



GRASS VALLEY

Planning Commission Meeting

Tuesday, July 16, 2024 at 6:00 PM

Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California

Telephone: (530) 274-4310 - Fax: (530) 274-4399

E-Mail: info@cityofgrassvalley.com

Web Site: www.cityofgrassvalley.com

AGENDA

Any person with a disability who requires accommodations to participate in this meeting should telephone the City Clerk's office at (530)274-4390, at least 48 hours prior to the meeting to make a request for a disability related modification or accommodation.

COMMISSIONERS

Chair Eric Robins, Vice Chair Ari Brouillette, Commissioner Jacob McDonald , Commissioner Liz Coots, Commissioner Justin Gross

MEETING NOTICE

Planning Commission welcomes you to attend the meetings electronically or in person at the City Hall Council Chambers, located at 125 E. Main St., Grass Valley, CA 95945. Regular Meetings are scheduled at 6:00 p.m. on the 3rd Tuesday of each month. Your interest is encouraged and appreciated.

This meeting is being broadcast "live" on Comcast Channel 17 by Nevada County Media, on the internet at www.cityofgrassvalley.com, or on the City of Grass Valley YouTube channel at <https://www.youtube.com/@cityofgrassvalley.com>.

Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. Commission will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.

Agenda materials, staff reports, and background information related to regular agenda items are available on the City's website: www.cityofgrassvalley.com. Materials related to an item on this agenda submitted to the Commission after distribution of the agenda packet will be made available on the City of Grass Valley website at www.cityofgrassvalley.com, subject to City staff's ability to post the documents before the meeting.

Please note, individuals who disrupt, disturb, impede, or render infeasible the orderly conduct of a meeting will receive one warning that, if they do not cease such behavior, they may be removed from the meeting. The chair has authority to order individuals removed if they do not cease their disruptive behavior following this warning. No warning is required before an individual is removed if that individual engages in a use of force or makes a true threat of force. (Gov. Code, § 54957.95.)

Council Chambers are wheelchair accessible and listening devices are available. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting by calling (530) 274-4390, we are happy to accommodate.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL

ACTION MINUTES APPROVAL

1. Approval of the Regular Scheduled June 18,2024 Planning Commission Meeting minutes.

PUBLIC COMMENT - *Members of the public are encouraged to submit public comments via voicemail at (530) 274-4390 and email to public@cityofgrassvalley.com. Comments will be reviewed and distributed before the meeting if received by 5pm. Comments received after that will be addressed during the item and/or at the end of the meeting. The Planning Commission will have the option to modify their action on items based on comments received. Action may be taken on any agenda item.*

PUBLIC HEARING ITEMS

2. 24PLN-22 - Conditional Use Permit to allow a bar/taproom within the Central Business (C-2) zoning designation. Location: 151 West McKnight (APN: 029-350-007)

CEQA: Exempt pursuant to CEQA Guidelines Section 15301

Recommendation: That the Planning Commission approve the Conditional Use Permit application to allow a bar/taproom use as presented, or as may be modified at the public hearing, which includes the following actions: 1) A recommendation that the Conditional Use Permit is Categorical Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the staff report; and 2) Adopt Findings of Fact for approval of the Conditional Use Permit as presented in the Staff Report; and 3) Approve the Conditional Use Permit to allow the bar/taproom as presented in accordance with the Conditions of Approval, attached to the Staff Report.

3. Tree Removal Permit #24-15 - Appeal of the Tree Administrators approval of a Tree Removal Permit. Location: APN 035-580-004

CEQA: "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.

OTHER BUSINESS

4. Review of City Council Items.
5. Future Meetings, Hearings and Study Sessions

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

POSTING NOTICE

This is to certify that the above notice of a Planning Commission Meeting, scheduled for Tuesday, July 16, 2024 at 6:00 PM was posted at city hall, easily accessible to the public, as of 5:00 p.m. Friday, July 12, 2024.

Taylor Whittingslow, City Clerk



GRASS VALLEY
Planning Commission Meeting

Tuesday, June 18, 2024 at 6:00 PM
Council Chambers, Grass Valley City Hall | 125 East Main Street, Grass Valley, California
Telephone: (530) 274-4310 - Fax: (530) 274-4399
E-Mail: info@cityofgrassvalley.com Web Site: www.cityofgrassvalley.com

MINUTES

CALL TO ORDER

Meeting called to order at 6:02 pm.

PLEDGE OF ALLEGIANCE

Pledge of allegiance led by Commissioner Liz Coots.

ROLL CALL

PRESENT

Commissioner Liz Coots
Commissioner Justin Gross
Commissioner Jacob McDonald
Vice Chairman Ari Brouillette

ABSENT

Chairman Eric Robins

AGENDA APPROVAL

Motion made to approve the agenda by Commissioner Coots, Seconded by Commissioner Gross.

