

**REPORT TO COUNCIL****City of Sacramento**

915 I Street, Sacramento, CA 95814-2671  
[www.CityofSacramento.org](http://www.CityofSacramento.org)



Public Hearing  
**November 27, 2007**

Honorable Mayor and  
 Members of the City Council

**Title: Call up of a Decision of the Parks and Recreation Commission to Deny a Permit to Remove a Heritage Tree**

**Location/Council District:** 800 39<sup>th</sup> Street, Council District 3

**Recommendation:** Review, de novo, the application for a permit to remove one 32.5-inch diameter Bunya tree (*Araucaria bidwillii*) and one 18.5-inch diameter interior live oak tree (*Quercus wislizenii*) located at 800 39th Street."

**Contacts:** Joe Benassini, Urban Forestry Manager, Department of Transportation

**Presenters:** Joe Benassini, Urban Forestry Manager

**Department:** Department of Parks and Recreation

**Division:** Urban Forest Services

**Organization No:** 4713

**Description/Analysis:**

**Issues:** On April 11, 2007, Mercy General Hospital, submitted an application for a permit to remove one 32.5-inch diameter Bunya tree (*Araucaria bidwillii*) and one 18.5-inch diameter interior live oak (*Quercus wislizenii*) located at 800 39th Street (Attachment A). Based on the Sacramento City Code, Title 12.64 – Heritage Trees (Attachment B), the trees are considered to be heritage trees based on size and condition. The basis for the request was related to expansion of Mercy General Hospital and construction of a new Sacred Heart Parish School at the 39<sup>th</sup> Street site. The locations of the trees are in conflict with a classroom and library building for the new school.

SCC 12.64. 050 (Maintenance responsibility—Permits for activities affecting heritage trees) requires that the Director of Parks and Recreation or a designee hold a public hearing and notify nearby property owners prior to acting on a request to remove a heritage tree. The permit must be issued if the director finds (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the city zoning ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed;

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or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property; or (d) that the tree no longer meets the criteria for a heritage tree.

A public hearing was held on July 13, 2007. On August 3, 2007, a decision was rendered that conditionally approved the request pending City approval of the project (Attachment C).

SCC 12.64.060 (Maintenance responsibility—Appeal of decision) allows that any person dissatisfied with the decision of the director may appeal such decision to the Parks and Recreation Commission within ten (10) days of the decision. The decision of the Commission is mailed to the appellant and reported to the City Council. The decision of the Commission is considered final unless called up by a member of the city council within 15 days of the report.

The decision of the Director was appealed by the East Sacramento Preservation Task Force (ESPTF), (also representing the McKinley East Sacramento Neighborhood Association and the East Sacramento Improvement Association) on August 8, 2007 and by Mr. Dave Edwards on August 15 2007. The appeals were based whether design options exist which might preserve the Bunya tree (Attachment D). The Parks and Recreation Commission heard the appeal on September 6, 2007, and overturned the Director's decision based on the opinion that the applicant failed to demonstrate the need for removal of the tree under the criteria specified in SCC 12.64.050 (Attachment E). The report was sent to the City Council on September 21, 2007, and on October 1, 2007 the decision was called up by a Councilmember.

Since the original denial by the Parks and Recreation Commission, and prior to the decision being called up, a second design option which preserves the tree has been developed (Exhibits 1 and 2). This option reduces and shifts the footprint of a portion of the building and allows more clear area within the immediate vicinity of the tree. The foundation design has been modified to a pier and grade beam configuration that reduces excavation requirements and minimizes a footing for that portion of the building (Exhibit 3 and 4). This design reduces, but does not eliminate certain direct impacts to the tree.

**Policy Considerations:** The policy regarding heritage trees is contained within SCC 12.64.010 (Intent and Purpose). The policy provides for the protection of significant specimen trees within the city to promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise and provide shade to reduce energy consumption.

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Environmental Considerations: This report concerns activities that do not constitute a "project" under CEQA Guidelines, California Code of Regulations, Title 14, Sections 15061(b)(3) and 15378 (b).

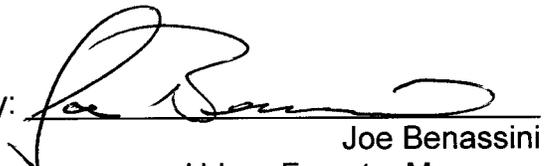
Commission/Committee Action: At its meeting on September 6, 2007, the Parks and Recreation Commission heard an appeal of the director-level decision from the East Sacramento Preservation Task Force and Mr. Dave Edwards. The Commission upheld the appeal and denied a heritage tree removal permit.

Rationale for Recommendation: SCC 12.64.060 (Maintenance responsibility—Appeal of decision) requires that after a call-up of a decision by the filing of a request, the Council shall notice and set the hearing before it, with the notice to be given in the same manner as was given for the hearing before the Commission. The hearing before the City Council shall be de novo.

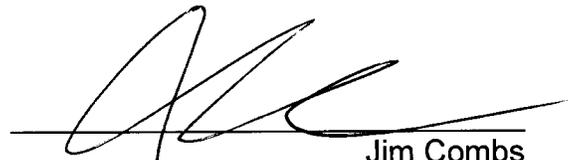
Financial Considerations: This project has no fiscal considerations.

Emerging Small Business Development (ESBD): No goods or services are being purchased under this report.

Respectfully Submitted by:

  
\_\_\_\_\_  
Joe Benassini  
Urban Forestry Manager

Approved by:

  
\_\_\_\_\_  
Jim Combs  
Director of Parks and Recreation

Recommendation Approved:

  
\_\_\_\_\_  
Ray Kerridge  
City Manager

**Call up of a Decision of the Parks and Recreation  
Commission to Deny Mercy General Hospital a  
Permit to Remove a Heritage Tree**

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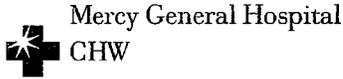
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**Mercy General Hospital**

Exhibit 1	Site Plan with Tree Removed
Exhibit 2	Site Plan with Tree Preserved
Exhibit 3	Foundation Sections for Preserving Tree
Exhibit 4	Foundation Plan for Preserving Tree

## Attachment A – Tree Permit Application



4001 J Street  
Sacramento, CA 95819-9990  
(916) 453-4545 Telephone

April 11, 2007

Department of Parks and Recreation  
Urban Forest Services Division  
Attn: Duane Goosen, City Arborist  
5730 24<sup>th</sup> Street, Building 12 A  
Sacramento, CA 95822

Dear Mr. Goosen:

Please find attached Mercy General Hospital's ("Mercy") Tree Permit Application for the removal of two trees on the property it owns at 800 39<sup>th</sup> Street (APN 009-0032-043). The request for permit for removal of these trees is in conjunction with Mercy General Hospital and Sacred Heart Parish School's Mixed Use Project which is currently under consideration by the City of Sacramento, Development Services Department. Based on the design plan submitted in the project application, these trees are located in a part of the site that is currently planned for school buildings and are incompatible with the proposed use of the site as an elementary school.

Both trees have been identified by the EIP/PBS&J arborist in the arborist report submitted with the project application (attached) as heritage trees. We agree that the Oak tree qualifies for heritage status, but believe there are extenuating factors to be considered regarding the Bunya Bunya tree's heritage status, and further, we wish to articulate our concern about the safety risks associated with this tree.

### Heritage Tree Status

It is our understanding that, according to the Sacramento Municipal Code 12.64.020, a Heritage Tree is defined in part as: *Any tree of any species with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.*"

While we appreciate that this tree may be viewed as qualifying for heritage status, we feel there are two factors that need to be taken into consideration in terms of verifying that status:

1. The attached independent arborist report rates the quality of health, vigor of growth, and conformity as "fair" rather than "good."

*A Member of Catholic Healthcare West*

2. The arborist report measures the Bunya-Bunya tree in question as having a DBH of 32 inches, equating to a circumference of 100.53 inches. This is just 1/2 inch over the minimum circumference criteria for heritage status.

