



SAN FRANCISCO PLANNING DEPARTMENT

Landmark Tree Nomination Case Report

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

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BACKGROUND

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

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

LANDMARK TREE NOMINATION PROCESS

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

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

TREE & PROPERTY INFORMATION

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

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

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

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

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

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

PLANNING DEPARTMENT RECOMMENDATION

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

ATTACHMENTS

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

Dear San Francisco Planning Commission Member,

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

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

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

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

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

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

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

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

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

Levi Leavitt (property tenant): 808.635.7959

Jen Leavitt (property tenant): 661.373.6970

SAN FRANCISCO URBAN FORESTRY COUNCIL

Landmark Tree Nomination Form

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

Who can nominate a landmark tree?

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

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

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

I am one of the following authorized nominators

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

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

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

Name
Address
Address
Phone (day)
Fax #
Email

RICHARD WORN
60 COOK STREET
SAN FRANCISCO, CA 94118
415.307.9699
w-chamb@yahoo.com

I am an authorized nominator and I support this nomination.

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

Signature
Date

Signature
Date

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

TREE DESCRIPTION

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

Number of trees: ONE

Street address: 46 COOK STREET, SAN FRANCISCO, CA 94118

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

If the tree which extends beyond multiple properties:

Which part of the tree does so?

Trunk Canopy

Where in the neighboring area?

Front yard Rear yard Side yard Corner-side yard

GPS units (OPTIONAL): _____

Height ± 100 feet

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

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

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

Rarity

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

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

Physical

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

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

Age: Significantly advanced age for the species.

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

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

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

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

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

Historical

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

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

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

Environmental

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

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

Low tree density: Low Moderate High

Tree exists in a neighborhood with very few trees.

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

Interdependent group of trees: Yes No

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

Describe: _____

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

High visibility and/or accessibility from public property.

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

High traffic area: Yes No

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

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

Important wildlife habitat: Yes No

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

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

Erosion control: Yes No

Tree prevents soil erosion.

Describe: _____

Wind or sound barrier: Yes No

Tree reduces wind speed or mitigates undesirable noise.

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

Cultural

Neighborhood appreciation: Yes None apparent

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

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

Cultural appreciation: Yes None apparent

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

Describe nature of appreciation: _____

Planting contributes to neighborhood character: Yes No

Tree contributes significantly to, or represents, neighborhood aesthetic.

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

Profiled in a publication or other media: Yes Unknown

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

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

Prominent landscape feature: Yes No

A striking and outstanding natural feature.

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

Additional comments

PRESERVING THIS TREE PROVES MORE IMPORTANT SINCE IT'S "SISTER" TREE, ANOTHER EQUALLY MAGNIFICENT NORFOLK PINE ON THE PROPERTY, WAS REMOVED ON APRIL 20TH, 2015. TWO ARBORISTS FROM THE SF DEPARTMENT OF URBAN FORESTRY CAME AND DEEMED REMOVAL UNNECESSARY. THE FOREMAN OF THE CREW WHO REMOVED TWO PALMS AS WELL AS THE "SISTER" NORFOLK FROM THE PROPERTY ALSO DEEMED REMOVAL UNNECESSARY, BUT WERE CONTRACTED TO DO THEIR JOB FROM THE PROPERTY OWNER AND SUSPICIONED REAL ESTATE INVESTOR, DALE ROGERS. IT WASNT UNTIL DALE WAS PRESSURED BY US THAT HE HELD OFF ON CUTTING DOWN THIS LAST LARGE TREE ON THE PROPERTY. HOWEVER, WE ARE STILL UNCLER OF HIS INTENTIONS, WHICH MAKES AT LEAST TEMPORARY PROTECTION OF THIS TREE VITALLY IMPORTANT!

HIS CREWS COULD SHOW UP ANY DAY FOR REMOVAL OF THIS PRECIOUS TREE. THIS NORFOLK ISLAND PINE PROVIDES HOMES, FRIENDSHIP, AND SOLACE TO MANY LIVING THINGS IN THE NEIGHBORHOOD - AND WE TRUST THE CITY'S PROCESS FOR PROTECTION.

