



June 6, 2014

Jerry Way, Director
Department of Public Works
City of Sacramento 915 I Street
Sacramento, CA 95814

RE: 1517 N Street, The Warren – 118 Apartment Units – REQUEST FOR ASSISTANCE

Dear Mr. Way,

The Parks and Recreation Commission met on May 1 to consider a request from Integral Development and the Capitol Area Development Authority to remove five street trees from the public right of way adjacent to the proposed Warren mixed-used development project at 16th and N Streets. The Commission required preservation of three street trees.

As you may know, the Warren is a \$32 million new multi-family housing project that is being developed in partnership with CADA. The project is permit-ready and shovel-ready. The 118 units of new multi-family housing will provide critical new housing as part of the continued revitalization of downtown Sacramento. The Warren supports the City's policies promoting transit-oriented, urban infill development, and is the type of development envisioned by the State of California's Global Warming Solutions Act.

The project has been through the City's planning and entitlement process and has received financial assistance by and approval of the CADA Board of Directors. The project is in the advanced stages of building permit reviews. Demolition and site soil remediation have just been completed. We are seeking grading permits now. Off-site utility relocation will commence next week. With financing scheduled to close on June 17, we are intending to start construction in several weeks. The Off-site Permit required for shoring and excavation is subject to resolution of the tree preservation requirement.

Since the Commission met, Integral Development has thoroughly studied ways to modify its shoring and excavation plan in a manner that would preserve the three trees without delay of construction and with acceptable cost impacts. After considerable study, the development team has concluded that we cannot simultaneously meet the requirement, construct the project at a cost the project can sustain, and start construction in early July as planned. Our findings are as follows:

- 1) The increased cost of excavation with structural shoring to preserve all three trees is in excess of \$125,000, excluding as yet unknown costs for extraordinary crane size and operations, delay and additional services. In the context of our project's financial feasibility, this cannot be absorbed.
- 2) For Tree #2, there is a shoring solution at a significant and unsustainable cost of at least \$70,000. Even were we to construct the shoring, however, we learned that the crane operation to receive and lift in place the 118 factory built modules requires cutting the tree canopy on four sides and topping to a degree that our arborist advises the condition and aesthetics of the tree will be drastically compromised. To the extent the tree survives and

grows out over time, the natural canopy of the tree will be permanently altered.

- 3) Trees 4 & 5 located at the corner of 16th and N Street can be protected from excavation at a shoring cost of approximately \$45-\$55,000.

Proposed Compliance

Working with our partner CADA, we are proposing a compromise that would allow our project to proceed with its scheduled closing and start of construction on June 17th. Provided we are allowed to remove Tree #2, Integral Development and our partners in the Warren, LLC, with CADA's assistance, will commit to:

- a. Exceeding the street tree requirement with a similar number of replacement trees of the largest available trunk and canopy size; and
- b. Preservation of Trees 4 & 5 by modifying the shoring and excavation permit submittal with additional measures to protect Trees 4 & 5 as recommended by the arborist, John Lichter.

Without certainty as to the conditions under which the City will permit the project to proceed, the cancellation and rescheduling of the project financing is likely and will result in unknown risks and costs of delay. We urgently request your assistance in helping us finding a workable compromise that recognizes the new information we now have before us. If there is a way you can authorize us to proceed with the compromise we propose without the need for a second hearing of the Parks and Recreation Commission, we would be grateful. If a hearing is needed, we respectfully request a special meeting of the Commission in June, in order to avoid altering our construction schedule and placing our financial commitments at risk.

Sincerely,



John Given
Development Advisor
INTEGRAL DEVELOPMENT
johngiven@citybuildadvisors.com
310-430-1018

Cc: Steve Hansen, Sacramento City Council District 4
John Shirey, City Manager
Wendy Saunders, CADA
Marc de la Vergne, CADA
John Lichter, Tree Associates
Denton Kelley, LDK Ventures
Frank Meyers, LDK Ventures
Nichole Berklas, Bocarsly Emden

Attachments:

Recreation and Parks Commission Findings
City of Sacramento Arborist Comments (2008)
Arborist Report, May 28, 2014 (John Lichter, Tree Associates)
Tricorp Construction Shoring & Excavation Study