Voting Yea: Commissioner Coots, Commissioner Gross, Commissioner McDonald, Vice Chairman Brouillette

ACTION MINUTES APPROVAL

Motion made to approve minutes as submitted by Commissioner Gross, Seconded by Commissioner Coots.

Voting Yea: Commissioner Coots, Commissioner Gross, Commissioner McDonald, Vice Chairman Brouillette

1. Approval of May 21st, 2024 Planning Commission Meeting Minutes

PUBLIC COMMENT -

Public Comment: Matthew Coulter

Virtual Attached.

PUBLIC HEARING ITEMS

2. Use Permit applications (**24PLN-08, 09, 10**) for reductions in the covered parking requirement for multifamily residential (Location/APNs: 210 Sutton Way / APN 035-412-004, 228 Sutton Way / APN 035-412-003, 265 Sutton Way / APN 035-412-025)

Environmental Status: Common Sense Exemption (Section 15061(b)(3))

Recommendation: 1. That the Planning Commission approve the Use Permit applications for the exception to the covered parking standard for multifamily residential at 210, 228, and 265 Sutton Way as presented, or as modified by the review authority, which includes the following: a. Determine the proposed project at 210 Sutton Way (24PLN-08) Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the May 21, 2024 staff report; b. Determine the proposed project at 265 Sutton Way (24PLN-09) Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the May 21, 2024 staff report; c. Determine the proposed project at 228 Sutton Way (24PLN-10) Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the May 21, 2024 staff report; d. Adopt Findings of Fact for approval of the Use Permits as presented in the May 21, 2024 Staff Report; and e. Approve the Use Permits for the reduction to the covered parking requirements subject to the Conditions of Approval, attached to the Staff Report.

Lucy Rollins, Senior Planner, gave overview to the Planning Commission.

Discussion about insurance coverage, and the requirement for covered parking in all residential.

Public Comment: Matthew Coulter

Virtual public comment attached.

Motion 1. That the Planning Commission approve the Use Permit applications for the exception to the covered parking standard for multifamily residential at 210, 228, and 265 Sutton Way as presented, or as modified by the review authority, which includes the following: a. Determine the proposed project at 210 Sutton Way (24PLN-08) Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the May 21, 2024 staff report; b. Determine the proposed project at 265 Sutton Way (24PLN-09) Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the May 21, 2024 staff report; c. Determine the proposed project at 228 Sutton Way (24PLN-10) Exempt pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the May 21, 2024 staff report; d. Adopt Findings of Fact for approval of the Use Permits as presented in the May 21, 2024 Staff Report; and e. Approve the Use Permits for the reduction to the covered parking requirements subject to the Conditions of Approval, attached to the Staff Report by Commissioner Gross, Seconded by Commissioner Coots.

Voting Yea: Commissioner McDonald

Voting Nay: Commissioner Coots, Commissioner Gross, Vice Chairman Brouillette

Motion does not pass. Application was denied due to insufficient finding of covered parking and request to work with city Staff to find solution to obtain required

parking.

OTHER BUSINESS

3. Review of City Council Items.
4. Future Meetings, Hearings and Study Sessions

BRIEF REPORTS BY COMMISSIONERS

ADJOURN

Meeting adjourned at 7:06 pm.

Eric Robins, Chair

Taylor Whittingslow, City Clerk

Adopted on: _____

Taylor Day

From: Shih Fu Hancock [REDACTED]
Sent: Friday, June 14, 2024 2:37 PM
To: Taylor Day
Subject: Attention: Planning Commission (In care of Taylor Day)
Attachments: historic_design_guidelines.pdf; City of Grass Valley historic_preservation_ordinance.pdf; City of Grass Valley DPR.pdf

Dear Planning Commission (In care of Taylor Day):

As the owner of the historic Union Building, I am experiencing great difficulty in complying with the Historic Design & Guidelines and the City Of Grass Valley Historic Preservation Ordinance while meeting the demands of the City of Grass Valley in terms of our parklet on Mill St. We got approval to create temporary barriers which we use a maximum of 4 days per week for 4 hours. We custom built lightweight wooden barriers to meet the 3 sided ABC regulations and to use like-in-kind materials in order to match the original doors to preserve character defining architectural features of the building and our storefront. We received a notice on 6/12 that our parklet permit was revoked. Please see the email below that we sent to the City of Grass Valley this morning.

Thanks in advance for your support of our efforts to preserve the integrity of the Union Building and storefront, recognized as a Priority 1 contributor to the 1872 Historic Townsite.