#### Safety Concerns

Mercy believes that there is danger in having this tree remain in a heavily trafficked pedestrian area that is being planned as a school site. Because this tree is currently on Mercy property, we are aware that it is a female Bunya Bunya, which is producing cones of 10-15 pounds that fall to the ground during fruiting season (late summer/early fall). We reviewed various data sources about the tree and found the following information:

- “Care should be taken to avoid large Bunya-Bunya's during fruiting season as the huge cones can be lethal as they fall from the high branches.”<sup>1</sup>
- **“WARNING**  
The leaves are spiny and falling cones could be lethal.”<sup>2</sup>
- “One drawback of the tree for landscaping purposes is its strategy of shedding numerous branchlets, often covering the ground beneath. More importantly, the plant also drops its massive green cones--on record reaching seventeen pounds! These spine-decorated cones are produced on the ends of branches high in the canopy; hence, they are potential killers of passersby when they land.”<sup>3</sup>

Further, we understand from landscape professionals that this tree is not considered suitable for neighborhoods and is considered more appropriate for large public spaces than residential communities. Our research yielded the following comments:

- “Although they provide some shade, they are not suitable for patios or terraces because they are too large and large surface roots are common. In addition, the columnar-formed trees generally cast limited shade due to the narrow crown. Many people forget how tall these trees grow. They often have an attractive pyramidal form (like a fir or spruce tree) when they are small, but they quickly grow too tall for most residential sites.”<sup>4</sup>
- Use should be reserved for bold statements in parks where its full size can be expressed and plants can be admired at a distance; a good tree for creating an exotic flavor in estates, theme parks, zoos, and other large public places.<sup>5</sup>

The research also yielded documentation from a removal request that was heard in a public hearing held by the Planning Commission of the City of Santa Rosa on April 29, 1999. The Commission determined that the Salvation Army's request for removal of a mature Bunya Bunya on its property was valid, stating:

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<sup>1</sup> Source: [www.tradewindsfruit.com](http://www.tradewindsfruit.com)

<sup>2</sup> Source: [www.floridata.com](http://www.floridata.com)

<sup>3</sup> Source: University of California, Los Angeles:  
<http://www.botgard.ucla.edu/html/MEMBGNewsletter/Volume1number2/Araucaria.html>

<sup>4</sup> Source: University of Florida: <http://edis.ifas.ufl.edu/ST082>

<sup>5</sup> Source: Texas A&M: <http://aggie-horticulture.tamu.edu/syllabi/206/Lists/second%20ed/Araucariaaracana.pdf>

WHEREAS, the Planning Commission, after due consideration, investigation and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said meeting, does find and determine the following:

1. The bunya bunya tree is not suitable for its location as it develops pineapple-sized pods which drop if not removed, posing hazards for pedestrians and motorists.
2. The property owner (Salvation Army) has stated that annual maintenance to remove the pods is economically infeasible.
3. The replacement of the tree with a more suitable species for this location is not detrimental to the City.<sup>6</sup>

In summary, we believe the school site design warrants the removal of both trees to accommodate the structures planned on the site. The school will be planting a number of new trees that are complementary to the school use, which will generate greater shade and aesthetic benefits to the school and the community.

Further, we believe the determination of the Bunya Bunya tree as a heritage tree could be called into question; more importantly, we believe its removal is necessary to ensure the safety of the students and pedestrians in the area.

Thank you for your consideration.

Respectfully submitted,



Jeremy Schrimsher  
Vice President of Ancillary Services  
Mercy General Hospital

Attachments (2):

- Tree Permit Application
- Arborist Report

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<sup>6</sup> Planning Commission Resolution, City of Santa Rosa, <http://ci.santa-rosa.ca.us/cd/pdf/pc/Resolutions/1999/9507.htm>

Department of Parks and Recreation  
**URBAN FOREST SERVICES DIVISION**  
5730 24th Street Building 12 A Sacramento, California 95822  
Phone (916) 808-6913 Fax (916) 433-4005

**TREE PERMIT APPLICATION**

**Applicant Information**

Name: Mercy General Hospital/Jeremy Schrimsher Phone (916) 453-4491 Fax (916) 453-4587  
Address: 4001 J Street Contractor License # \_\_\_\_\_

**Property Owner Information (if different):**

Name: Mercy Hospital Phone (916) 453-4545 Fax (916) 453-4587  
Address: 4001 J Street

**Owner/Agent Statement**

Property Owner Consent - I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I declare that the foregoing is true and correct and accept that false or inaccurate owner authorization may invalidate or delay action on this application.

Signature: Jeremy Schrimsher Date: 4/11/07

**Project Information:**

Residential Development  Commercial Development  Owner-Occupant

Address: 800 39th Street Other permits applied for?  Yes  No

List other permits that you have applied for: Mercy General Hospital and Sacred Heart Parish School's Mixed Use Project

APN: 008-0032-043 Related Project Number: \_\_\_\_\_

Number of Trees: 2 Tree Species and Diameter: Bunya Bunya (> 100 inches), Heritage Oak (>36 inches)

(Please attach other documents such as arborist reports and site plans)

Type of permit requested:  Prune or  Removal of a  Street Tree  Heritage Tree or  Parking Lot Tree

Reason for permit: To prepare the area for construction of Sacred Heart Parish School

Applicant Signature: Jeremy Schrimsher Date: 4/11/07

\*\*\*\*\*OFFICE USE ONLY\*\*\*\*\*

Receipt Number \_\_\_\_\_ Arborist Report attached?  Yes  No Site plans attached?  Yes  No

Permit:  GRANTED  DENIED Permit Number: \_\_\_\_\_

City Arborist comments or conditions: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Attachment B – Sacramento City Code

### Chapter 12.64 HERITAGE TREES

#### 12.64.010 Intent and purpose.

It is the intent and purpose of this chapter to promote the health, safety, and welfare of present and future residents of the city by providing for the protection of significant specimen trees existing in the city. The protection of heritage trees will promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise and provide shade to reduce energy consumption. (Prior code § 45.04.210)

#### 12.64.020 Definitions.

“Circumference” means circumference measured four and one-half feet above ground level.

“Director” means the director of the department of neighborhood services or the director’s authorized representative.

“Drip line area” means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

“Heritage tree” means:

1. Any tree of any species with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.
2. Any native Quercus species, Aesculus California or Platanus Racemosa, having a circumference of thirty-six (36) inches or greater when a single trunk, or a cumulative circumference of thirty-six (36) inches or greater when a multi-trunk.
3. Any tree thirty-six (36) inches in circumference or greater in a riparian zone. The riparian zone is measured from the center line of the water course to thirty (30) feet beyond the high water line.
4. Any tree, grove of trees or woodland trees designated by resolution of the city council to be of special historical or environmental value or of significant community benefit. (Prior code § 45.04.211)

#### 12.64.030 Identification and inventory of heritage trees.

The director is authorized to identify and prepare an inventory of heritage trees within the city. (Prior code § 45.04.212)

12.64.040 Protection of heritage trees during construction activity.

During construction activity on any property upon which is located a heritage tree, the following rules shall apply. Unless the express written permission of the director is first obtained, no person shall:

- A. Change the amount of irrigation provided to any heritage tree from that which was provided prior to the commencement of construction activity;
- B. Trench, grade or pave into the drip line area of a heritage tree;
- C. Change, by more than two feet, grade elevations within thirty (30) feet of the drip line area of a heritage tree;
- D. Park or operate any motor vehicle within the drip line area of any heritage tree;
- E. Place or store any equipment or construction materials within the drip line area of any heritage tree;
- F. Attach any signs, ropes, cables or any other items to any heritage tree;
- G. Cut or trim any branch of a heritage tree for temporary construction purposes;
- H. Place or allow to flow into or over the drip line area of any heritage tree any oil, fuel, concrete mix or other deleterious substance.

Where written permission of the director is sought under this section, the director may grant such permission with such reasonable conditions as may be necessary to effectuate the intent and purpose of this chapter. (Prior code § 45.04.216)

12.64.050 Maintenance responsibility—Permits for activities affecting heritage trees.

- A. A property owner shall be responsible for maintaining all heritage trees on the property owner's property.
- B. None of the following activities shall be performed by any person unless a permit therefor is first applied for by the property owner and granted by the director, subject to appeal provisions in Section 12.64.060 of this chapter.
  - 1. The removal of any heritage tree;
  - 2. Pruning of any heritage tree segment greater than twelve (12) inches in circumference or the placement of any chemical or other deleterious substance by spray or otherwise on any heritage tree;
  - 3. Disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.

C. The permit shall be granted by the director if he or she finds:

1. In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the city zoning ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner's property; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 12.64.020 of this chapter;

2. In the case of any other activity for which a permit is required, that such activity is necessary either to preserve the heritage tree or to engage in construction activity on the property.

D. In the case of removal of any heritage tree under subsection (C)(1) of this section, the director shall not act on such an application until a hearing is held thereon. Notice of the time and place of the hearing shall be posted in a conspicuous place on the real property upon which the heritage tree is located and shall be mailed to the applicant and to all owners of real property located within a five hundred (500) foot radius of the real property upon which the heritage tree is located. Notices shall be posted and mailed at least ten (10) days in advance of the hearing. As used herein, "owner" means the person to whom the property was assessed in the latest equalized assessment roll of the county of Sacramento unless the director has knowledge of a person other than such assessee claiming record ownership of the property.

E. The director shall not act on any permit application unless the director has first given the permit applicant an opportunity to be heard thereon. Notice of the time and place at which the applicant may be heard shall be given to the applicant by mail, postage prepaid, at the address shown for the purpose in the application at least ten (10) days in advance thereof.

F. The decision of the director may be to grant, grant with conditions or deny any permit applied for and shall be rendered within fifteen (15) days after the application is filed. It shall be in writing and shall state the reasons therefor. Such decision shall be mailed postage prepaid to the property owner. (Ord. 2004-006 § 4; prior code § 45.04.217)

12.64.060 Maintenance responsibility—Appeal of decision.

Any person dissatisfied with the decision of the director taken under this chapter may appeal such decision to the parks and recreation commission. Such appeal shall be in writing, stating the reasons therefor, and shall be filed with the secretary of the commission not later than ten (10) days after the date of the director's decision. The secretary shall set the appeal for hearing at the next regular commission meeting that is no less than fifteen (15) days after the appeal is filed. Notice of time and place of the hearing shall be given to the appellant at least ten (10) days in advance thereof by mail, postage prepaid. The decision of the commission shall be final.