SAN FRANCISCO URBAN FORESTRY COUNCIL

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

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

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

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

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

The Public Records Act defines a "public record" broadly to include "any writing containing information relating to the conduct of the public's business prepared, owned, used or retained by any state or local agency, regardless of the physical form or characteristics." Govt. Code § 6252(e). The Sunshine Ordinance defines "public information" as the content of "public records" as defined in the Public Records Act. Admin Code § 67.20(b). Pursuant to the Public Records Act and Sunshine Ordinance, this document is a public record and will be available to the public upon request, at the hearing site, at the San Francisco Main Library, and on the Urban Forestry Council's website. Admin Code §§ 8.16, 67.7 (b), and 67.21(a).

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

EXHIBIT A.1



EXHIBIT A.2



EXHIBIT A.3

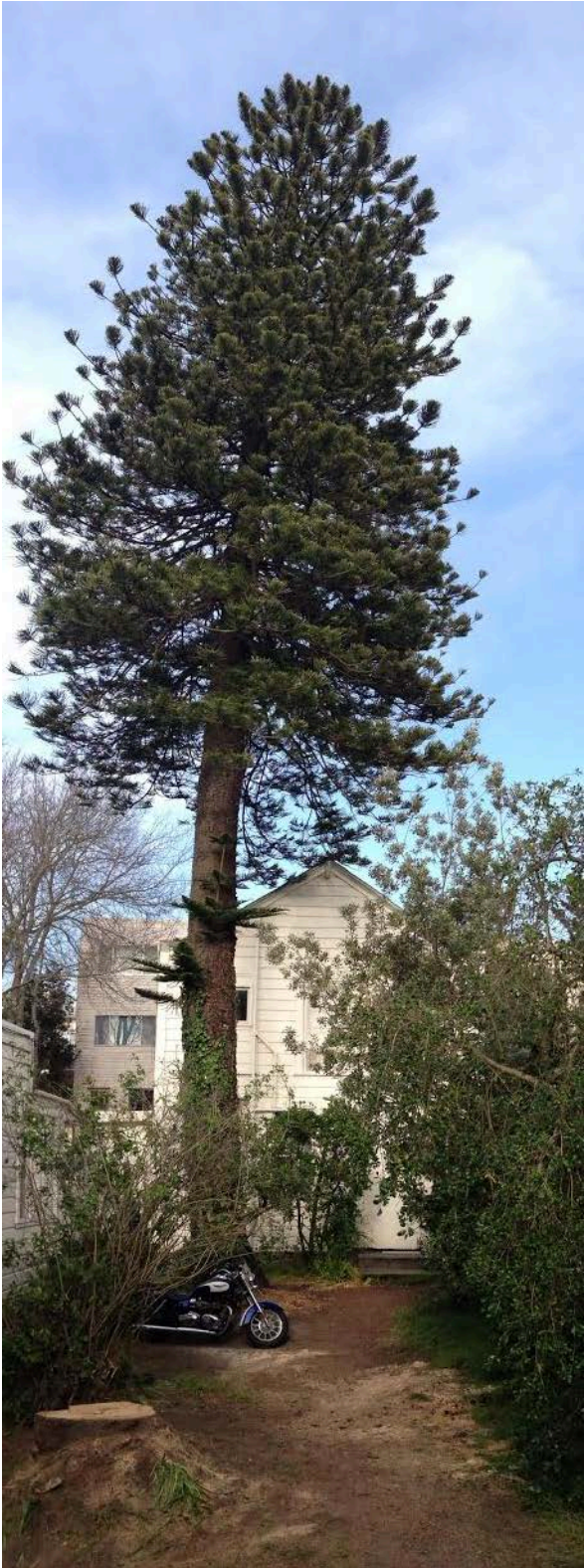


EXHIBIT A.4



EXHIBIT A.5



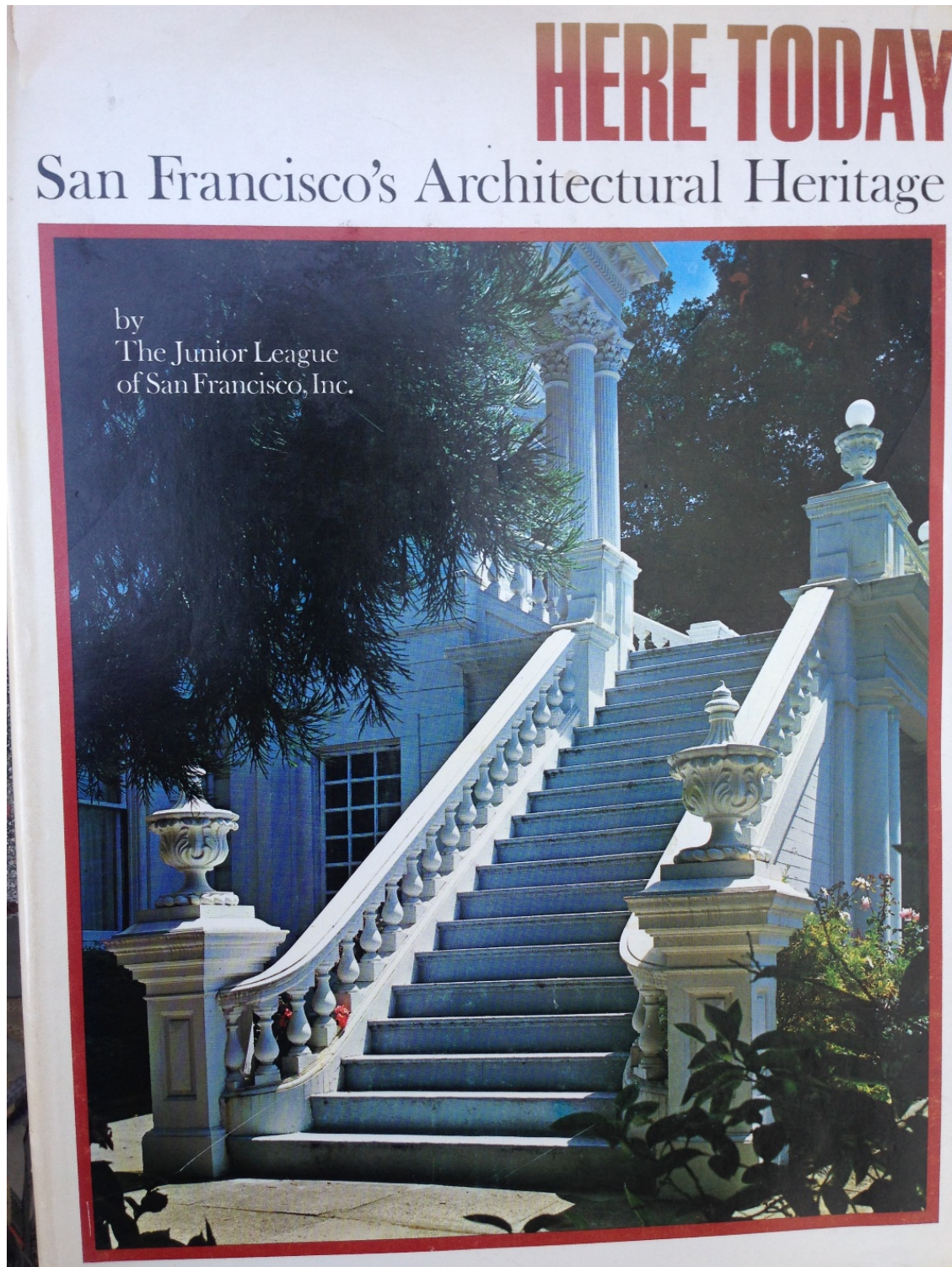
EXHIBIT A.6



EXHIBIT A.7



EXHIBIT B.1



Book Cover of Here Today

EXHIBIT B.2

\$14.95



HERE TODAY

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

HERE TODAY

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

HERE TODAY

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

HERE TODAY

is a detailed look at the best of San Francisco's architectural past, evaluated by historians R. R. Olmsted and T. H. Watkins and illustrated by architectural photographer Morley Baer.