Dear Catharine,

I work out of the country, annually typically beginning at the end of May- August. I had hoped to make it into the City building to talk with you prior to leaving, regarding the encroachment permit and my prudent obligation to abide by the Historic Preservation Ordinance. Unfortunately, my departure date was earlier than anticipated. I have been consulting with a historic preservation specialist for many months regarding the UNION BUILDING and the importance of preserving this culturally significant site, which the Grass Valley Historic Commission has recognized as a Priority 1 contributor to the 1872 Historical Townsite (retains superb integrity, is one-of-a-kind or unique example). Please see attached the DPR recording for the Union Building (also linked [here](#)). This is specifically important related to the situation around our encroachment permit due to the fact the City of Grass Valley is a local government in California with responsibility to follow CEQA for projects, including encroachment permit activities, and the City and property owners of downtown both have obligations established through the City's [Historic Preservation Ordinance \(Ordinance #742\)](#) to protect, preserve, and rehabilitate historic structures, and decisions around design of street furniture for our building are an element of our storefront.

As the owner of the Union Building I consider it my stringent responsibility to abide by the Historical Building Commission Codes as well as the Historic Preservation Ordinance. Several places in the Historic Preservation Ordinance as well as the [Historic Design and Guidelines](#) provided by the [City of Grass Valley's Historical Commission](#) illustrate the nature of efforts I have taken to ensure the building retains its integrity that makes it a special part of the Locally recognized historic town site, including the integrity not just of its material make up, but also its appearance and feeling of which the immediate environment is critical. This is particularly important as the store front / frontal facade's appearance and materials on Mill Street are specifically called out as part of the structure's character defining features, and also as critical characteristics of the downtown district - elements being added such as materials and colors that do not match and are not in-kind with the structure can harm its integrity and directly go against both the Historic Preservation Ordinance and the Historic Design Guidelines laid out by the City.

In my preservation and restoration efforts, I have followed the guidelines stipulated in Chapter 3 (Downtown Commercial District Area) and Chapter 6 (Identifying and Preserving Character Defining Architectural Features of the Historic Design Guidelines) to use in-kind materials and the least invasive methods and materials in order to preserve the unique features and characteristics of the building. For example, entryways and doors are listed as one of the most important features to preserve. We refinish the original double Doug Fir doors and the top of the recessed entryway using tung oil to maintain the quality of the original wood. Since, there is no metal or black on our building it is most important for us to have our temporary ABC Barriers congruent with the original wood and sustainable method of refinishing. It is also important and financially necessary for our tables to be able to be used inside and outside since our parklet furnishings are not permanently outside. It was recently brought to my attention that using black furnishings in front of our building, which only includes the color brown, does not meet the City's standards for Historic Preservation outlined on the Historic Commissions' Resources cited, [linked](#), and attached here.

Given the situation, I request the opportunity to renegotiate the terms of our permit with regard to the approved site furnishings in order to find a resolution which avoids diminishing the integrity of the Union Building and meets the Historic Design Guidelines, so that the structure can continue to convey significance, feeling, and setting as a historically significant contributor to the historic townsite. I would like to pursue a solution with yourself and the City further when I return to Grass Valley, early September. I also plan to visit the Historical Commission to find a resolution that honors all points to be considered. In the meantime, please feel free to email me (I am also copying the best email to reach our general manager, Giselle Brewton who plans to visit the City Building to speak with you on behalf of the Union Building). I look forward to working with you on a solution satisfactory to everyone here.

With Lifelong Health & Prosperity,

Shih Fu & The Body Balance Academy Team

www.BodyBalanceAcademy.com

(530) 477-0677

Taylor Day

From: Ryan Dowling [REDACTED]
Sent: Tuesday, June 18, 2024 6:42 PM
To: Public Comments
Subject: Carports

You don't often get email from [REDACTED] [Learn why this is important](#)

To Whom It May Concern:

As a long-time resident of 228 Sutton Way, I can say that the tenants miss the carports that were torn down. Our cars now bake in the summer sun and the entire parking lot gets swelteringly hot without the added shade that the carports provided. At night, everything in the parking lot is dark without the lights that the carports had provided. But the worst is the winter. In all my years before the carports were torn down, I never had to deal with frost as the carports offered protection from frost accumulation. Without carports, the frost builds up thick on the car windows. Luckily, we had a mild last winter as far as snowfall, but it worries me what it will be like if/when we get a good snowstorm. Most tenants do not have shovels and the apartment staff hasn't shoveled snow or sanded/salted sidewalks for years (since pre-covid). Most tenants have historically relied on their carports to keep the area around their cars clear from snow. It is unclear as to where tenants would even shovel the snow. Into the middle of the parking lot or onto the sidewalk ... neither seems very intuitive. Please enforce the legal requirement to replace our carports. Thank you!