The secretary of the commission shall forthwith make a report of its decision to the city council. The decision may be called up for city council review by any member of the city council. To initiate a call-up of a decision, the member shall file a written request with the secretary of the commission within ten (10) calendar days of the date of the secretary's report to the city council. Upon the filing of a request by the member, the city council shall notice and set the matter for hearing before it. Notice of the hearing shall be given in the same manner as notice was given for the hearing before the commission. The hearing before the city council shall be de novo. (Ord. 2004-040 § 4; prior code § 45.04.218)

12.64.070 Violation—Penalty.

A. Any person who violates any provision of this chapter including, but not limited to, the property owner, a tenant, a licensed or unlicensed provider of tree services retained by the property owner or tenant, or a licensed or unlicensed provider of tree services acting without the consent of the property owner or tenant, is guilty of a misdemeanor which shall be punished by a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00) or imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. For purposes of this chapter, "person" includes individuals, partnerships, corporations and other private and public entities.

B. Administrative Penalties. In addition to criminal sanctions and other remedies available to the city, administrative penalties may be imposed pursuant to Chapter 1.28 of this code against any person who violates the provisions of this chapter including, but not limited to, the property owner, a tenant, a licensed or unlicensed provider of tree services retained by the property owner or tenant, or a licensed or unlicensed provider of tree services acting without the consent of the property owner or tenant. Imposition, enforcement, collection and administrative review of administrative penalties imposed shall be conducted pursuant to Chapter 1.28 of this code. (Ord. 2004-006 § 5; prior code § 45.04.219)

## Attachment C - Director's Hearing-Findings and Decision



DEPARTMENT OF  
PARKS AND RECREATION

CITY OF SACRAMENTO  
CALIFORNIA

5730 24<sup>th</sup> Street, Bldg 12  
Sacramento, CA 95822  
PH (916) 808-6345  
FAX (916) 808-4005

URBAN FOREST SERVICES

August 2, 2007

Jeremy Schrimsher  
Mercy General Hospital  
4001 J Street

RE: Heritage Tree Permit Request for 4001 J Street-Findings and Decision

Dear Mr. Schrimsher,

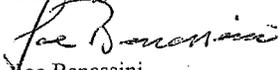
Enclosed please find a copy of the decision of the Director of Parks and Recreation regarding the July 13, 2007 hearing on your request for a permit to remove two heritage trees at 4001 J Street.

This decision can be appealed to the Parks and Recreation Commission pursuant to Sacramento City Code section 12.64.060 and must be filed with the Secretary of the commission no later than ten days of the date of this decision. Appeals must be in writing, stating the reasons therefore, and should be sent to the Parks and Recreation Department at 915 I Street, Sacramento, CA 95814.

If you have any questions, please contact me at my office at (916) 808-6258.

Thank you for your attention.

Cordially,

  
Joe Benassini  
Urban Forest Manager

C: Jim Combs  
Janet Baker

ENC: Letter of Decision



*Optimize the Experience of Living!*

**DECISION APPROVING THE APPLICATION FOR A PERMIT TO REMOVE ONE BUNYA-BUNYA TREE AND ONE LIVE OAK FROM 800 39<sup>TH</sup> STREET, SACRAMENTO, CALIFORNIA**

**FINDINGS AND DECISION**

WHEREAS, Jeremy Schrimsher, the authorized agent of the owner of the property located at 800 39th Street, Sacramento, California, ("Property") submitted an application for a permit pursuant to Sacramento City Code section 12.64.050 to remove one Bunya Bunya tree and one Interior Live Oak tree located on the Property. The Bunya Bunya tree and the Interior Live Oak tree may be referred collectively as "Trees" or in the singular as "Tree," as the context requires.

WHEREAS, the Trees are described as follows: the Bunya Bunya (*Araucaria bidwillii*) is in good condition with a trunk diameter of 32.5 inches; the Interior Live Oak (*Quercus wislizeni*) in poor condition with a trunk diameter of 18.5 inches.

WHEREAS, the property owner wishes to develop the Property where the Trees are located as a school site.

WHEREAS, the property owner states that the Trees must be removed in order to use the Property for a use permitted by special permit under the City zoning ordinance.

WHEREAS, pursuant to Sacramento City Code section 12.64.050(D), the City of Sacramento's Director of the Department of Parks and Recreation held a hearing on the permit application on July 13, 2007; and

WHEREAS, the matter was submitted to the Director of the Department of Parks and Recreation for a decision.

**FINDINGS**

NOW, THEREFORE, based upon the testimony, evidence and other matters presented at the hearing, the Director finds and decides as follows:

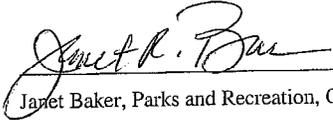
1. The Trees are "Heritage trees," as defined in Sacramento City Code section 12.64.020.
2. The property owner has established the following:
  - A. The property owner intends on constructing a school on the Property.
  - B. Construction of a school on the Property is permitted by special permit under the City zoning ordinance for the zoning district in which the Property is located.
  - C. The property owner intends on applying for a variance in the setback requirements to accommodate its design for the school.
  - D. The Trees are located on the Property in such a way that the Tree must be removed in order for the property owner to construct the school as it is designed.
  - E. There are no reasonable design options for the school that would allow for preservation of the Trees.

DECISION

1. For the above stated reasons, the application of Jeremy Schrimsher, the authorized agent of the owner of the Property, for a permit to remove the Interior Live Oak Tree and the Bunya Bunya Tree from the Property is granted with the following conditions:

CONDITIONS

1. The tree removal permit for the Trees tree shall not be effective until the property owner obtains all necessary permits and approvals to proceed with construction of the school project as proposed.
2. The tree removal permit for the Bunya Bunya tree shall not be effective unless the school project is approved by the City and a variance is granted to increase building setbacks on H Street as currently proposed.
3. The removal of the Trees shall be contingent on payment of a mitigation fee in-lieu of preservation of the Trees. The fee shall be based on the amount of \$325 per inch of trunk diameter (measured at 56 inches above ground level). The fee for the Bunya Bunya tree shall be \$10,562.50 (32.5 x \$325). The fee for the Interior Live Oak tree shall be \$6012.50 (18.5 x \$325).

  
Janet Baker, Parks and Recreation, Operations Manager

Date: 8/3/07

Approved by:  
  
Jim Combs, Director, Parks and Recreation

Date: 8-3-07

## Attachment D - Appeal of Directors Decision from ESPTF and David Edwards

August 15, 2007

Secretary  
Parks and Recreation Commission  
City of Sacramento  
Department of Parks and Recreation  
915 I Street, Sacramento, CA 95814

RE: Application to Remove Heritage Trees at 800 39<sup>th</sup> Street (Mercy General Hospital)

Dear Commissioners,

**Please consider this letter to be a formal appeal to the Parks and Recreation Commission to overturn the decision of the Director of the Department of Parks and Recreation to remove the Bunya-bunya tree from the property at 800 39<sup>th</sup> Street.**

I am dismayed that this old, rare and outstanding specimen has been approved by the Director of Parks and Recreation for removal by the new landowner, Mercy Hospital. This tree is has been a neighborhood icon for decades. In addition, a Heritage Oak is also slated to be cut down. As you are aware, it is Mercy's intent to remove these trees in preparation for a proposed relocation of Sacred Heart School (which will also necessitate the demolition of 18 dwelling units.) This huge project is currently having a draft EIR reviewed by City staff, Planning Department, City Council and neighbors. In addition to the two heritage trees, nearly 100 other trees are slated for removal by Mercy. Much of the neighborhood is opposed to the scope of the overall project and will be asking that its impacts be reduced significantly perhaps to the point where the need to destroy these Heritage Trees may be mitigated.

Any observer would have to agree that for this neighborhood this particular tree is the very definition of "heritage"; i.e., "property that descends to an heir." In this case, the heirs are our children, the future residents of our neighborhood that should be able to enjoy this unique specimen for as long as the tree is living. In winter, I can see this tree from my front yard, over 1000 feet away! The fact of the matter is that the tree is good condition and seems very vigorous despite the fact that it has probably never had any maintenance. Trees are most definitely not "incompatible with the proposed use of the site as an elementary school." They provide shade and a connection to the natural environment that is so lacking in this modern, urban world not to mention the benefits of filtering out particulate matter and positive global warming considerations.

The Findings that are described in the Decision by the Director are most certainly not all correct, in particular items "D" and "E", the contention that the property owner has established that the trees are located on the property in such a way that the tree must be removed in order for the property owner to construct the school as it is designed. The contention that "there are no reasonable design options for the school which would allow for the preservation of the Trees" is **patently false**. While the location of the heritage oak is problematic, from the exhibit that Mercy has provided, it is obvious that a minor re-design to the proposed school library would take at least the bunya-bunya tree completely out of the building area. I am sure that Williams + Paddon have architects on staff that are talented enough to design around this tree IF Mercy had directed them to do so, with no loss of functionality. On Page 3, I have attached just such a design and there are certainly a myriad of other design possibilities.