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 Director to Issue a Tree Permit to Remove and Replace Five City Street Trees at 1517 and 1531 N 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 Public Works 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 UrbanCore Development, is developing a new seven story mixed use development at the northwest corner of 16th and N Streets. There are five existing city street trees adjacent to the site. The trees are to be removed pursuant to the final tree permit including a Modesto Ash, Liquidambar, and three Chinese Pistache trees.
3. In Spring 2014, UrbanCore Development filed a tree permit application seeking a tree permit from the City to remove the five street trees.
4. On April 9, 2014, Ms. Leilani Fay appealed the decision to remove the five City street trees to the Parks and Recreation Commission.
5. On May 1, 2014, the Parks and Recreation Commission held a de novo appeal hearing, and heard an appeal filed by Ms. Fay regarding the proposed removal of the 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. Joe Benassini submitted a staff report and testified on behalf of the City with regard to the development project, condition of the trees, tree species and proximity to the property to be developed. The appellant Ms. Fay testified about the area in question and objections to removing the trees. Testimony was also heard from the project developer, a landscape architect for the project, and citizens.

FINDINGS

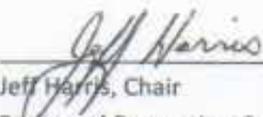
Based upon the testimony, evidence and other matters in the record of the appeal, the Parks and Recreation Commission finds and decides as follows:

At all times relevant to the appeal, the trees located at 1517 and 1531 N Street qualify as "City street trees" as defined in Sacramento City Code Section 12.56.020.

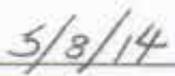
The appeal is granted in part. The three Chinese Pistache trees are to remain. The trees are in good health, are drought tolerant in nature, and would provide shade canopy sooner than new trees. The Modesto Ash and Liquidambar trees may be removed and replaced. New replacement trees are to have the largest caliper available, such as three or four inches.

DECISION

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.



Jeff Harris, Chair
Parks and Recreation Commission



Date



DEPARTMENT OF
PARKS AND RECREATION

Urban Forest Services Division

CITY OF SACRAMENTO
CALIFORNIA

5730 24TH STREET
BUILDING 12 A
SACRAMENTO, CA
95822-3699

(916) 808-4996
FAX (916) 808-4005

Arborist Comments

Date: 1/30/08

Project Number: P07-162

Project Name: East End Gateway Site 1

Review No. 1

Reviewer: Duane Goosen

General Comments:

- The proposed set back, step back and building height will not provide adequate canopy space for large or medium species trees. Designs that provide less tree canopy space than the City UFS recommendation should be planted with columnar or semi columnar trees at a spacing of 20' to 25'. Designs that require columnar species street trees significantly reduce street tree canopy potential and are inconsistent with the City general plan and Greenprint tree canopy coverage goals. These goals cannot be met without a requirement for greater set backs or step backs.
- Existing street trees shown on the site plan + landscaping plan are not a site suitable species given the canopy space limitations created by the proposed building walls.
- Unless revisions are made to provide greater canopy space for future growth, the existing trees must be removed. The park strip in the City right of way can then be replanted with a more site appropriate species and spacing.
- All utility installations shall be designed to avoid eliminating plantable space for City trees.

Specific Comments:

- (N Street) If the building design is not revised to provide greater tree canopy space, revise plan to show seven semi columnar species trees at a spacing of 30' in the park strip planter along N Street. Three existing Chinese Pistache (*Pistacia chinensis*) trees along N Street are shown planted 80' and 60' apart, (City standard spacing for this species is 40'). The existing Pistache trees are approximately one third to one half of their mature size. This species typically develops a wide spreading canopy with a radius of 25' to 30' at maturity. The proposed building will only allow a canopy radius of 15' to 16'.
- (16th Street) Revise plan to show an 8' x 15' minimum planter opening for each tree along 16th Street. Tree spacing shown along 16th Street is approximately 35', the available tree canopy radius with the proposed building wall is 15' to 16'. Generally columnar and semi columnar trees are planted in the City right of way at a spacing of 20' to 25'. This would allow 10 trees to be planted along 16th Street where 7 trees are shown on the proposed plan. The 35' tree spacing can remain pending UFS species selection approval.