Ryan



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

Prepared by: Amy Wolfson, City Planner

DATA SUMMARY

Application Number: 24PLN-22
Subject: Conditional Use Permit to allow a bar/taproom within the Central Business (C-2) zoning designation.
Location/ APN: 151 West McKnight /029-350-007
Applicant: Christopher Gage of Sitrine Architecture, on behalf of business owner, River Dog Taproom 4
Zoning/General Plan: Central Business (C-2)
Environmental Status: Exempt pursuant to CEQA Guidelines Section 15301

RECOMMENDATION:

That the Planning Commission approve the Conditional Use Permit application to allow a bar/taproom use as presented, or as may be modified at the public hearing, which includes the following actions:

1. A recommendation that the Conditional Use Permit is Categorically Exempt pursuant to Section 15301, Class 1, of the California Environmental Quality Act (CEQA) and Guidelines, as detailed in the staff report; and
2. Adopt Findings of Fact for approval of the Conditional Use Permit as presented in the Staff Report; and
3. Approve the Conditional Use Permit to allow the bar/taproom as presented in accordance with the Conditions of Approval, attached to the Staff Report.

BACKGROUND:

According to Assessor’s records, the Target Shopping Center (formally Kmart) was constructed in 1981. The existing shopping center has been undergoing extensive renovation over the past three years. In March of this year the city approved an outdoor patio addition for the subject tenant suite and informed the applicant about the Use Permit requirements bar/taproom use.

PROJECT DESCRIPTION:

This is a proposed Conditional Use Permit to allow a taproom use at the subject site. Pursuant to table 2-10 of the City Municipal Code this use requires a Use Permit.

The site is already developed, though will require some interior improvement to make the space suitable for the taproom use. Operating hours will vary depending on the day of the week but will be for a maximum of 10 hours on Fridays and Saturdays, opening at noon and

closing by 10 p.m. Food served will consist of small bites such as cheese plates and pizza, along with local beers and wine. The applicant plans to include non-amplified music on weekends only, not to exceed a 3-hour duration.

ENVIRONMENTAL DETERMINATION:

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study is required to be prepared in the absence of an applicable exemption pursuant to CEQA Guidelines. In this case, the Use Permit is consistent with Categorical Exemption Class 1, which applies to “existing facilities” that involve “negligible or no expansion of use.” The proposed Use Permit does not involve any physical expansion of the building or use area and the taproom use, as conditioned, is similar in intensity to uses that are already allowed within the C-2 zoning designation such retail and restaurant uses.

GENERAL PLAN AND ZONING:

General Plan: The Grass Valley 2020 General Plan identifies the site as Commercial (COM). The intent of the Commercial General Plan designation includes all types of commercial retail and service establishments on the highway and along major streets.

Zoning: The C-2 Zoning designation applies to existing auto-oriented areas. The C-2 zone permits a full range of retail and restaurant uses.

FINDINGS:

1. That the Grass Valley Planning Commission reviewed Use Permit application 24PLN-22 at its regular meeting on June 16, 2024;
3. That, the project is exempt from environmental review pursuant to Sections 15301, Class 1 of the California Environmental Quality Act (CEQA) Guidelines;
4. That the proposed Use Permit, as conditioned, is consistent with the Grass Valley General Plan;
5. That the proposed Use Permit, as conditioned, is consistent with the Grass Valley Development Code;
6. That, as conditioned, the Use Permit will not adversely affect the health or safety of persons residing or working in the neighborhood or the property and will not be materially detrimental to the public welfare or injurious to property or improvements of the environment in the neighborhood.

CONDITIONS OF APPROVAL:

1. This conditional use permit authorizes the taproom use 151 West McKnight Way, Suite L at the Target Shopping Center, APN: 029-350-007. This use shall operate in accordance with the application materials as approved by the Grass Valley Planning Commission for

Use Permit 24PLN-22. The Community Development Director may approve minor changes as determined appropriate. The Planning Commission must approve all changes deemed major in nature. The City shall have full discretion to determine the required level of review for any proposed changes.

