



**PLANNING
COMMISSION
STAFF REPORT
JULY 16, 2024**

Prepared by: Zac Quentmeyer, Deputy Public Works Director

DATA SUMMARY

Application Number: Tree Removal Permit #24-15
Subject: Appeal of the Tree Administrators approval of a Tree Removal Permit.
Location/APNs: APN 035-580-004
Applicant: Eskaton Homeowners Association
Zoning/General Plan: R-1 (Single Residential) Zone Planned Development / Institutional Non-Government (ING)
Entitlement: Tree Removal Permit
Environmental Status: "General Rule" Exemption

RECOMMENDATION:

1. Based upon the evidence in public record, and the Tree Administrator's approval, staff recommends that the Planning Commission take the following actions:
 - a. Deny the appeal and uphold the Tree Administrator's approval of the Tree Removal Permit for an oak tree at APN 035-580-004.
 - b. Determine the project Exempt pursuant to Section 15061(b)(3), of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the Staff Report.
 - c. Adopt Findings of Fact for approval of the Tree Removal Permit as presented in the Staff Report; and,
 - d. Approve the Tree Removal Permit as presented in this Staff Report.

BACKGROUND:

On May 9, 2024, a tree removal permit application was received by the City of Grass Valley for two trees in the Eskaton Village Development. The trees requested for removal included one 28" DBH black oak tree located in the common area near 117 Teal Lane and one 44" DBH black oak tree located near 134 Sparrow Circle. Along with the application, the applicant provided Tree Hazard Evaluation Report Forms completed by a certified arborist and paid the permit fee. Tree Removal Notices were issued to the applicant to post on the trees.

On May 27, 2024, a letter was submitted to the city protesting the removal of the tree near 117 Teal Ln. On May 29th, staff conducted a site visit to inspect the tree and confirmed the information provided on the Tree Hazard Evaluation Report Form by the arborist was consistent with field conditions. Staff observed that the tree had three codominant trunks, a large presence of ants in the crotch of the tree, cabling in the crown of the tree, and the tree was in close proximity of two segments of the Litton Trail. On June 3rd, the Tree Administrator issued a Notice of Decision to the applicant, approving the Tree Removal Application.

On June 10th, 2024, Staff received an appeal challenging the Tree Administrator’s approval of the Tree Removal Application. The appeal was timely filed within the 7-day appeal period following the Notice of Decision. Following the appeal form, the appellant submitted a peer review of the tree hazard assessment performed by the applicant’s arborist and recommends that the tree be evaluated by an arborist that holds a Tree Risk Assessment Qualification (TRAQ).

APPEAL DESCRIPTION:

The appeal takes issue with the Tree Removal Permit applications compliance with the City’s Tree Preservation and Protection ordinance. The appeal makes six points with regard to challenging the approval of the Tree Removal Permit:

- 1) The permit violates the City policy for the preservation and protection of established mature oaks.
- 2) The permit was obtained by false and misleading information, that the risk analysis is based on false and misleading information.
- 3) The tree is in truth healthy and strong.
- 4) The notice of intent to destroy the tree is fatally defective as posted.
- 5) The party seeking the tree and its arborist are biased and have a conflict of interest.
- 6) There is a failure to consider mitigating measures that would address concerns about the tree.

Staff Response to Challenges:

The Tree Preservation and Protection ordinance language does not provide additional or special protections to “established mature oaks.”

City Staff rely on the Certified Arborist reports to provide information on health and risk assessments of a tree requested for removal. City Staff based its approval of the tree removal on the professional evaluation of the applicant’s arborist.

The Tree Preservation and Protection ordinance requires tree removal notices to be posted in a conspicuous location. The applicant originally posted the notice on the tree. The tree location is in a wooded area and not highly visible in the Eskaton Village Development. The applicant has since posted a notice in a more visible location at the end of Teal Ln. The additional notice has been posted for the required 10 days.

The Tree Preservation and Protection ordinance does not address conflicts of interest when determining an approval for a Tree Removal Permit.

City Staff rely on the Certified Arborist to determine if mitigating measures such as treatment or pruning are reasonable alternatives to removal. The arborist who evaluated the tree on

behalf of the applicant did not offer mitigating measures as an alternative to removal of the tree.

ENVIRONMENTAL DETERMINATION:

The tree removal permit is considered exempt pursuant to the “General Rule” §15061(b)(3) that the California Environmental Quality Act (CEQA) only applies to projects that could have a significant impact on the environment. The removal of one tree, determined to be hazardous, is not anticipated to have a significant environmental impact.

FINDINGS:

1. That the Grass Valley Planning Commission reviewed the appeal of approved Tree Removal Permit #24-15, at its regular meeting on July 16, 2024;
3. That, the project is exempt from environmental review pursuant to the “General Rule” § 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines;
4. That the applicant has demonstrated that the condition and/or location of the subject tree presents a clear public safety hazard or danger and cannot be alleviated by treatment or pruning.

ATTACHMENTS:

1. Appeal Packet including:
 - a. Appeal letter
 - b. Tree Hazard Evaluation Form (arborist report) prepared by Tim Murphy.
 - c. Protest letter
 - d. Pictures of the tree
 - e. Notice of Decision
 - f. Arborist Peer Review