

July 3, 2013

**MEMORANDUM**

**TO:** Mayor and Council Member Steve Hansen

**FROM:** James L. *J. Anderson for* Combs, Director of Parks and Recreation

**RE:** **Parks and Recreation Commission's Action on an Appeal of the Decision of the City's Public Works Director to Issue a Permit to Remove and Replace City Street Trees at 1020 – 16<sup>th</sup> Street (Starbucks)**

Starbucks Corporation is opening a storefront located at 1020 – 16<sup>th</sup> Street and proposes an outdoor seating area with railing. On April 13, 2013, East End Lofts II, LLC, the property owner, filed a tree permit application to remove and replace three Red Sunset maples to provide adequate space for a path of travel and for the proposed seating area. With input from City staff, a final design was arrived at eliminating the need to disturb one of the three trees, so only two street trees were proposed for removal.

On April 26, 2013, Ms. Margaret Piner appealed the decision to remove these trees. On June 27, 2013, the Parks and Recreation Commission held an appeal hearing and received information from City staff, representatives from the property owner, Starbucks Corporation, the project designer, and citizens. The appellant, Ms. Piner, was not present.

The City's Urban Forester submitted a staff report and testified on behalf of the City with regard to the development project, site conditions, condition of the trees and tree species, and tree replacement plans both at the site and at the Memorial Auditorium site located within a City block from the project site. Representatives from the property owner, Starbucks Corporation, the project designer, and citizens testified and presented information both in support of removing and replacing the trees to accommodate the outdoor seating area, or retaining the existing trees to maximize shade canopy.

Based upon the testimony, evidence and other matters in the record of the appeal, the Parks and Recreation Commission determined that:

- 1) Removing one City street tree will allow the necessary space for an accessible path of travel and an outdoor seating area with perimeter railing. A new tree will be planted one block to the north of the project site by the City's Urban Forest Services unit.
- 2) The removal and replacement of a second City street tree on site will accommodate a new tree grate and expanded tree well and help mitigate the need for future sidewalk replacement.
- 3) The loss of tree canopy shade is minimized as the two City street trees to be removed are less than 10 years old and will be replaced by trees with approximately the same trunk diameter, and the applicant agree to plant an additional tree of the same trunk size off-site.

*(Action: Moved: Assagai; Second: Mercado. Ayes: Assagai, McKinley, O'Toole, Harris, Mercado, Malik; Nays: Guadiana; Absent: Heitstuman, Shettle, Ruggieri, Dominguez)*

Any decision is subject to call-up by the District 4 Council Member or the Mayor within 10 days from the date of the decision. A petition for judicial review of this final decision must be filed no later than 90 days from the date of this decision as set forth in Code of Civil Procedure Section 1094.6.

A copy of the appeal decision is attached.

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

Thank you.

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 Public Works Department Director to Issue a Tree Permit to Remove and Replace Two City Street Trees at 1020 – 16<sup>th</sup> Streets

## **BACKGROUND**

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 Public Works to review the permit application of the proposed work, and that any person aggrieved by the director's decision may appeal such decision to the Parks and Recreation Commission.

Starbucks Corporation is opening a storefront located at 1020 – 16<sup>th</sup> Street and proposes an outdoor seating area with railing. On April 13, 2013, East End Lofts II, LLC, the property owner, filed a tree permit application to remove and replace three Red Sunset maples to provide adequate space for a path of travel and for the proposed seating area. With input from City staff, a final design was arrived at eliminating the need to disturb one of the three trees, so only two street trees are proposed for removal.

On April 19, 2013, the trees to be removed were posted. On April 26, 2013, Ms. Margaret Piner appealed the decision to remove these trees.

On June 27, 2013, the Parks and Recreation Commission held a de novo appeal hearing and received information from City staff, representatives from the property owner, Starbucks Corporation, the project designer, and citizens. The appellant, Ms. Piner, was not present.

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. The City's Urban Forester submitted a staff report and testified on behalf of the City with regard to the development project, site conditions, condition of the trees and tree species, and tree replacement plans both at the site and at the Memorial Auditorium site located within a City block from the project site. Representatives from the property owner, Starbucks Corporation, the project designer, and citizens testified and presented information both in support of removing and replacing the trees to accommodate the outdoor seating area, or retaining the existing trees to maximize shade canopy.

## **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:

At all times relevant to the appeal, the trees located at 1020 – 16<sup>th</sup> Street qualify as “City street trees” as defined in Sacramento City Code Section 12.56.020.

- 1) Removing one City street tree will allow the necessary space for an accessible path of travel and an outdoor seating area with perimeter railing. A new tree will be planted one block to the north of the project site by the City’s Urban Forest Services unit.
- 2) The removal and replacement of a second City street tree on site will accommodate a new tree grate and expanded tree well and help mitigate the need for future sidewalk replacement.
- 3) The loss of tree canopy shade is minimized as the two City street trees to be removed are less than 10 years old and will be replaced by trees with approximately the same trunk diameter, and the applicant agrees to plant an additional tree of the same trunk size off-site.

**DECISION**

For the above stated reasons, the appeal is denied. However, the applicant shall be required to further mitigate the loss of tree canopy by arranging for the planting of a third new City street tree one block to the north of the project site at a location to be determined by the City’s Urban Forest Services unit.

This is a final decision, but subject to call-up by the District 4 Council Member or the Mayor. A petition for judicial review of this final decision must be filed no later than 90 days from the date of this decision as set forth in Code of Civil Procedure Section 1094.6.

  
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Jeff Harris, Interim Chair  
Parks and Recreation Commission

  
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Date