Species Selection:

- Show seven semi columnar species trees planted 30' apart along N Street at midpoint between carriage path crossings in 20' x 8' planters. Choose one of the following trees for planting along N Street:

-Acer nigrum 'Greencolumn' Maple	-Acer saccharum 'Fall Fiesta' Maple	-Tilia x flavescens 'Glenleven' Linden'
-Acer rubrum 'Redpointe' Maple	-Tilia americana 'Boulevard' Linden	

- Show seven of the following in 8' x 15' planters at a spacing of 35' along 16th Street:
- Taxodium distichum

Irrigation:

All trees are to be irrigated on a non-turf station by a minimum of four 6" to 12" pop-up heads w/8" to 12" radius end strip nozzles installed 3' apart along the short edge of each planter. Other designs may be approved pending City Landscape Architecture or UFS review.

Planting notes:

- All trees are to be planted on a gradual mound 2" to 3" higher than the surrounding grade and mulched with wood chips (playground fiber or coarser) to a depth of approximately 3".
- No turf, groundcover or shrubs will be planted within 4' of any tree trunk.

Protection of Trees: 12.56.060 Protection of trees.

A. No person shall remove, trim, prune, cut or otherwise perform any maintenance on any city street tree without first obtaining a permit from the director pursuant to Section 12.56.070 of this chapter.

B. No person shall interfere or cause any person to interfere with any tree related work being done pursuant to this chapter by any employee of the city or any person or firm doing work for the city.

C. No person shall injure or destroy any city street tree by any means, including but not limited to the following:

1. Constructing a concrete, asphalt, brick or gravel sidewalk, or otherwise filling up the ground area around any tree so as to shut off air, light or water from its roots, unless ordered or authorized to do so by the city.
2. Piling building material, equipment or other substance around any tree so as to injure the tree.
3. Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk.
4. Posting any sign, poster, notice, or similar device on any tree, tree stake or guard, or by fastening any guy wire, cable, rope, nails, screws, or other device to any tree, tree stake or guard for any purpose other than supporting the tree.
5. Causing any fire or burning near or around any tree.

6. Cutting roots with a diameter of two inches or greater for sidewalk repair or any other purpose; provided, however, that roots with a diameter of two inches or greater may be cut if authorized in advance by the director.

D. The director of public works and the planning director shall notify the director of any applications for new subdivisions, curb, gutter, sidewalk, street light or driveway installations, or other proposed improvements which might require the removal of or cause injury to, any city street tree, or interfere with the fulfillment of the maintenance easement private street tree plantings. (Prior code § 45.01.006)

12.56.070 Maintenance and removal permits.

A. The director shall issue permits to perform maintenance on or to remove city street trees, only if the following conditions are met:

