and misleading. It should reference "polystyrene foam" to be accurate. We trust that both accuracy and intellectual property are appreciated by the members of the Board of Supervisors of the City of San Francisco.

Board of Supervisors
April 26, 2016
Page Two

We respectfully request that all references to our trademark **STYROFOAM®** be removed from the proposed Ordinance and those references be replaced with a generic "polystyrene" term.

I thank you in advance for your cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. Joe Miller", with a long horizontal line extending to the right.

C. Joe Miller
General Trademark Counsel
The Dow Chemical Company
9330 Zionsville Road
Indianapolis, IN 46268 USA

Enclosure

®Trademark of The Dow Chemical Company

1 [Environment Code - Food Service and Packaging Waste Reduction]

2
3 Ordinance amending the Environment Code to prohibit the sale of food service ware
4 and other specified products including packing materials that are made from
5 polystyrene foam or that are non-recyclable and non-compostable; setting an operative
6 date of January 1, 2017; and affirming the Planning Department's determination under
7 the California Environmental Quality Act.

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 ~~*italics Times New Roman font*~~.
11 Board amendment additions are in Arial font.
12 Board amendment deletions are in ~~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. The Planning Department has determined that the actions contemplated in
17 this ordinance comply with the California Environmental Quality Act (California Public
18 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the
19 Board of Supervisors in File No. ___ and is incorporated herein by reference. The Board
20 affirms this determination.

21 Section 2. Findings.

22 (a) The City and County of San Francisco has a duty to protect the natural
23 environment, the economy, and the health of its citizens.

24 (b) Polystyrene foam, aka "Styrofoam", is an environmental pollutant that is commonly
25 used for packaging and as food service ware in the City and County of San Francisco.

1 "Distribute" means the sale, offer for sale, or other transfer of possession of an item for
2 compensation, either as a separate transaction or as part of the sale, offer for sale, or other transfer of
3 possession of another item for compensation.

4 "Egg Carton" means a carton for raw eggs sold to consumers from a refrigerator case or
5 similar retail appliance.

6 "Food Service Ware" means all containers, bowls, plates, trays, cups, lids, straws, forks,
7 spoons, knives, napkins, and other like items that are designed for one-time use for Prepared Foods,
8 including without limitation, service ware for takeout foods and/or leftovers from partially consumed
9 meals prepared by Food Vendors. The term "Food Service Ware" does not include items composed
10 entirely of aluminum, or polystyrene foam coolers and ice chests.

11 (+) "Food Vendor" means any Restaurant or Retail Food Vendor located or operating
12 within the City ~~and County~~ of San Francisco.

13 "Meat and Fish Tray" means a tray for raw meat, fish, or poultry sold to consumers from a
14 refrigerator case or similar retail appliance.

15 "Packing Material" means material used to hold, cushion, or protect items packed in a
16 container for shipping, transport, or storage.

17 (+) "Person" means an individual, trust, firm, joint stock company, corporation including
18 a government corporation, partnership, or association.

19 (+) "Polystyrene Foam" means blown polystyrene and expanded and extruded foams
20 (sometimes called Styrofoam™) which are thermoplastic petrochemical materials utilizing a
21 styrene monomer and processed by any number of techniques including, but not limited to,
22 fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding,
23 and extrusion-blown molding (extruded foam polystyrene). Polystyrene foam is generally
24 used to make cups, bowls, plates, trays, clamshell containers, meat trays, and egg cartons.

25

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: allowing criminal homeless elements near children's school/day care areas

From: Cliff [mailto:cliffsc@netzero.com]

Sent: Monday, May 02, 2016 6:20 AM

To: Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; SFPDCommunityRelations, (POL) <SFPDcommunityrelations@sfgov.org>

Subject: allowing criminal homeless elements near children's school/day care areas

To Mayor Ed Lee, Board of Supervisors, Chief Greg Suhr

May 1, 2016

Get off your collective asses, earn your paycheck, and start protecting kids at day care centers from drug addicts shooting up down the street, leaving their needles/syringes on sidewalks, and urinating/defecating in sight !!

SF Chronicle's CW Nevius's column on Sat April 30th is a very DAMNING indictment of City bureaucracy at its worst (though Franz Kafka, author of DER PROZESS- THE TRIAL, would not be surprised!).

Law enforcement is very vigilant about where paroled/released sex offenders are located near schools or day centers - and that's good.

But homeless criminals seem to be perceived as non-threatening????

You have DANGEROUS CONDITIONS being vividly described in the SF Chronicle about ILLEGAL CRIMINAL ACTIVITY with no corrective measures being instigated - what's the point of citizens and businesses paying their taxes and registration fees if the streets are being taken over by "thugs"?!?!

And this is not simply just a matter for Homeless Outreach or Public Works to decide actions - this is criminal behavior being witnessed and criminal acts are to be handled by the police department without any "permissions" from other agencies. If there is criminal activity being reported (and it has), the cops come out to the scene and arrest/detain/cite as necessary without needing approval from non-police agencies (e.g. Homeless Outreach).