In addition, the fenced area around the tree between the proposed school building and H Street is too small to be used for anything other than decorative landscaping. This will not be a "heavily trafficked pedestrian area." I seriously doubt that there is any intent for students to be using this very restricted and dangerous traffic impact area where they would be a hundred times more likely to be struck by a careening vehicle than a rarely seen bunya-bunya cone. I should hope that Sacred Heart does not plan on having students in this dangerous location at a very busy

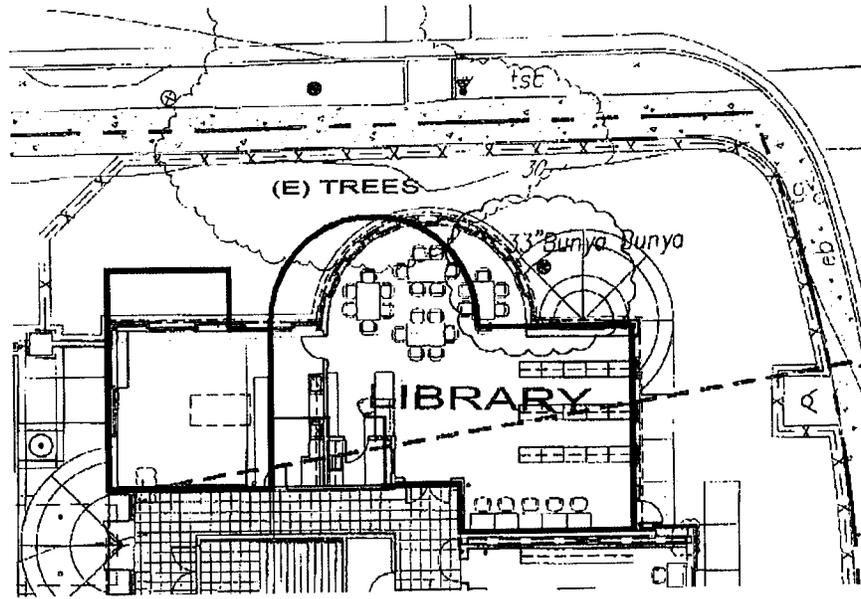
intersection. For evidence, on Page 2, I have attached a photo of a truck that lost control on H Street and crashed into the apartment building just to the east of the proposed school site. I think many would question whether the library function is suitably located next to a very busy intersection that sees upward of 20,000 vehicles PER DAY! With this traffic comes the attendant noise and distractions not to mention the risks of out of control vehicles, including 18-wheel tanker trucks making deliveries to Mercy Hospital. If I was a parent of a child at SHPS, I would not want to see any children sitting in a library just eight feet away from what is essentially a freeway. Wouldn't it make a lot more sense to have the administration functions placed closer to this busy intersection and the library, a "quiet" function, towards the interior of the site?

Again, any architect worth his license could design a perfectly functional school and avoid the bunya-bunya tree, which makes Finding "E" to be disingenuous at best. One could only conclude that the architects were directed by Mercy to not save the tree because it will be inconvenient to build around. Many in the neighborhood, even those I would imagine that are for the overall project, would rather the heritage tree be saved and the project proponents slightly inconvenienced by saving this fine specimen. Please see through the smoke screen that the project proponents have erected, do the right thing and save this wonderful tree for our neighborhood and future residents.

Sincerely,  
Dave Edwards  
532 39<sup>th</sup> Street  
Sacramento, CA 95816  
736-3023

Bunya-bunya tree





Proposed Minor Revision to School Plan to Save Bunya-Bunya Tree

August 17, 2007

Parks and Recreation Commission  
Department of Parks and Recreation  
City of Sacramento  
915 I Street  
Sacramento, California 95814

**RE: APPEAL TO DECISION APPROVING THE APPLICATION FOR A PERMIT TO REMOVE ONE BUNYA-BUNYA TREE FROM 800 39<sup>TH</sup> STREET, SACRAMENTO, CALIFORNIA**

Dear Commissioners:

On August 3, 2007 a decision was rendered by Janet Baker, Parks and Recreation, Operations Manager and approved by Jim Combs, Director of Parks and Recreation in the City of Sacramento which grants a permit for the removal of two heritage trees from 800 39<sup>th</sup> Street.

The three East Sacramento neighborhood groups **ESIA** (East Sacramento Improvement Association, believed to be the oldest neighborhood association in Sacramento with over 700 members whose president is Jim Collins), and **MENA**, (McKinley East Sac Neighborhood Association whose members include members of the East Sacramento Chamber of Commerce and is chaired by Rian Troth), and **ESPTF**, (East Sacramento Preservation Task Force, with the involvement of over 1900 neighbors and co-chaired by Will Green M.D. and myself) are appealing the August 3rd decision.

It was determined at the July 13, 2007 hearing that the Bunya-Bunya tree at 800 39<sup>th</sup> Street measures 83 feet in height, with a trunk diameter of 32.5 inches (33 inches by the report of certified master arborist John M. Lichter, M.S., Tree Associates), and in good condition as determined by both the City arborist and Mr. Lichter. The Bunya-Bunya tree qualifies as a Heritage tree as defined in Sacramento City Code section 12.64.020. It was also determined that the tree was **not** a female cone producing tree and did not have a history of producing female cones.

The three neighborhood groups in our statement of appeal ask that the following material facts be considered:

- The East Sacramento Bunya-Bunya tree is one of only five Bunya-Bunyas in Sacramento. Currently the Crocker Bunya-Bunya is at risk to be removed if the Crocker Art Museum expansion project is granted its removal permit, thereby possibly leaving only four unique Bunya-Bunya trees in the City of Sacramento. The East Sacramento Bunya-Bunya tree is rare and majestic, a landmark in our urban tree canopy providing environmental, and aesthetic benefits to our community. The Bunya-Bunya Heritage tree poses no safety concerns to the community, it qualifies as a Heritage tree and therefore should be protected as a Heritage tree as designed by the Sacramento City Code.
- The submission of **one** plan and design by the property owner to construct on a 2+ acre parcel of land, and to have that **one** plan call for the removal of

Heritage trees, is not, on its own, a sufficient basis to grant a Heritage tree removal permit. The documents presented by the property owner to the Urban Forest Services and their oral testimony at the 7/13/07 hearing failed to provide evidence that there were any other reasonable design options for the property owner (Item E – Findings – Parks and Recreation Findings and Decision). Evidence of a thoughtful consideration of reasonable design alternatives by the property owner is lacking, therefore Finding E should not have been considered in rendering the decision. The parcel of land in question is over 2 acres in size, a parcel size which certainly could accommodate the consideration of reasonable design options allowing for the preservation of the Bunya-Bunya Heritage tree.

- The property owner should be compelled to consider the attached alternative which calls for a mere 6 foot change in the location of the proposed building. Or the property owner should consider relocating the “bump-out” from the North wall to the South wall of the building which would also allow for the preservation of the Bunya-Bunya Heritage tree. The reasonable design options are numerous and the Parks and Recreation Commission should compel the property owner to modify their one plan and design and preserve the Heritage tree.

We have attached the following documents for your review: the 6 foot Reasonable Design option, the 7/12/07 ESIA/ESPTF report, and the 7/12/07 Tree Foundation letter. As the East Sacramento neighborhood groups we look forward to further elaborating on these points and others when this matter is presented to the Parks and Recreation Commission.

Respectfully submitted,



Cindy Oropeza  
East Sacramento Preservation Task Force, co chair

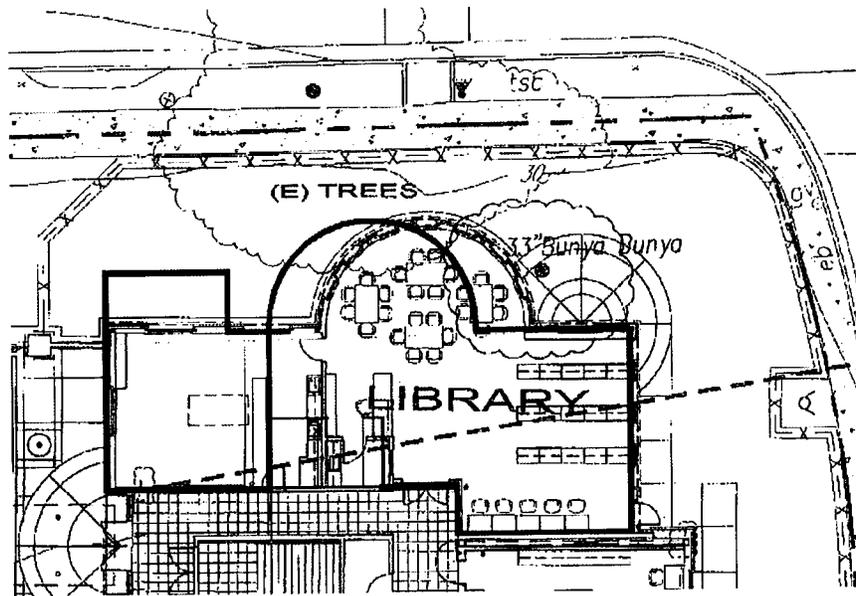
And on behalf of:

Will Green M.D., ESPTF, co-chair

Jim Collins, ESIA, president

Rian Troth, MENA, president

Attachments



Proposed Minor Revision to School Plan to Save Bunya-Bunya Tree



**East Sacramento Preservation Task Force  
and  
East Sacramento Improvement Association**

**Statement of Opposition to:  
"Application to Remove Heritage Trees  
At Mercy General Hospital"**

**July 12, 2007**

To assist the City of Sacramento decision makers, this report is structured to mirror the relevant sections of the Sacramento Municipal Code pertaining to protection of Heritage Trees.