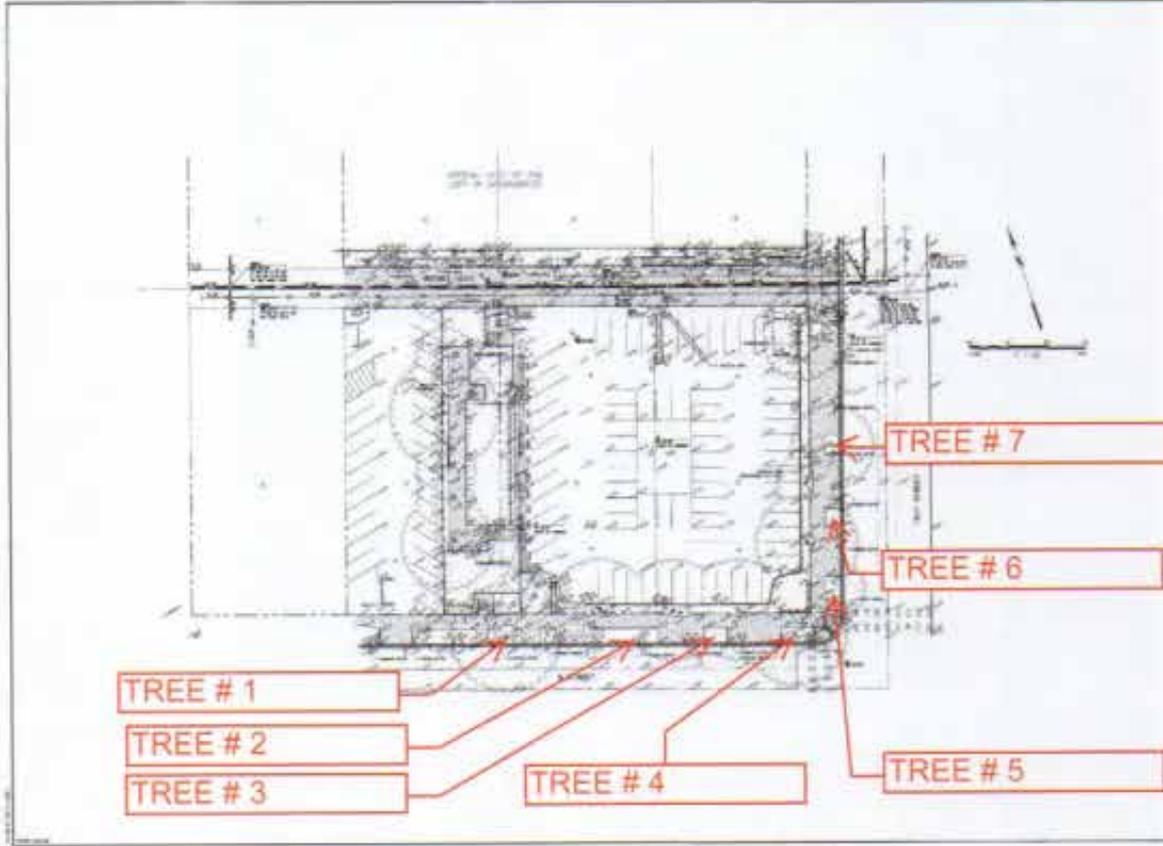
1. The applicant has established, to the director's satisfaction, that there is need for the proposed work on the tree; and
2. The applicant has established, to the director's satisfaction, that the persons who are to perform the work are qualified to do so; and
3. The director, in his or her sole discretion, has determined that any potential detriment to the city street tree population entailed by the proposed work, is justified in the individual case. In making this determination, the director shall consider factors such as the probability that the proposed work will destroy or seriously injure the tree, the tree's health, the desirability of that species as a street tree, whether the tree's condition and size threaten serious damage to property, the condition and number of other city street trees in the vicinity, whether there are other less onerous means of accomplishing the applicant's goals, and other related criteria.

B. All work performed on city street trees pursuant to a permit issued by the director under this section shall be done within a sixty (60) day period from the issuance of said permit, or within such longer period as the director shall specify.

C. The director shall condition any permit granted pursuant to this section for the removal of a city street tree, on the permittee removing, and where the director determines it to be appropriate, replacing the tree. In such case, the full cost of removal and replacement shall be borne by the permittee and such service shall not be provided by the city.

D. The director may condition any permit granted pursuant to this section on any conditions as the director determines to be necessary.

E. The provisions of Section 12.56.110 of this chapter shall be complied with whenever an applicant seeks a permit to remove or trim a city street tree to facilitate moving any building or other structure. (Prior code § 45.01.007)



SITE PLAN



TREE
ASSOCIATES

1654 Colusa Avenue
Davis, CA 95616
treeassociates.net

May 28, 2014

Ms. Faye Paulson
457 10th Street
San Francisco, CA 94103

RE: Arborist Report: The Warren

Dear Faye,

The following is the report you requested. Please do not hesitate to contact me if I may answer any questions regarding the enclosed.