2. Any noise generated, including music entertainment, shall at all times be compliant with Chapter 8.28 of the City Municipal Code.
3. The commercial retail food facility shall obtain a food facility permit from Nevada County Department of Environmental Health (NCDEH) in accordance with applicable California Retail Food Code Requirements. To begin the permitting process:
 - a.) Submit a major food facility plan check application packet for review and written approval, along with applicable plan review fees. The plan review submittal (electronic or paper) shall contain designs/plans drawn to scale for the construction/"build out" of the retail food facility space.
 - b.) The submittal packet shall include but not limited to: equipment manufacturer specification cut sheets, specific design of the commercial kitchen and warewash area, any proposed ventilation exhaust engineering details, any proposed retail area, food storage areas including mezzanines and basements, janitorial areas, restrooms for both customers and staff, plumbing details, hot water demand calculations, a proposed food and beverage menu, flooring, integral coving, wall, and ceiling finish schedules, and operational plan if applicable.
 - c.) If submitted in paper form, please include 2 sets of plans along with the items described in b.)
 - d.) If submitted in electronic form, only 1 set of plans is required, along with the items described in b.)
 - e.) The plan check submittal shall be approved by NCDEH before ANY construction of the food facility can begin. The facilities shall pass a final construction inspection with NCDEH, submit for annual Certificate of Operation health permits, and pay all applicable fees prior to opening.
4. The proposed project shall comply with applicable regulations which are enforced by Nevada County Department of Environmental Health (NCDEH) as the Local Enforcement Agency (LEA) pertaining to the storage and management of solid wastes (Title 14, California Code of Regulations (14 CCR), Title 27, California Code of Regulations (27 CCR) & Nevada County Code, Chapter IV, Article 8).
5. The applicant agrees to defend, indemnify, and hold harmless the City in any action or proceeding brought against the City to void or annul this discretionary land use approval.

Attachments:

1. Aerial and Vicinity Map Exhibits
2. Applications
3. Site Plan Exhibit

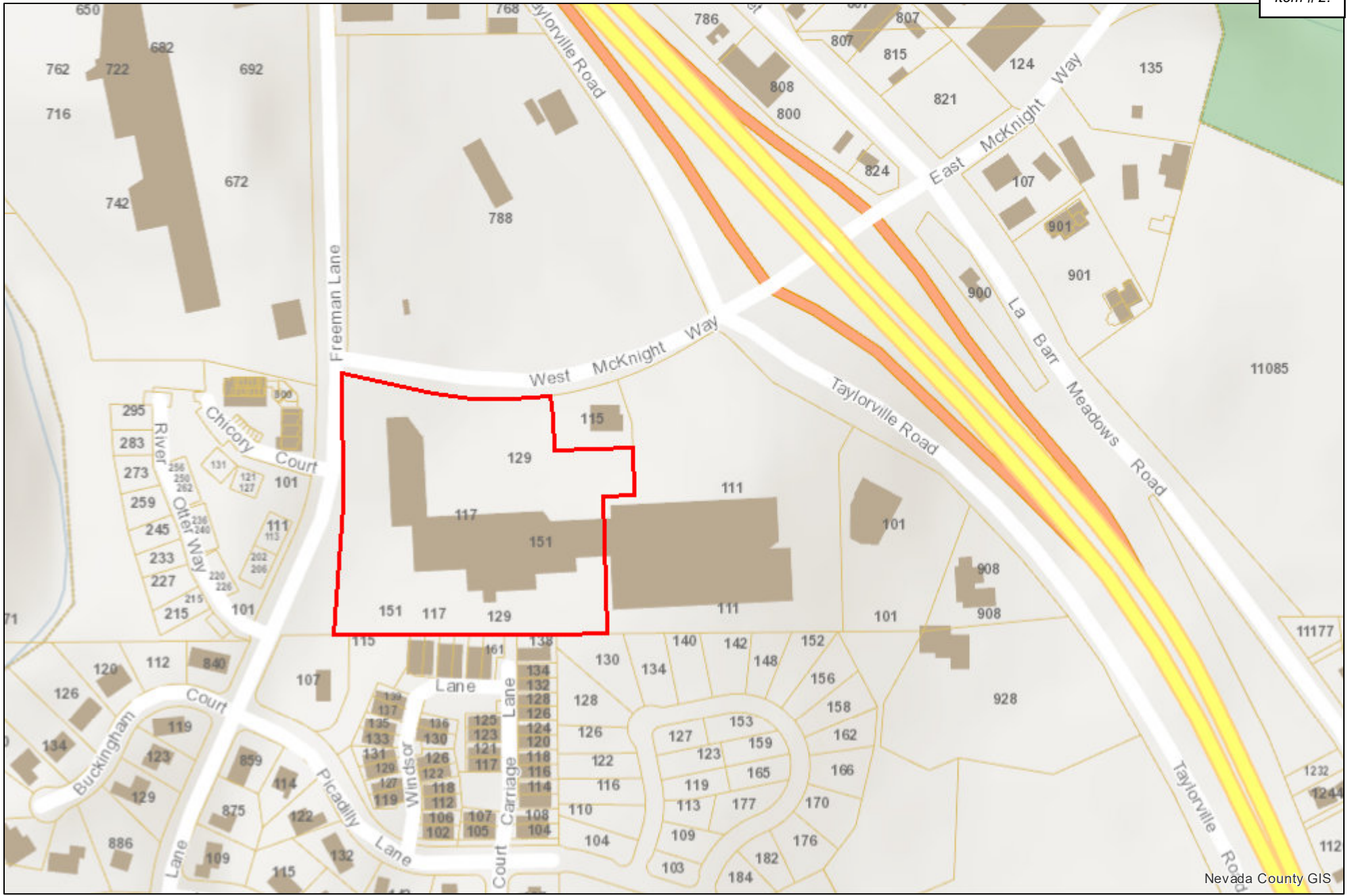
151 W. McKnight Way
River Dog 4 Tap Room Use Permit

