

## **TREE REMOVAL APPEAL HEARING DECISION**

### **BEFORE THE CITY OF SACRAMENTO PARKS AND RECREATION COMMISSION**

In regard to the Appeal of the Decision of the City of Sacramento's Public Works Department Director to remove 16 trees along R Street between 13<sup>th</sup> and 16<sup>th</sup> Streets as part of the R Street Improvement Project.

### **BACKGROUND**

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

The City of Sacramento, in cooperation with Capital Area Development Authority (CADA), initiated a series of streetscape projects for the R Street corridor between 10<sup>th</sup> and 18<sup>th</sup> Streets. Phase III of the Project, between 13<sup>th</sup> and 16<sup>th</sup> Streets, entails reconstruction of the roadway, new frontages, landscaping, on-street parking enhancements, street furniture, pedestrian improvements, and streetscape elements which provide architectural enhancement to the corridor.

On March 29, 2016, 29 city street trees proposed for removal were posted with notices informing the public of the intent to remove the trees. On May 5, 2016, after receiving 9 inquires in regard to the proposed removal of trees, Urban Forestry staff and Development Engineering staff held an additional public meeting to explain the R Street Streetscapes Improvement Project and rationale for the proposed tree removals. On May 27, 2016, a meeting was held with the Director of Public Works to appeal the removal of the proposed trees.

On June 14, 2016, the Director of Public Works issued a final decision, agreeing to preserve 6 additional English Elm trees located on the north side of the 1300 block of R Street, and to remove the remaining 22 trees. The trees to be removed consisted of 4 juniper trees on the north side of the 1300 block, 6 London plane trees along the south side of the 1300 block, 3 tupelo trees, 1 hornbeam trees along the north side of the 1400 block, and 10 yew pines along the north side of the 1500 block.

On June 24, 2016, an appeal was received objecting the removal of the 10 yew pine trees between 15<sup>th</sup> and 16<sup>th</sup> Streets and the 6 London plane trees between 13<sup>th</sup> and 14<sup>th</sup> Street, for a total of 16 trees. The appeal did not object to the removal of the 4 juniper trees, 3 Tupelo trees, and the 1 hornbeam tree.

On August 17, 2016, the Parks and Recreation Commission held a de novo appeal hearing, and heard testimony regarding the appeal filed by Daniel J. Pskowski, Karen Jacques, Luree Stetson, and James P. Pacht challenging the need for the removal of 16 street trees.

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. Hocker and Mr. Amawi submitted a staff report and testified on behalf of the City with regard to the development project, condition of the trees and tree species, as well as the plans for tree replacement. The appellants and members of the public testified about the immediate areas in question and stated their objections to, and support for, removing the trees. The testimony conflicted as to whether removal versus trimming of the trees between 15<sup>th</sup> and 16<sup>th</sup> Streets was needed to address security concerns and identify of the building as parking garage. For the trees between 13<sup>th</sup> and 14<sup>th</sup> Streets, the testimony concerned whether the existing trees could grow to maturity given their location next to the building and the overhead SMUD lines. The appellants argued that removal of all of these trees would add to the loss of the tree canopy in the Central City.

### FINDINGS

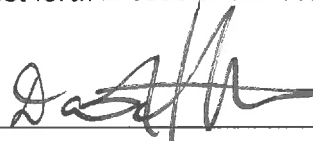
Based upon the testimony, evidence and other matters in the record of the appeal, the Parks and Recreation Commission finds and decides as follows:

- A. The 10 yew pine trees between 15<sup>th</sup> and 16<sup>th</sup> Streets are in good health and would provide canopy shading and it would take many years for new trees to provide that same canopy. Pruning the trees and removing the surrounding vegetation would allow for improved visibility. The planned project to widen the sidewalks and add street lighting could occur even if the trees are not removed.
- B. The 6 London plane trees between 13<sup>th</sup> and 14<sup>th</sup> Streets are leaning away from the building at an angle and will never reach full potential due to the overhead power lines.

### DECISION

For the above stated reasons, the appeal is granted for the preservation of the 10 yew pine trees on R Street between 15<sup>th</sup> and 16<sup>th</sup> Street. The appeal is denied to allow for the removal of the 6 London plane trees on R Street between 13<sup>th</sup> and 14<sup>th</sup> Street.

This is a final decision. A petition for judicial review of this 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.



David Heitstuman, Chair  
Parks and Recreation Commission

Date: 8/23/10

Copy via e-mail to:

Jerry Way, Director of Public Works

Daniel Pskowski, Karen Jacques, Luree Steston and James Pachel, appellants