Sincerely,

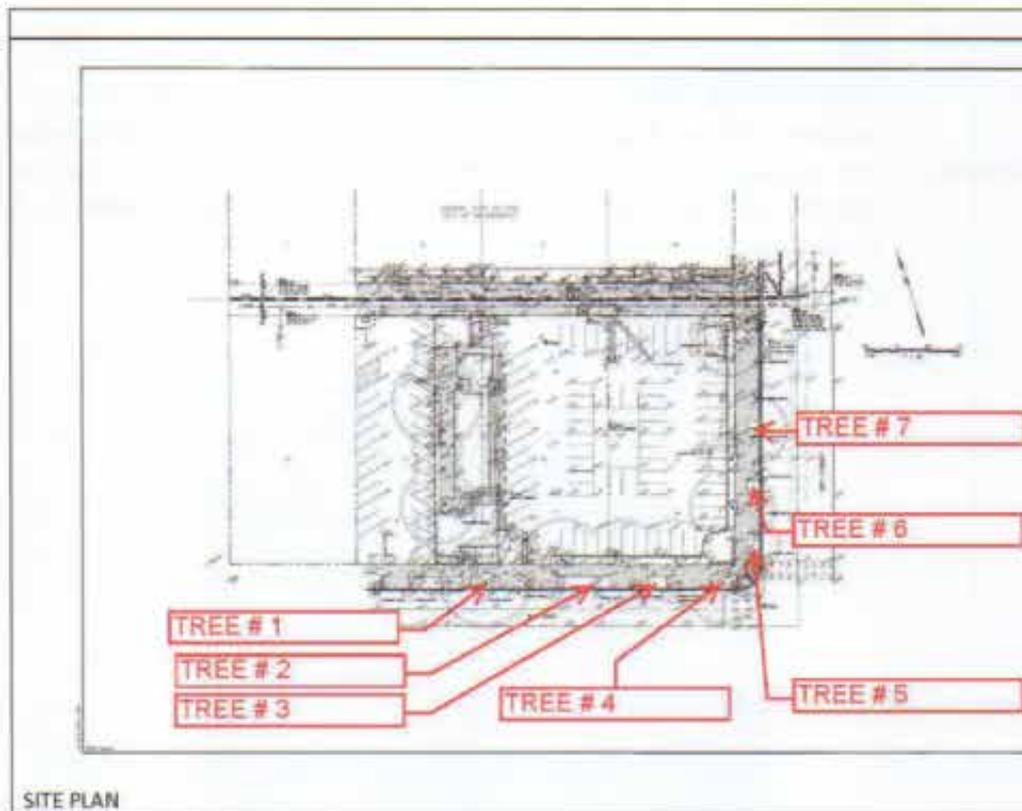
John M. Lichter, M.S.
ASCA Registered Consulting Arborist #863
ISA Board Certified Master Arborist #375
ISA Qualified Tree Risk Assessor



History/Assignment

A housing project entitled The Warren is under construction in Sacramento, California. I was contacted by Ms. Faye Paulson with Urban Core-Integral, LLC who asked me to assess potential impacts to and provide preservation guidelines for three project street trees, numbered 2, 4 and 5 on the site plan below.

I evaluated the trees and met with Ms. Paulson and members of the design team and contractor on site on May 20, 2014.



Tree #4:

Trunk diameter: 16 inches at 4.5 feet above grade.
Dripline radii: 16,14,25,22 feet N,E,S,W
Tree Protection Zone: 16 foot radius
Health: Good
Structure: Fair
Comments: Primary limb at 10' facing south with slightly excessive end weight.
Recommendations: Use reduction cuts to shorten listed primary limb to remove 25% of foliage.



Proposed Construction/Impact Assessment

From my meeting and discussions with the project design team and contractor, the following is to be constructed within or near the protection zone (TPZ) of the trees. *If additional construction is to occur within the protection zones of trees to be preserved, this report may need to be updated.*

- Condo residences are to be constructed which will require the installation of shoring on three sides of the trees to be preserved; shoring at TPZ and 15' to north for trees #2 and 4 and at TPZ for tree #5 (see figure below);
- A stormwater retention planter is proposed along N Street 13 feet to the east and 9 feet to the west of tree #2;
- The sidewalk, curb and gutter are to be replaced along N and 16th streets; and
- The canopy of Tree #2 would need to be pruned at the curb line and 10 feet from the building to accommodate the crane which is to install building modules; this would remove the majority of the canopy of the tree.

Assuming the stormwater retention planter was moved outside of the TPZ of Tree #2, the impact of the construction would be low/moderate (scale of low to high). However, the severe pruning necessary to accommodate the crane, would drastically compromise this tree's aesthetics, structure and possibly lead to sunburn. For these reasons, I would recommend the tree be removed. The impact of the proposed construction, assuming the tree preservation guidelines below are followed, would be low/moderate for trees #4 and 5.