Attachment List

1. Vicinity/Aerial Map
2. Universal/Use Permit Application
3. Site Plan

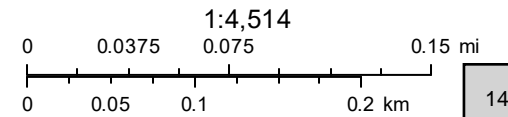
Vicinity Map, 151 West McKnight

Item # 2.



June 5, 2024

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Aerial Map, 151 West McKnight

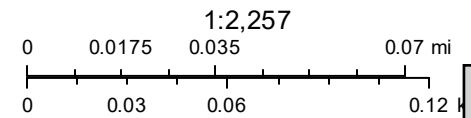
Item # 2.



June 5, 2024

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15

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UNIVERSAL PLANNING APPLICATION
 * DUE WITH EVERY PLANNING APPLICATION *



Application Types

Administrative

- Limited Term Permit \$698.00
- Zoning Interpretation \$224.00

Development Review

- Minor Development Review – 10,000 or less sq. ft. \$1,813.00
- Major Development Review – over 10,000 sq. ft. \$3,293.00
- Conceptual Review - Minor \$459.00
- Conceptual Review – Major \$782.00
- Plan Revisions – Staff Review \$316.00
- Plan Revisions – DRC / PC Review \$831.00
- Extensions of Time – Staff Review \$282.00
- Extensions of Time – DRC / PC Review \$607.00

Entitlements

- Annexation \$7,843.00 (deposit)
- Condominium Conversion \$4,923.00 (deposit)
- Development Agreement – New \$18,463.00 (deposit)
- Development Agreement – Revision \$6,903.00
- General Plan Amendment \$7,377.00
- Planned Unit Development \$8,150.00 (minimum charge) + 100.00 / dwelling unit and / or \$100 / every 1,000 sq. ft. commercial floor area
- Specific Plan Review - New Actual costs - \$16,966.00 (deposit)
- Specific Plan Review - Amendments / Revisions Actual costs - \$6,986.00 (deposit)
- Zoning Text Amendment \$3,102.00
- Zoning Map Amendment \$5,073.00

Environmental

- Environmental Review – Initial Study \$1,713.00
- Environmental Review – EIR Preparation \$31,604.00 (deposit)
- Environmental Review - Notice of Determination \$149.00 (+ Dept. of Fish and Game Fees)
- Environmental Review - Notice of Exemption \$149.00(+ County Filing Fee)

Sign Reviews

- Minor – DRC, Historic District, Monument Signs or other districts having specific design criteria \$313.00
- Major – Master Sign Programs \$1,279.00
- Exception to Sign Ordinance \$964.00

Subdivisions

- Tentative Map (4 or fewer lots) \$3,493.00
- Tentative Map (5 to 10 lots) \$4,857.00
- Tentative Map (11 to 25 lots) \$6,503.00
- Tentative Map (26 to 50 lots) \$8,915.00
- Tentative Map (51 lots or more) \$13,049.00
- Minor Amendment to Approved Map (staff) \$1,114.00
- Major Amendment to Approved Map (Public Hearing) \$2,436.00
- Reversion to Acreage \$765.00
- Tentative Map Extensions \$1,047.00
- Tentative Map - Lot Line Adjustments \$1,200.00

Use Permits

- Minor Use Permit - Staff Review \$480.00
- Major Use Permit - Planning Commission Review \$3,035.00

Variations

- Minor Variance - Staff Review \$518.00
- Major Variance - Planning Commission Review \$2,029.00

<u>Application</u>	<u>Fee</u>
Total:	\$

Below is the Universal Planning Application form and instructions for submitting a complete planning application. In addition to the Universal Planning Application form, a project specific checklist shall be submitted. All forms and submittal requirements must be completely filled out and submitted with any necessary supporting information.