We will limit our comments to the current Heritage Tree application under consideration, with the understanding that more extensive concerns about tree canopy destruction due to the proposed project will be addressed during the Draft Environmental Impact Report process. However, we believe that the evaluation of the current Mercy application regarding two trees cannot be made without some background information to provide context about the cumulative effect of tree removal.

**Background and Context**

Mercy General Hospital is proposing to expand its facility in order to create a new Regional Cardiac Center. Part of its plan involves the purchase of land on which the Sacred Heart School now sits (near 39<sup>th</sup> and H Streets), and relocation of the school to land purchased by Mercy between 38<sup>th</sup> and 39<sup>th</sup> Streets at H Street. Demolition of trees and residences between 38<sup>th</sup> and 39<sup>th</sup> to make room for the new school would be necessary if the plan is approved by the City.

The setback from the street for the school at the corner of 39<sup>th</sup> and H Streets would be only 8 feet instead of the required 25 feet, according to the entitlements section of Mercy's proposal of February 2007. As a result, the footprint of the new building overlaps the location of the two Heritage Trees cited in this application. In addition, at least 424 trees may be either removed or adversely affected by the entire Mercy proposal, according to their arborist's report of February 2007.<sup>1</sup>

The actual total number of trees that will be removed if the project is approved is difficult to determine from Mercy's proposal package. Their Demolition Plan depicts 82 trees marked for demolition. However, when one compares the tree inventory map with the building plan, it appears that 130 or more trees would have to be

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<sup>1</sup> The total number of trees itemized in the arborist's inventory is 424. Note that the arborist labels the first column of the Table 1 chart as "trees," and includes other large tree-like plants that also can be referred to as shrubs.

removed because they sit in the same location as new buildings, parking lots, or other structures. (One of those trees is a protected Elderberry.) The plan includes 55 trees for replacement. The actual mitigation would depend on the size and placement of the replacement trees. Overall, it is difficult to determine the exact loss and replacement of trees for the project due to what appears to be an underestimate of the number of trees that would have to be cut down for the project.

At the same time that Mercy's plan would destroy a huge canopy of trees, Mercy is also seeking two variances to plant fewer trees than required by City Code in two of its parking lots.

With this backdrop of concern about a massive loss of trees in our city, ESPTF would urge the City of Sacramento to take into consideration the **cumulative** effects of removal of so many trees, some of them treasured Heritage Trees in this project proposal.

We recognize that the overall tree plan for the project should be addressed in the Draft Environmental Impact Report, but we feel that it is relevant to show that the two trees in question are analogous to the "tip of the iceberg" in destruction of trees in this project.

## **Section I, Benefits of Trees for the City**

### **"12.56.010 Findings.**

**The city council finds and determines that the planting and preservation of trees enhances the natural scenic beauty, increases life-giving oxygen, promotes ecological balance, provides natural ventilation, air filtration, and temperature, erosion, and acoustical controls, increases property values, improves the lifestyle of residents, and enhances the identify of the city. (Prior code § 45.01.001)"**

The East Sacramento Preservation Task Force (ESPTF) recognizes that it does not need to persuade the City of Sacramento of the irreplaceable benefits of trees. The above city code section sets out the commitment of the City to plant and preserve trees. Attachment A provides a well-researched document by the Sacramento Tree Foundation that effectively makes the case for preservation of trees and expansion of the City's tree canopy.

ESPTF wishes to highlight key factors that support preservation of trees, in particular mature, heritage trees:

- **Trees help clean the air.** Trees reduce greenhouse gases, and 100 trees remove 5 tons of CO<sub>2</sub> and 1,000 pounds of pollutants per year, including ozone.
- **Trees improve water quality.** Their roots clean water to decrease polluted runoff, they decrease soil erosion, and they save irrigation water where they provide shade.

- **Trees save energy.** Shade reduces peak energy consumption and cools entire neighborhoods, buildings, streets, and parking lots.
- **Trees have invaluable aesthetic benefit.** Trees define the character of the City of Sacramento. Trees bring people together and give life to the city, whether it is in shady parks, tree-lined streets, or next to work places. Trees bring inspiration, beauty, and an appreciation of nature to an urban setting. They are one of the primary reasons that Sacramento is such an inviting town.
- **Trees provide habitat for numerous animals.** Birds, insects, and other living creatures depend on trees for their very existence. For example, the endangered Valley Elderberry Longhorn Beetle relies on Elderberry plants for its habitat and survival.

## **Section II, Purpose of Protecting Heritage Trees**

### **“12.64.010 Intent and purpose.**

It is the intent and purpose of this chapter to promote the health, safety, and welfare of present and future residents of the city by providing for the protection of significant specimen trees existing in the city. The protection of heritage trees will promote scenic beauty, enhance property values, reduce soil erosion, improve air quality, abate noise and provide shade to reduce energy consumption. (Prior code § 45.04.210)”

Heritage trees are simply irreplaceable.

The Bunya-Bunya tree at 39<sup>th</sup> and H Streets is one of **only five** in the entire city. It is a rare and elegant specimen that is in good health. It stands as a majestic icon in the heart of East Sacramento, providing incredible scenic beauty for the large volume of traffic at the intersection. The Araucaria bidwillii is considered a living fossil because of its heritage going back thousands of years to the time of dinosaurs.

The children of Sacramento should have the opportunity and privilege to view and study these trees in person in years to come instead of only being able to look at them in text books because the last few were chopped down for “progress.”

## **Section III, Designation as Heritage Tree**

### **“12.64.020 Definitions.** (Excerpt)

“Heritage tree” means:

1. Any tree of any species with a trunk circumference of one hundred (100) inches or more, which is of good quality in terms of health, vigor of growth and conformity to generally accepted horticultural standards of shape and location for its species.

2. Any native *Quercus* species, *Aesculus California* or *Platanus Racemosa*, having a circumference of thirty-six (36) inches or greater when a single trunk, or a cumulative circumference of thirty-six (36) inches or greater when a multi-trunk.

3. Any tree thirty-six (36) inches in circumference or greater in a riparian zone. The riparian zone is measured from the center line of the water course to thirty (30) feet beyond the high water line.

4. Any tree, grove of trees or woodland trees designated by resolution of the city council to be of special historical or environmental value or of significant community benefit. (Prior code § 45.04.211)

**12.64.030 Identification and inventory of heritage trees.**

**The director is authorized to identify and prepare an inventory of heritage trees within the city. (Prior code § 45.04.212”**

Both the Bunya-Bunya tree and the Live Oak definitely meet the City’s criteria for Heritage Trees. The East Sacramento Preservation Task Force enlisted the services of an independent Registered Consulting and Board Certified Master Arborist, John Lichter, M.S., to evaluate the facts in this case.

Mr. Lichter found that the Bunya-Bunya tree exceeds the 100-inch circumference required for Heritage Trees. In four measurements, taken at 4.5’ above grade to the north, south, east and west of the tree, the diameter was 33 inches. The Live Oak, with a diameter of 18 inches, clearly met the 36-inch circumference criterion for California native trees.

In their Letter of Justification, Mercy attempts to make the case that the Bunya-Bunya tree does not qualify for Heritage status. It appears that Mercy believes that if a tree is “close” to the size criterion, then the City should deviate from its codes. That is not a valid argument .

Mercy also contends that the Bunya-Bunya does not qualify for Heritage status because they consider its quality to be “fair” rather than “good.” Mr. Lichter carefully evaluated the Bunya-Bunya and determined that the tree is in “good” condition . Mercy’s contention that the tree is in fair condition is not valid.

Lack of basic, routine maintenance to remove dead branches is the only problem from which the Bunya-Bunya is suffering. It has no diseases and no anomalies. It is a healthy specimen.

There is no valid argument to rule out either the Bunya-Bunya or the Live Oak as Heritage Trees. They are both clearly protected as Heritage Trees.

## **Section IV. Criteria for Maintenance of a Heritage Tree**

**“12.64.050 Maintenance responsibility—Permits for activities affecting heritage trees.** (Excerpt)

**A. A property owner shall be responsible for maintaining all heritage trees on the property owner’s property.”**

Mercy has not maintained the Bunya-Bunya or the Live Oak, as required under this code section. In particular, the Bunya-Bunya should have had regular, basic maintenance to remove dead branches, just as the three Bunya-Bunya trees in Capitol Park are maintained. In spite of the lack of basic maintenance, the tree has been determined to be in “good” condition.

**“12.64.050 Maintenance responsibility—Permits for activities affecting heritage trees.** (Excerpt)

**B. None of the following activities shall be performed by any person unless a permit therefor is first applied for by the property owner and granted by the director, subject to appeal provisions in Section 12.64.060 of this chapter.**

- 1. The removal of any heritage tree;**
- 2. Pruning of any heritage tree segment greater than twelve (12) inches in circumference or the placement of any chemical or other deleterious substance by spray or otherwise on any heritage tree;**
- 3. Disturbing the soil or placing any chemical or other deleterious substance or material on the soil within the drip line area of any heritage tree.”**

Subsections (1) and (2) above need to be closely monitored.