Tree Preservation Guidelines

For the remaining trees, and/or tree #2 if it is to remain, the following guidelines should be followed and incorporated into all project plans.

Design:

- Install shoring as shown in 5/21/14 concept plan above.
- Install stormwater planters outside of TPZ's.
- Sidewalk, curb and gutter should be installed on grade with no scarification of native soil.
- Avoid utilities within TPZ's.
- Install irrigation within planters to uniformly wet soil.
 - Irrigation lines should be dug at edge of TPZ or by utilizing compressed air/water as approved by Consulting Arborist to avoid significant root injury.

Construction:

- Irrigate uniformly to a depth of at least two feet within planter/TPZ every two weeks as soon as possible and until irrigation is installed in planters.
- Prior to demolition in or near the TPZ's of trees to remain, hold on site meeting with all pertinent Project Managers, Contractors, Subcontractors, Inspectors and Consulting Arborist to discuss these preservation guidelines.
- All construction within the TPZ's is to be done under the supervision of the Consulting Arborist.
- Prior to installing shoring, roots should be cleanly just tree-side of shoring with a concrete saw or other Consulting Arborist approved means.
- Remove sidewalk, curb and gutter with extreme care, to avoid disturbing native soil – tree roots may be directly under these structures.
- Install protective fencing and avoid any construction traffic or material storage within TPZ's.
- If plans are changed and/or if roots larger than 1" diameter or branches larger than 3 inches are damaged, consult with Consulting Arborist to advise.