Upon receipt of the **completed forms, site plan/maps, and filing fees**, the Community Development Department will determine the completeness of the application. This review will be completed as soon as possible, but within thirty (30) days of the submittal of the application. If the application is determined to be complete, the City will begin environmental review, circulate the project for review by agencies and staff, and then schedule the application for a hearing before the Planning Commission.

If sufficient information **has not** been submitted to adequately process your application, you will receive a notice that your application is incomplete along with instructions on how to complete the application. Once the City receives the additional information or revised application, the thirty (30) day review period will begin again.

Since the information contained in your application is used to evaluate the project and in the preparation of the staff report, it is important that you provide complete and accurate information. Please review and respond to each question. If a response is not applicable, N/A should be used in the space provided. Failure to provide adequate information could delay the processing of your application.

Additional information may be obtained at www.cityofgrassvalley.com regarding the 2020 General Plan and Zoning. You may also contact the Community Development Department for assistance.

ADVISORY RE: FISH AND GAME FEE REQUIREMENT

Permit applicants are advised that pursuant to Section 711.4 of the Fish and Game Code a fee of **\$3,539.25** for an Environmental Impact Report and **\$2,548.00** for a Negative Declaration* shall be paid to the County Recorder at the time of recording the Notice of Determination for this project. This fee is required for Notices of Determination recorded after January 1, 1991. A Notice of Determination cannot be filed and any approval of the project shall not be operative, vested, or final until the required fee is paid. This shall mean that building, public works and other development permits cannot be approved until this fee is paid. These fees are accurate at the time of printing, but **increase the subsequent January 1st** of each year.

This fee is **not** a Grass Valley fee; it is required to be collected by the County pursuant to State law for transmission to the Department of Fish and Game. This fee was enacted by the State Legislature in September 1990, to be effective January 1, 1991.

*If the City finds that the project will not have an impact on wildlife resources, through a De Minimus Impact Finding, the City will issue certificate of fee exemption. Therefore, this fee will not be required to be paid at the time an applicant files the Notice of Determination with the County Recorder. The County's posting and filing fees will still be required.

<u>Applicant/Representative</u>	<u>Property Owner</u>	Item # 2.
Name: CHRISTOPHER GAGE/SITELINE ARCH.	Name: GVSC LLC c/o Max Wise	
Address: 644 ZION STREET	Address: 1105 QUAIL ST.	
NEVADA CITY, CA 95959	NEWPORT BEACH, CA 92660	
Phone:	Phone: 949-851-0995 ext 297	
E-mail: crg@sitelinearch.com	E-mail: mwise@mesamanagement.net	

<u>Architect</u>	<u>Engineer</u>
Name: ANDREW PAWLOWSKI/SITELINE ARCHITECTURE	Name:
Address: 644 ZION ST	Address:
NEVADA CITY, CA 95959	
Phone: 530-478-9415	Phone: ()
E-mail: ajp@sitelinearch.com	E-mail:

1. Project Information

- a. Project Name TENANT IMPROVEMENTS FOR RIVER DOG 4 TAPROOM
- b. Project Address 151 West McKnight Way, SUITE "L", GRASS VALLEY, CA 95945
- c. Assessor's Parcel No(s) 29-350-07, 29-350-09
(include APN page(s))
- d. Lot Size 7.21 acres & 6.67 acres

2. Project Description TENANT IMPROVEMENT OF EXISTING SUITE, TO CONSTRUCT A NEW TAPROOM AND SMALL DISH RESTAURANT WITH NEW KITCHEN, SCULLERY, AND (2) TWO RESTROOMS. NO CHANGE TO BUILDING EXTERIOR OR FOOTPRINT OF EXISTING BUILDING. NEW PLUMBING FIXTURES PROPOSED.

3. General Plan Land Use: GRV

4. Zoning District: C-2 GVCTY

4. **Cortese List:** Is the proposed property located on a site which is included on the Hazardous Waste and Substances List (Cortese List)? Y N

The Cortese List is available for review at the Community Development Department counter. If the property is on the List, please contact the Planning Division to determine appropriate notification procedures prior to submitting your application for processing (Government Code Section 65962.5).

5. **Indemnification:** The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney's fees, litigation expenses, court costs or any other costs arising out of or in any way related to the issuance of this permit, or the activities conducted pursuant to this permit. Accordingly, to the fullest extent permitted by law, the applicant shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney's fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this permit, or the activities conducted pursuant to this permit. Applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

6. **Appeal:** Permits shall not be issued until such time as the appeal period has lapsed. A determination or final action shall become effective on the 16th day following the date by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 17.91 of the City's Development Code.

The 15-day period (also known as the "appeal" period in compliance with Chapter 17.91) begins the first full day after the date of decision that the City Hall is open for business, and extends to the close of business (5:00 p.m.) on the 15th day, or the very next day that the City Hall is open for business.

