



DEPARTMENT OF
PARKS AND RECREATION

CITY OF SACRAMENTO
CALIFORNIA

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May 24, 2012

MEMORANDUM

TO: Mayor and Council Member Robert King Fong

FROM: James L. Combs, Director of Parks and Recreation 

RE: **Decision of the Parks and Recreation Commission Regarding Appeal of the Decision of the City of Sacramento's Transportation Department Director to Issue a Tree Permit to Remove and Replace Five City Street Trees at 16th and O Streets**

Sacramento City Code section 12.56.120 provides the opportunity for any person who objects to the removal of a street tree to appeal the Director of Transportation's decision to the Parks and Recreation Commission.

On May 10, the Parks and Recreation Commission heard an appeal filed by Nathan Jacobsen regarding the proposed removal and replacement of five existing street trees associated with development of the property owned by the Capital Area Development Authority known as the East End Gateway, Sites 2 and 3. The housing project is located at 1420 and 1510 16th Street, at the intersection of 16th and O Streets.

The proposed removal and replacement of the trees was recommended by Urban Forestry staff due to space constraints presented by the project that would limit future tree growth because the building is not setback, the condition of some of the trees, and the higher quality of the proposed replacement plantings. The Parks and Recreation Commission heard the appeal and determined to deny the appeal in part by granting removal of an Arizona ash tree and a London Plane tree, but to not allow removal of the trident maple, Magnolia, and a Valley oak tree. The three trees to be retained were in good health and would provide some canopy and shading sooner than new trees, even though they would not be able to grow to their full extent and will require a higher level of

maintenance by the City's Urban Forestry staff. Further, the Parks and Recreation Commission supported transplanting three young Shumard oak street trees from the project site as recommended by staff because the new buildings would limit their growth and they can be transplanted at a minimal cost. In summary, two trees would be permitted to be removed, and three trees would be transplanted. (Rewers/Tamayo: O'Toole, Ruggieri, Rewers, Guadiana, Beaver, Tamayo, Smith Mercado, Heitstuman; Abstain: Harris; Absent: Hansen). A copy of the appeal decision is attached.

If you have any questions, please call Joe Benassini, Urban Forest Manager, at 808-6258.

Thank you.

Enclosure

cc: Jerry Way, Director of the Department of Transportation
Joe Benassini, Urban Forest Manager

DECISION

BEFORE THE CITY OF SACRAMENTO PARKS AND RECREATION COMMISSION

In re the Appeal of the Decision of the City of Sacramento's Transportation Department Director to Issue a Tree Permit to Remove and Replace Five City Street Trees at 16th and O Streets

BACKGROUND

1. Sacramento City Code section 12.56.120 provides the opportunity for any person who objects to the removal of a street tree to meet personally with the Director of Transportation to review the permit application or the proposed work, and that any person aggrieved by the director's decision may appeal such decision to the Parks and Recreation Commission.
2. The Capital Area Development Authority (CADA), in cooperation with Ravel Rasmussen Properties and Separovich/Domich Real Estate, is developing two properties at 1420 and 1510 16th Street, known as the East End Gateway, Sites 2 and 3 respectively. The sites are located on the west side of 16th Street at the intersection with O Street. Site 2 is to hold a four story structure and Site 3 a five story structure. There are twelve existing city street trees adjacent to the sites. Of those, five trees are to be removed pursuant to the final tree permit including an Arizona ash, London Plane, Trident maple, Magnolia, and a Valley oak. In addition, three Shumard oak trees are to be transplanted by the City of Sacramento.
3. On behalf of CADA, on October 24, 2011, West Fork Construction filed a tree permit application seeking a tree permit from the City to remove five trees.
4. On January 21, 2012, Mr. Nathan Jacobsen appealed the decision to remove the five city street trees to the Parks and Recreation Commission.
5. On May 10, 2012, the Parks and Recreation Commission held a de novo appeal hearing, and heard an appeal filed by Nathan Jacobsen regarding the proposed removal and replacement of five existing street trees.
6. The hearing was conducted pursuant to the requirements of Section 2.62.030 of the Sacramento City Code and the Rules and Procedures for Conducting Administrative Hearings adopted by the Parks and Recreation Commission. Mr. Benassini submitted a staff report and testified on behalf of the City with regard to the development project, condition of the trees and tree species. The appellant Mr. Jacobsen testified and presented evidence in the form of pictures of

the trees at issue, other street trees in the downtown area that had been removed and those that had not in preparation for various development projects.

FINDINGS

Based upon the testimony, evidence and other matters in the record of the appeal, the Parks and Recreation Commission finds and decides as follows:

- A. At all times relevant to the appeal, the trees located at 1420 and 1510 16th Street qualify as "City street trees" as defined in Sacramento City Code Section 12.56.020.
- B. The appeal is denied in part. The City of Sacramento may remove an Arizona ash tree and a London Plane tree. The appeal is granted as to the Trident maple, Magnolia, and Valley oak tree. These three trees are to remain. This is warranted due to the following factors:
 - 1) The Arizona ash to be removed is in fair health but poor structural condition with several areas of decay and needs to be removed. The smaller of the two London Plane trees is affected by sycamore anthracnose and is in poorer condition and is to be removed.
 - 2) The three trees to be retained are in good health and would provide some canopy and shading sooner than new trees.
 - 3) The transplanting of three Shumard oak street trees is supported as recommended by City staff.

DECISION

1. For the above stated reasons, the appeal is denied in part.
2. This is a final decision. Judicial review of this decision is subject to review within the time limits set forth in Code of Civil Procedure Section 1094.6.


Jonathan Rewers, Chair
Parks and Recreation Commission

5/24/2012
Date