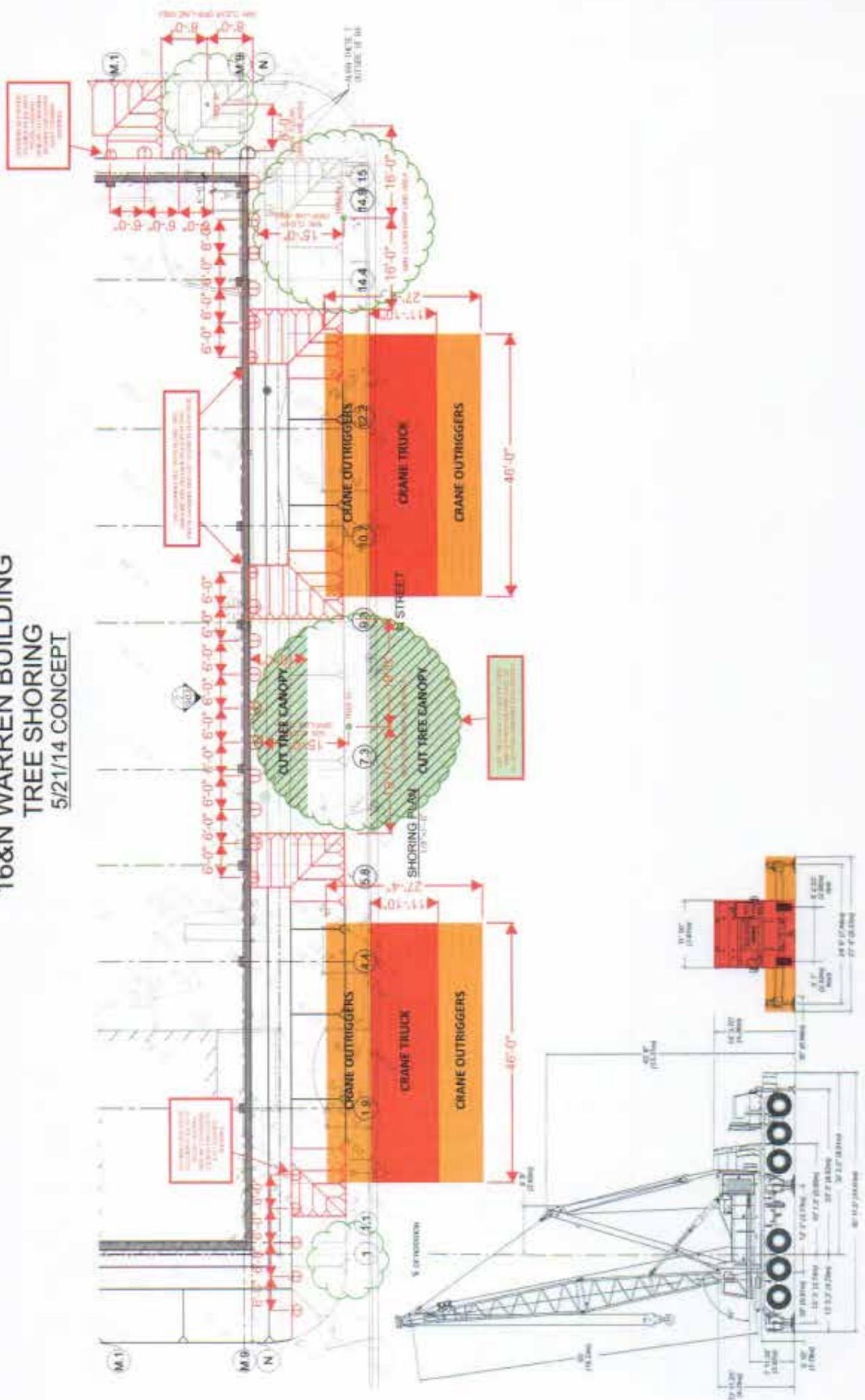


ASSUMPTIONS AND LIMITING CONDITIONS: John M. Lichter dba TREE ASSOCIATES

1. Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownerships to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear, under responsible ownership and competent management.
2. It is assumed that any property is not in violation of any applicable codes, ordinances, statutes or other governmental regulations.
3. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guarantee nor be responsible for the accuracy of information provided by others.
4. The consultant/appraiser shall not be required to give testimony or to attend court by reason of this report unless subsequent contractual arrangements are made, including payment of an additional fee for such services as described in the fee schedule and contract of engagement.
5. Unless required by law otherwise, possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person to whom it is addressed, without the prior expressed written or verbal consent of the consultant/appraiser.
6. Unless required by law otherwise, neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed written or verbal consent of the consultant/appraiser -- particularly as to value conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/appraiser as stated in his qualifications.
7. This report and any values expressed herein represent the opinion of the consultant/appraiser, and the consultant's/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated result, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, drawings, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports or surveys unless expressed otherwise. The reproduction of any information generated by architects, engineers, or other consultants on any sketches, drawings, or photographs is for the express purpose of coordination and ease of reference only. Inclusion of said information on any drawings or other documents does not constitute a representation by John M. Lichter or TREE ASSOCIATES as to the sufficiency or accuracy of said information.
9. Unless expressed otherwise: 1) information contained in this report covers only those items that were examined and reflects the condition of those items at the time of inspection; and 2) the inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.
10. Loss or alteration of any part of this report invalidates the entire report.



16&N WARREN BUILDING
 TREE SHORING
 5/21/14 CONCEPT



Warren Tree Shoring Conceptual Cost Breakdown

*This is a Rough Order Magnitude, hard cost to be provided once engineered drawings are provided.

Tree #1

Shoring	300 SF	\$	52.00	\$	15,600.00
Safety Rail	24 LF	\$	24.00	\$	576.00
Shotcrete	0 NA	\$	-	\$	-
Waterproofing	0 NA	\$	-	\$	-
THC Markup			6%	\$	970.56
Total				\$	17,146.56

Tree #2

Shoring	675 SF	\$	52.00	\$	35,100.00
Safety Rail	54 LF	\$	24.00	\$	1,296.00
Shotcrete	1 LS	\$	19,800.00	\$	19,800.00
Waterproofing	675 SF	\$	15.00	\$	10,125.00
THC Markup			6%	\$	3,979.26
Total				\$	70,300.26

Tree #4&5

Shoring	475 SF	\$	52.00	\$	24,700.00
Safety Rail	38 LF	\$	24.00	\$	912.00
Shotcrete	1 LS	\$	2,200.00	\$	2,200.00
Waterproofing	475 SF	\$	15.00	\$	7,125.00
THC Markup			6%	\$	2,096.22
Total				\$	37,033.22

Total ROM \$ 124,480.04