## **Section V. Criteria for Removal of a Heritage Tree**

**“12.64.050 Maintenance responsibility—Permits for activities affecting heritage trees.** (Excerpt)

**C. The permit shall be granted by the director if he or she finds:**

**1. In the case of removal, (a) that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the city zoning ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed; or (b) that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal; or (c) that the tree or tree roots are causing, or threatening to cause, damage to any main structure on the owner’s property; or (d) that the tree no longer meets the criteria for a heritage tree set forth in Section 12.64.020 of this chapter;**

**2. In the case of any other activity for which a permit is required, that such activity is necessary either to preserve the heritage tree or to engage in construction activity on the property.”**

We shall address each relevant subsection of the City Code 12.64.050 (C)(1) pertaining to permits to remove Heritage Trees.

**(a) "that the heritage tree must be removed in order for the applicant to use the property for any use permitted as of right or by special permit under the city zoning ordinance for the zoning district in which the property is located and that such use could not be made of the property unless the tree is removed..."**

Use of the property is NOT contingent on removal of these trees. There ARE alternatives. Mercy could preserve and protect both of these two Heritage Trees if it modified its plans that were submitted to the City.

As described at the beginning of this report, Mercy General Hospital has submitted a proposed plan to the City of Sacramento to expand and create a new Regional Cardiac Center and to build a new school for Sacred Heart School because their expansion plan displaces the school. Mercy has not yet received the necessary approvals from the City for rezoning and building. Mercy's Draft Environmental Impact Report is due to be released July 12, 2007.

Mercy is seeking an unreasonable variance to build the school's library to within only 8 feet of H Street instead of the required set back of 25 feet. The current apartment at the site has a set back of approximately 35 feet. There would be no need to request removal of the Bunya-Bunya or the Live Oak trees if Mercy had taken into the account the community value of Heritage Trees when it was designing its proposed buildings.

In addition to sacrificing two Heritage Trees with this inadequate setback of 8 feet, Mercy also creates the risk of vehicles colliding into the school building at this busy intersection. Attachment B shows such an accident at this very intersection, validating that such a risk is not without precedent.

**(b) "that the condition of the tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require its removal..."**

Mercy's Letter of Justification emphasizes "safety concerns" that we will show are unfounded.

1. Not all Bunya-Bunya trees produce cones, as most trees are either male or female. The Bunya-Bunya tree at 39<sup>th</sup> and H Streets is not producing large cones. Mercy is NOT correct in its contention that the tree is female. This tree has male flowers. **Any contention of risk of large cones from this tree is unfounded.**
2. Mercy refers to their concern that Bunya-Bunya trees shed branchlets. Basic maintenance of the tree is needed to remove dead branches and reduce debris from the tree. Capitol Park successfully maintains three Bunya-Bunya

trees with routine, basic maintenance. Furthermore, the Capitol Park Bunya-Bunya trees do produce cones, which are removed through maintenance before they drop. For the 39<sup>th</sup> Street Bunya-Bunya tree, the only debris falling from the tree are small male flowers, leaves, and small twigs. Neighbors who have lived near the tree for decades know of NO incident in which anyone has ever been harmed by this tree in any way.

3. The tree is healthy and stable, with no indications of disease or danger of falling. It does not interfere with utility services.
4. Mercy claims that the location of the Bunya-Bunya tree is not suitable. In fact, the tree stands in an ideal location to serve as an aesthetically pleasing, beautiful icon that stands at a key juncture in East Sacramento. This tree is a noble landmark that is enjoyed by hundreds of people each day.
5. The citation by Mercy of a Santa Rosa case for removal of a Bunya-Bunya tree is not correct. The opposite outcome occurred and the tree was preserved.

Mercy fails to cite the fact that the Santa Rosa Planning Commission decision of April 29, 1999, was overturned. On May 25, 1999, the Santa Rosa City Council upheld an appeal of the Planning Commission decision and preserved the tree. In a telephone call by ESPTF to the Santa Rosa location, it was confirmed that the Bunya-Bunya tree in question still stands.

Compelling arguments for preserving mature Bunya-Bunya trees are in the minutes of the Santa Rosa City Council meeting. Advocates for preserving the Heritage Tree stated, in part, that "the subject tree is a large, uncommon, impressive tree. Large trees are inspirational and take a long time to grow.....He said the City is eliminating and cutting down the most valuable and aesthetic aspects of the City."

As a result of the discussion of the Bunya-Bunya, the Santa Rosa City Council unanimously voted to uphold the appeal and save the tree. It also directed staff to return to the Council with a street tree ordinance to protect large trees and to encourage future plantings of canopies.

The Santa Rosa tree was preserved even though it does produce large cones. The Sacramento Bunya-Bunya at 39<sup>th</sup> Street poses no such problem.

### **Summary of Reasons for Opposition**

The East Sacramento Preservation Task Force believes that there is an extremely strong case for protection and preservation of the Bunya-Bunya tree and the Live Oak tree on the Mercy General property at 39<sup>th</sup> and H Streets.

1. Removal of these two Heritage Trees is not supported by ANY criteria set out in City Codes.
2. These heritage trees are beneficial in every aspect, and the only problem that they pose is that they interfere with Mercy's current business expansion plans. Mercy could modify its plans and preserve these trees.
3. The rare Bunya-Bunya tree is one of only 5 in Sacramento. If this application and the Crocker Museum application are both approved, the City would be left with only 3 Bunya-Bunya trees.
4. Some, but not all, Bunya-Bunya trees produce cones. Neighbors of the tree do not know of any incidents of harm or risk from this tree.
5. The 8-foot setback of the school library so close to a busy road actually creates much more of a potential risk to humans than either of these Heritage Trees. With a reasonable setback, Mercy could preserve these trees.
6. Along with these two Heritage Trees, Mercy is reducing the tree canopy that is so vital to the air quality and aesthetics of Sacramento. Mercy's plans would remove a large number of trees, while seeking variances to plant fewer trees than required in parking lots.
7. The 75-foot tall Bunya-Bunya tree is irreplaceable. It is a noble, elegant, healthy specimen of an ancient tree that is considered a neighborhood icon. Children should be able to see this tree in years to come, instead of only reading about it in books.
8. Many arguments by Mercy as justification for Heritage Tree removal are simply unfounded. The Bunya-Bunya tree does not pose risks, it is in GOOD condition, it clearly meets size requirements for a Heritage Tree, and it could be accommodated in a building plan. Their Santa Rosa case citation actually supports preservation of the Mercy tree.

## Sacramento Tree Foundation

### Excerpt from Website

#### "Benefits of Trees"

(July 2007)

Trees are Sacramento's crowning glory and are especially valuable here with our hot, dry summers and mild, wet winters. Trees work for you non-stop. They are a part of community infrastructure and vital to our personal and environmental health. They are a legacy we plant and leave for many generations – impacting our city with better quality of life, business climate, and sense of place.

- Air Quality
- Water Quality
- Energy Savings
- Property Values
- Commercial Benefits
- Social & Psychological Benefits
- Community Benefits

Trees help us clean the air. Tree leaves absorb dirty air and remove pollutants. Particulates pollution like dust is deposited on the leaves. Plus, trees absorb carbon dioxide and produce oxygen for us to breathe.

Trees cool the air by releasing moisture into the air through a process called transpiration.

- 100 trees remove five tons of CO<sub>2</sub> per year
- 100 trees remove about 1000 lbs of pollutants per year, including:
  - 400 lbs of ozone
  - 300 lbs of particulates

Sacramento has some of the worst air quality in the United States. If we can plant 4 million trees over the next forty years they will help us meet federal and state air quality requirements, which will prevent the loss of millions of dollars in funding.

Trees help clean our water by holding rainfall on the leaves and branches, making the threats of flooding less likely. The tree roots hold soil in place so that it is not washed away in severe storms. Water is cleaned as it passes through the roots and into the groundwater. And we can save water on irrigation when there is a tree shading the lawns that we water.

- 100 mature trees catch about 250,000 gallons of rainwater per year
- Decrease polluted runoff
- Decrease soil and hill erosion

Trees save energy by shading buildings and minimizing the need for air conditioning in the hot summer months. This energy saving is particularly important because the shade helps reduce peak energy consumption at the hottest time of the day, saving our utility SMUD from needing to purchase peak power.

In addition to direct shade on buildings, trees cool entire neighborhoods by releasing moisture into the air and shading surfaces like parking lots and streets that hold heat in the sun.

In the winter, trees can help reduce heating costs by slowing the wind.

- Save up to 30% of annual cooling costs
- Save 10-25% of energy used for heating An additional 1 million trees strategically planted in Sacramento could save \$10 million in energy savings.

Houses in tree lined neighborhoods sell for a premium in Sacramento. The trees give the neighborhoods a sense of place, a community where neighbors know one another, and slow traffic as drivers sense the enclosed space in these tree tunnels.

- Each large front yard tree adds 1% to sales price
- Large specimen trees can add 10%, or more, to property values.