According to the newspaper article, there has been CONSTANT criminal activity happening in this area for TWO MONTHS - start doing something about it unless you wish to encourage SF citizens to start taking the law into their own hands (since the City isn't bothering to do anything).

To Chief Suhr - it's quite simple - call the Station commander, tell him/her to have 2-4-6 officers go to disputed area, also call Public Works ahead of time to get a dump truck of some sort, have the 2-4-6 officers inform the various "miscreants" that they have 15 minutes to gather their possessions and get out - otherwise, use the dump truck to cart off their stuff.

Now, some of these minor hoodlums will try to relocate elsewhere, in which case the police will again "hound" them in a few months time - keeping up a vigorous, unscheduled crackdown will convince many to leave SF as being a non-friendly place to do "easy crime".

Politicians are concerned about looking too harsh on the homeless -when the "homeless" elements are nothing more than criminals without an address, they do not deserve any sympathy. I would be more concerned about politicians actually taking their oaths of office concerning upholding the laws and protections of the City Charter and State of

California more seriously.

I do not expect nor need a response - I'll see if my letter (and I'm sure there are other outraged SF citizens who have written /phoned in) when actions are reported in the papers and on the local TV news.

Cliff Culpeper - SF

Newsmax

Pastor Mocked for His "Biblical Money Code"™ Gets Last Laugh

<http://thirdpartyoffers.netzero.net/TGL3242/5727d1312524d51220675st04vuc>

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Subject: FW: Budget Support for Open Source Voting System Project
Attachments: Open source voting software support letter Apr 2016.pdf

From: John E. Palmer [mailto:johnp@hanoverpartners.com]
Sent: Thursday, April 28, 2016 11:15 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>
Cc: Jerdonek, Chris (REG) <chris.jerdonek@sfgov.org>; Commission, Elections (REG) <elections.commission@sfgov.org>; Arntz, John (REG) <john.arntz@sfgov.org>
Subject: Budget Support for Open Source Voting System Project

Please see the attached letter in support of funding an open source voting system project in this year's budget.

Thank you.

John E. Palmer

John E. Palmer
Hanover Partners, Inc.
425 California St., Suite 1700
San Francisco, CA 94104
www.hanoverpartners.com
415-788-8222

April 28, 2016

The Honorable Edwin M. Lee, Mayor of San Francisco
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

RE: Budget Support for Open Source Voting System Project

Dear Mayor Lee and Members of the Board of Supervisors:

I am a 25-year resident of San Francisco and have owned a business in private equity in the City for 20+ years. I have become active in electoral reform efforts in San Francisco and nationally.

I am writing to encourage you to fully fund in this year's budget the start of a project to develop and certify an open source voting system for use in San Francisco starting in June 2020, as described by the San Francisco Elections Commission's unanimous November 18, 2015 resolution.

The Board of Supervisors already supports open source voting systems. In December 2014 the Board unanimously passed a resolution supporting the creation of an open source voting system. Thank you to the Board for its past leadership on this issue.

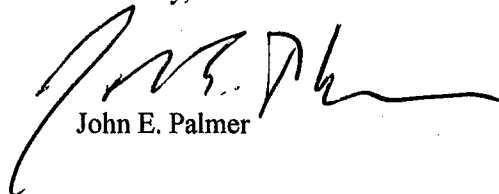
I strongly support the development and adoption of an open source voting system. Such a system would not only be more transparent. It would also be more affordable and more flexible. Elections are public processes and the foundation of our democracy. It makes sense for our voting equipment to be a shared and fully transparent public resource.

San Francisco is a leader in public policy and good government, and the San Francisco Bay Area is a world-wide center for technology and innovation. San Francisco has a tremendous opportunity through this project to improve not just San Francisco elections but to benefit the entire country, as the system would be open and affordable to all jurisdictions in the country.

Again, I encourage you to fully fund open source voting in this year's budget.

Thank you.

Sincerely,



John E. Palmer

Cc: Christopher Jerdonek, Elections Commission Vice President
San Francisco Elections Commission
John Arntz, Director of Elections

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BOARD of SUPERVISORS



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MEMORANDUM

Date: May 1, 2016
To: Mayor's Office
Board of Supervisors
Controller's Office
From: *AC* Angela Calvillo, Clerk of The Board
Subject: Professional/Organization Memberships

In compliance with Administrative Code Section 16.6, following is a list of organizations, including the membership cost, in which the Board of Supervisors/ Clerk of the Board wishes to be a member in Fiscal Year 2016-17:

California Association of Clerks & Election Officials	\$400
California Association of LAFCOs	\$6,057
California Clerks of the Board of Supervisors Association	\$300
California State Association of Counties	\$160,101
City Clerks Association of California	\$295
National Association of Counties	\$16,105
National League of Cities	\$26,421

The membership to the following organization has been deleted from the previous year's list:

International Institute of Municipal Clerks