HERE TODAY

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

EXHIBIT B.3

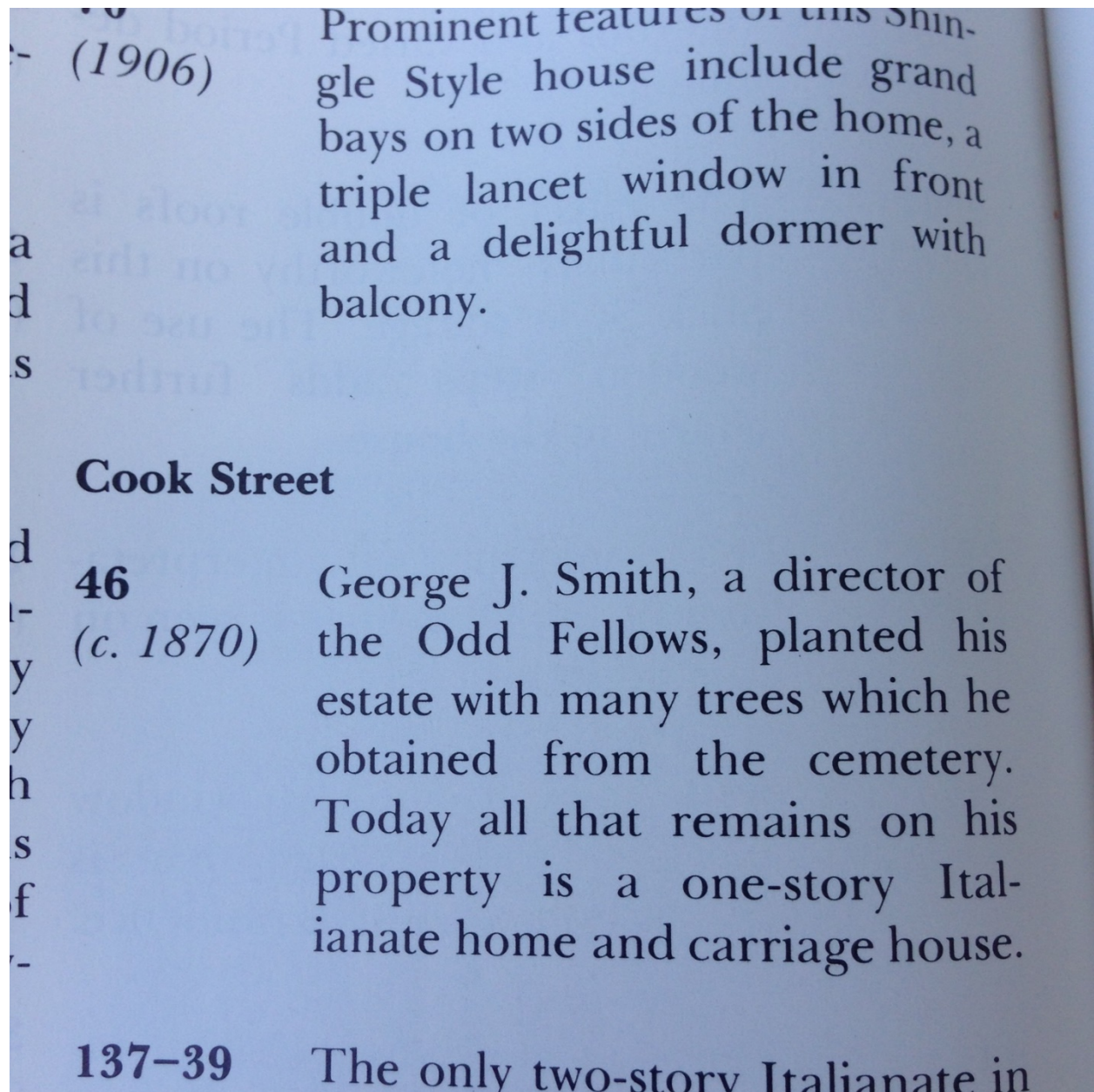


EXHIBIT C.1



Taken 4/20/2015

EXHIBIT C.2



Taken 4/21/2015

EXHIBIT C.3



Taken 4/23/2015



Edwin M. Lee
Mayor

Mohammed Nuru
Director

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

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

June 10, 2015

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

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

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

Dear Property Owner,

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

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

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

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

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

Sincerely,

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

Mohammed Nuru
Director