Studies have shown that trees are good for business. Shoppers will search for that one shaded parking spot on hot summer days, and shops located in cool shopping districts see the influence of trees by

- More frequent shopping
- Longer shopping trips
- Shoppers spend more for parking
- Shoppers spend 12% more for goods

Studies show that trees help us humans feel peaceful and secure as they bring a bit of nature into our urban environments. Community trees are vital to community health.

- Trees reduce levels of domestic violence and foster safer, more sociable neighborhood environments ([Sullivan and Kuo, 1996](#)).
- Views of nature reduce the stress response of both body and mind when stressors of urban conditions are present (Parsons et. al., 1998).
- Trees (along with other plants) absorb high-frequency noise which is the most distressing frequency range for humans (Miller, 1997).
- Hospital patients that see trees need less medication and have faster recovery times following surgery (Ulrich, 1985).

Trees bring people together in Sacramento, where neighborhoods are made stronger by the shady streets and parks. Trees cast shade in the evenings that encourages residents to come out and enjoy walks and bike rides in their neighborhoods. Trees slow drivers as they make them feel enclosed in the tree tunnels. Neighborhood tree plantings are events that neighbors join in to get to know each other and form new relationships. In these ways, trees are bringing people together!

# Attachment E - Parks and Recreation Commission Appeal Findings and Decision

IN re APPEALS OF ESPTF AND DAVE EDWARDS  
BEFORE THE PARKS AND RECREATION COMMISSION  
September 21, 2007

## AMENDED FINDINGS AND DECISION

WHEREAS, on April 11, 2007, Jeremy Schrimsher ("Applicant"), the authorized agent of the owner of the property located at 800 39<sup>th</sup> Street, Sacramento, California ("Property") submitted an application for a permit pursuant to Sacramento City Code section 12.64.050 to remove one Bunya-Bunya tree and the Interior Live Oak tree (collectively "Trees") located on the Property; and

WHEREAS, the property owner wishes to develop the PROPERTY where the Trees are located as a school site; and

WHEREAS, pursuant to Sacramento City Code section 12.64.050(D), the City of Sacramento's Director of the Department of Parks and Recreation held a hearing on the permit application on July 13, 2007; and

WHEREAS, the matter was submitted to the Director of the Department of Parks and Recreation ("Director") for a decision; and

WHEREAS, in a decision dated August 3, 2007, the Director granted the applicant for a permit to remove the Trees; and

WHEREAS, the East Sacramento Preservation Task Force (ESPTF) (also representing the McKinley East Sacramento Neighborhood Association and the East Sacramento Improvement Association) and Mr. Dave Edwards (Appellants) appealed the decision of the Director of Parks and Recreation to the Parks and Recreation Commission ("PRC") pursuant to Sacramento City Code Section 12.64.060; and

WHEREAS, on appeal to the Commission, the Appellants do not oppose removal of the Interior Live Oak tree; and

WHEREAS, the PRC held an appeal hearing in this matter on September 6, 2007, during the PRC's regularly scheduled meeting, and that said hearing was conducted pursuant to the requirements of Chapter 2.62 of the Sacramento City Code and the Rules and Procedures for Conducting Administrative Hearings adopted by the PRC; and

WHEREAS, the matter was submitted to the PRC for a decision.

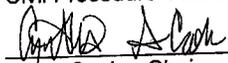
NOW, THEREFORE, based upon the testimony, evidence and other matters in the record of the appeal, the PRC finds and decides as follows:

FINDINGS

- A. At all times relevant to the appeal, the Bunya Bunya tree was a heritage tree, as defined in Sacramento City Code Section 12.64.020.
- B. Reviewing the facts in light of the criteria in Sacramento City Code Section 12.64.050(C), the Applicant has not established any of the following:
  - 1. That the Bunya Bunya tree must be removed in order for the owner of the Property to use its property for any use permitted as of right or by special permit under the city zoning ordinance for the zoning district in which the property is located and that such use could not be made of the property unless one or both trees are removed; Applicant's architect did not establish that there were no reasonable design options for the school that would allow for preservation of the tree, for example, the possibility of a three story school rather than the proposed two story school;
  - 2. That the condition of the Bunya Bunya tree with respect to disease, danger of falling or interference with utility services is such that the public health, safety or welfare require removal of the tree; Applicant's arguments related to the danger poised by the tree was unconvincing as there is no evidence that anyone ever suffered an injury related to the tree;
  - 3. That the Bunya Bunya tree is causing, or threatening to cause, damage to any main structure on the owner's property; no evidence at all was presented on this criterion, or,
  - 4. That the Bunya Bunya tree no longer meet the criteria for a heritage tree set forth in Sacramento City Code Section 12.64.020; the Trees' status as heritage trees were not disputed by any party.

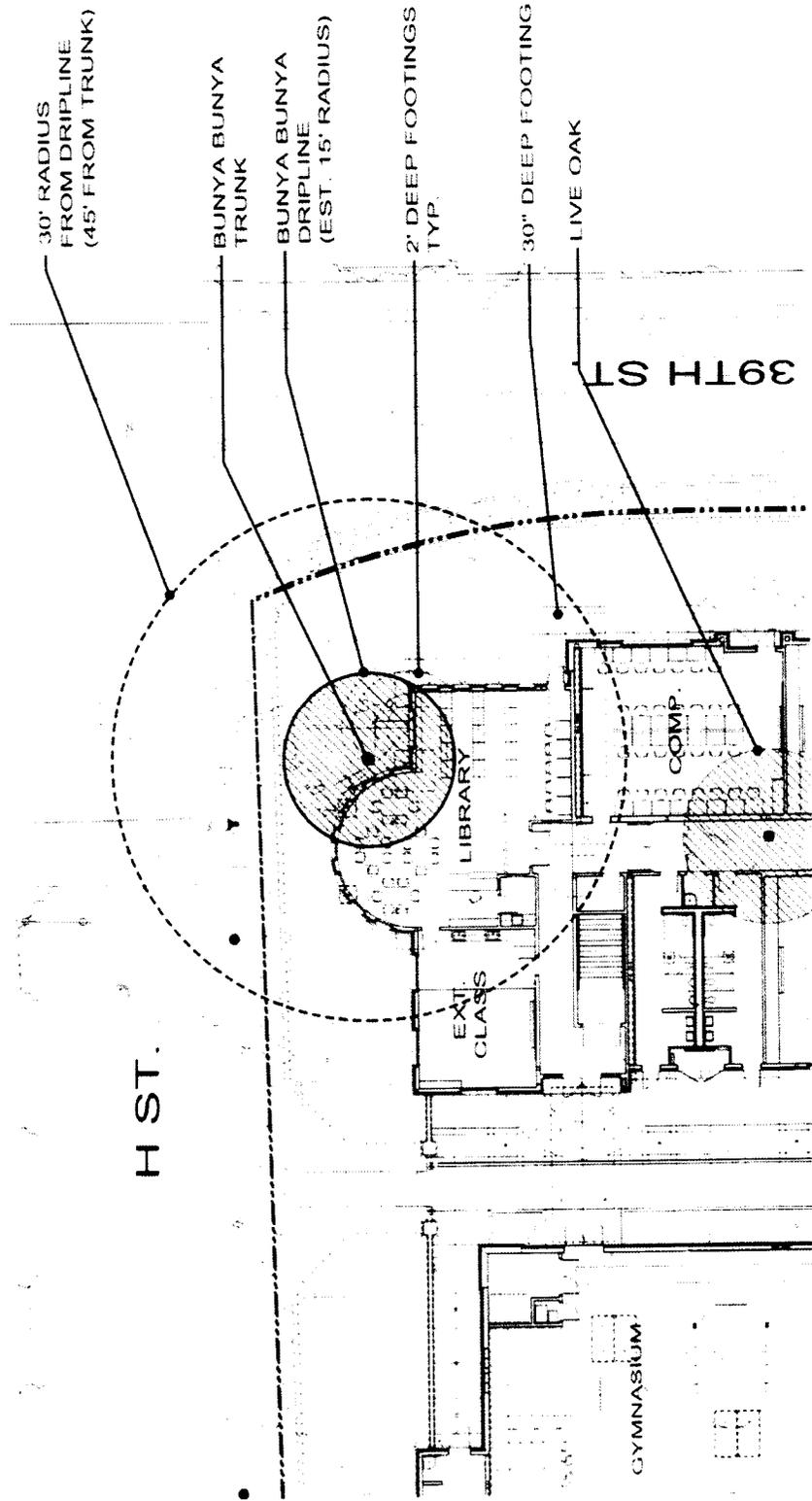
DECISION

- 1. For the above stated reasons, the appeals of ESPTF and Mr. Dave Edwards are granted, and the decision of the Director of Parks and Recreation to grant a permit for removal of the Bunya Bunya tree is reversed.
- 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.

  
Cindy Cooke, Chair

9/21/07  
Date

# Exhibit 1 - Site Plan with Tree Removed

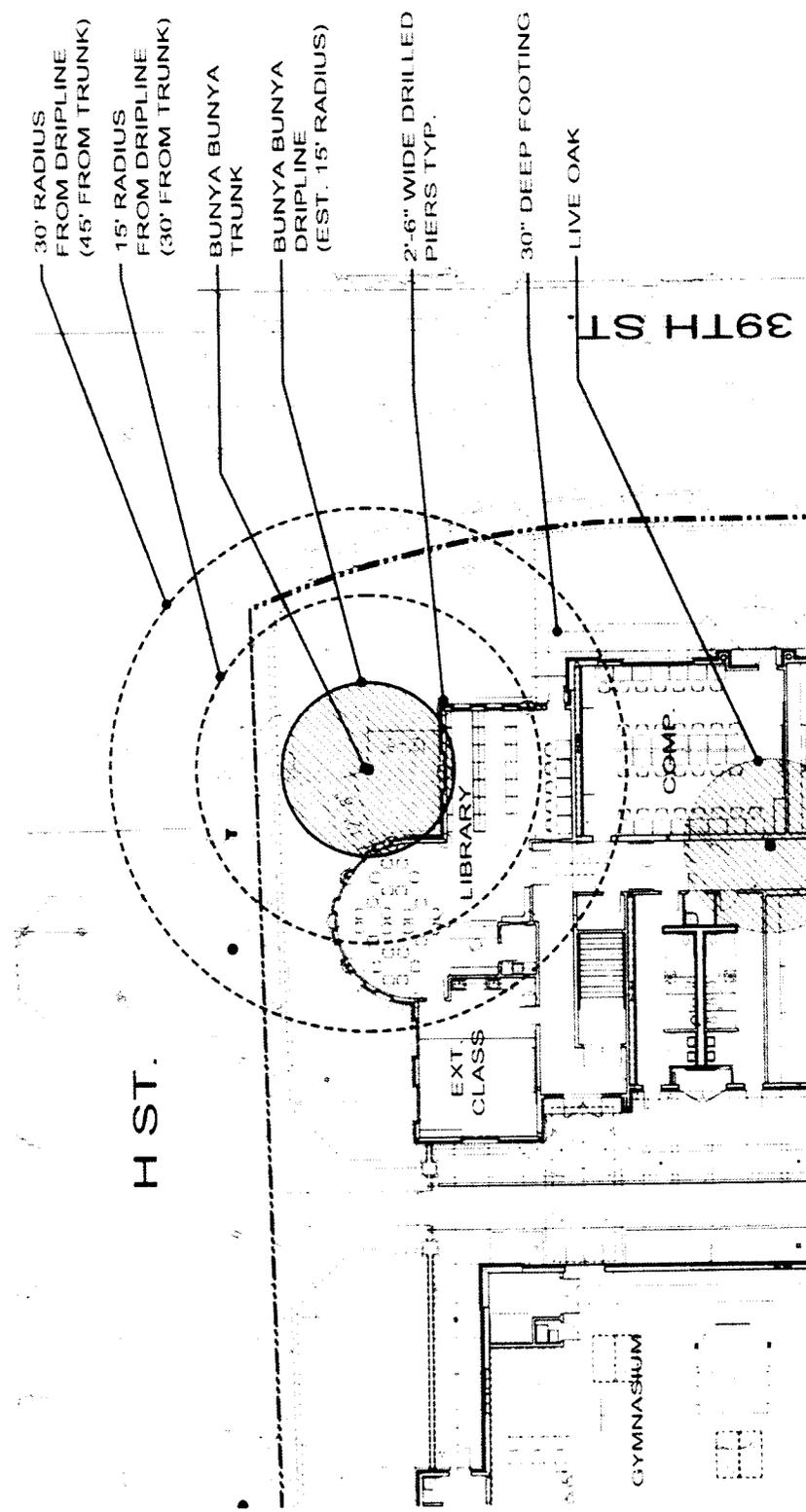


SCALE: 1/8" = 1'-0"  
 DATE: 07/12/2007  
 PROJECT: MERCY GENERAL HOSPITAL AND SACRED HEART PARISH SCHOOL MIXED USE PROJECT  
 LOCATION: SACRAMENTO, CALIFORNIA

MERCY GENERAL HOSPITAL  
 AND SACRED HEART PARISH SCHOOL  
 MIXED USE PROJECT  
 SACRAMENTO, CALIFORNIA

CLASSROOM/LIBRARY WING  
 AS PROPOSED  
 DATE: 07/12/2007  
 DRAWN BY: [unreadable]

# Exhibit 2 - Site Plan with Tree Preserved



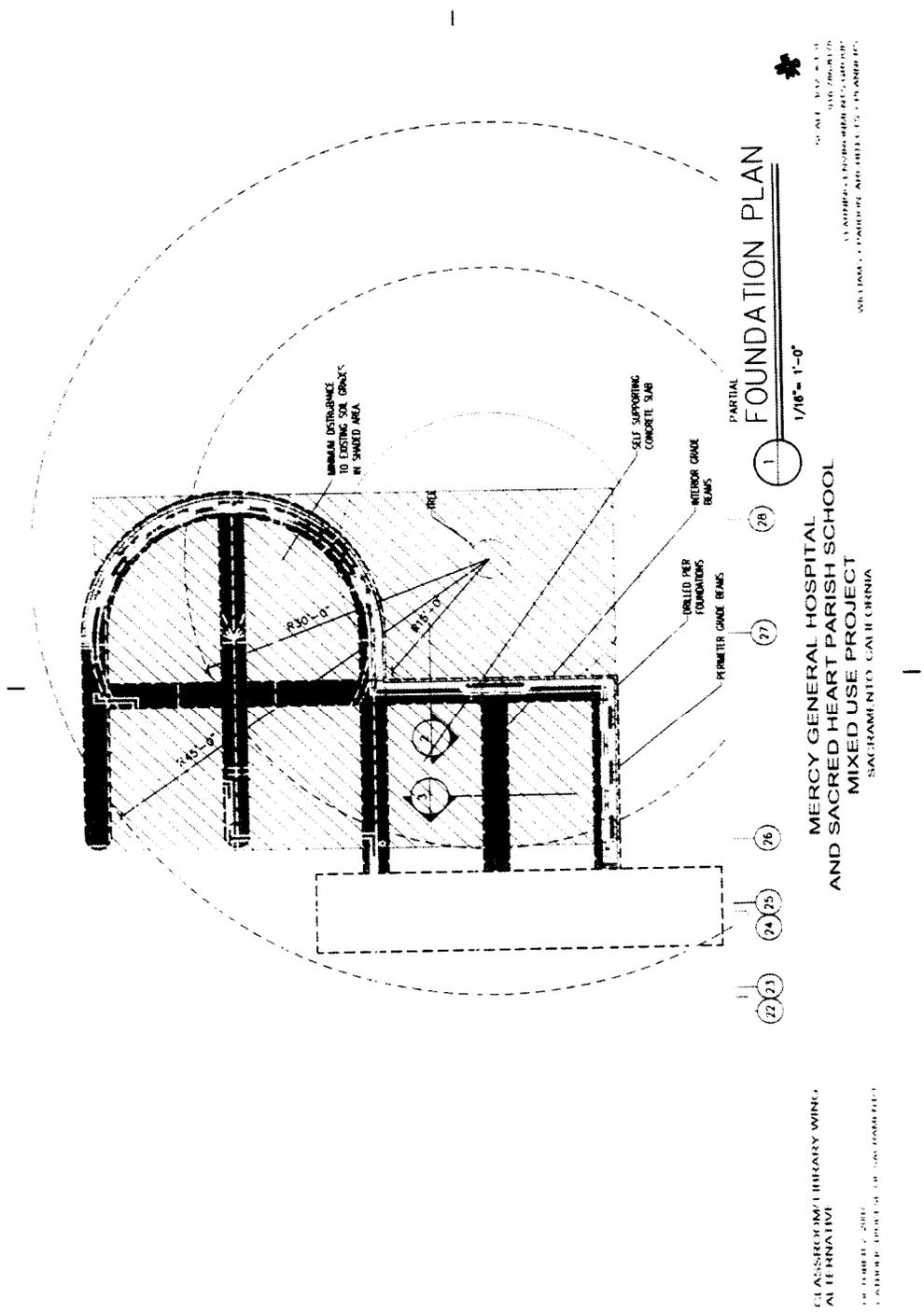
SCALE: 1/8" = 1'-0"  
 11 APRIL 2007  
 11 APRIL 2007  
 11 APRIL 2007

MERCY GENERAL HOSPITAL  
 AND SACRED HEART PARISH SCHOOL  
 MIXED USE PROJECT  
 SACRAMENTO, CALIFORNIA

CLASSROOM/LIBRARY WING  
 ALTERNATIVE  
 11 APRIL 2007  
 11 APRIL 2007



# Exhibit 4 – Foundation Plan for Preserving Tree



CLASSROOM LIBRARY WING  
 ALTERNATIVE  
 04 FEBRUARY 2009  
 LARRY R. COOK, INC. SAN FRANCISCO

MERCY GENERAL HOSPITAL  
 AND SACRED HEART PARISH SCHOOL  
 MIXED USE PROJECT  
 SACRAMENTO, CALIFORNIA

PARTIAL  
**FOUNDATION PLAN**  
 1/8" = 1'-0"

SCALE: 1/8" = 1'-0"  
 DATE: 02/04/09  
 BY: ADRIAN L. HERRERA, P.E., L.S.C., L.P.  
 WASHINGTON, D.C. 20004 AND 48101, U.S.A. (P) 202-462-1000