I hereby certify, to the best of my knowledge, that the above statements are correct.

Property Owner/*Representative Signature:  Siteline Architecture c/o
Christopher Gage
05.14.24

**Property owner must provide a consent letter allowing representative to sign on their behalf.*

Applicant Signature:  River Dog 4 Taproom
c/o Mollie Mowat

--OFFICE USE ONLY--	
Application No.:	Date Filed:
Fees Paid by:	Amount Paid:
Other Related Application(s):	

USE PERMIT



SUPPLEMENTAL APPLICATION INFORMATION

This document will provide necessary information about the proposed project. It will also be used to evaluate potential environmental impacts created by the project. Please be as accurate and complete as possible in answering the questions. Further environmental information could be required from the applicant to evaluate the project.

**PLEASE PRINT CLEARLY OR TYPE
 USE A SEPARATE SHEET, IF NECESSARY, TO EXPLAIN THE FOLLOWING:**

I. Project Characteristics:

A. Describe all existing buildings and uses of the property: Existing approx. 177,000 square foot multi-store TAPROOM AND SMALL DISH RESTAURANT WITH NEW KITCHEN, SCULLERY, AND (2) TWO RESTROOMS. NO CHANGE TO BUILDING EXTERIOR OR FOOTPRINT OF EXISTING BUILDING. NEW PLUMBING FIXTURES PROPOSED.

B. Describe surrounding land uses:

North: PG&E maintenance yard + open space
 South: Residential development; undeveloped land
 East: State Highway 49
 West: Co-housing residential development; undeveloped land

C. Describe existing public or private utilities on the property: Underground utilities: Grass Valley Water, Grass Valley Waste Treatment, PG&E gas & electrical

D. Proposed building size (list by square feet, if multiple stories, list square feet for each floor): existing tenant suite to be improved is 1,427± S.F., EXISTING EXTERIOR PATIO IS 279±S.F.

E. Proposed building height (measured from average finished grade to highest point): NO CHANGE TO EXISTING BUILDING HEIGHT PROPOSED

F. Proposed building site plan:

(1)	building coverage	<u>no change</u>	Sq. Ft.	<u> </u>	% of site
(2)	surfaced area	<u>no change</u>	Sq. Ft.	<u> </u>	% of site
(3)	landscaped area	<u>no change</u>	Sq. Ft.	<u> </u>	% of site
(4)	left in open space	<u>no change</u>	Sq. Ft.	<u> </u>	% of site
	Total	<u>no change</u>	Sq. Ft.	<u> </u>	100 %

G. Construction phasing: If the project is a portion of an overall larger project, describe future phases or extension. Show all phases on site plan. N/A

H. Exterior Lighting:

- 1. Identify the type and location of exterior lighting that is proposed for the project. LIMITED EXTERIOR LIGHTING PROPOSED AT PATIO, SHIELDED / DOWNWARD THROW FIXTURES TO MATCH/COMPLEMENT NEW FIXTURES AT ADJOINING BUILDINGS.
- 2. Describe how new light sources will be prevented from spilling on adjacent properties or roadways. PROPOSED FIXTURES ARE SIZED TO LIGHT ONLY THE EXTERIOR PATIO, THE SOURCE OF LIGHT WILL BE SHIELDED FROM VIEW.

I. Total number of parking spaces required (per Zoning Code):

TENANT SUITE + EXTERIOR REAR PATIO = 1,427S.F. + 279 S.F. = 1,706/250 (1 STALL PER 250 SQ FT.) = 7 SPACES

J. Total number of parking spaces provided: (E) SHOPPING CENTER HAS 745 STALLS (730 REQUIRED)

K. Will the project generate new sources of noise or expose the project to adjacent noise sources? The project will not generate sources of noise beyond those which are typical to dining/drinking establishments and that are similar to other existing tenants within the shopping center. Proposed patio is 220' ± from nearest residence. No other shopping center activities are impacted as rear of building features only parking and deliveries.

L. Will the project use or dispose of any potentially hazardous materials, such as toxic substances, flammables, or explosives? If yes, please explain: no

M. Will the project generate new sources of dust, smoke, odors, or fumes? If so, please explain: The project will not generate new sources of dust or smoke. The project will have a small commercial kitchen in which hot foods (pizza, small plates) will be prepared that may generate odors, or fumes. Only ovens are proposed for this project, no open range or fryer is proposed. Odors or fumes will be filtered before being exhausted to the exterior, and the system shall be maintained and cleaned per the requirements of the county environmental health department.

II. Project Characteristics:

A. Days of operation (e.g., Monday - Friday): Tuesday thru Thursday, Friday and Saturday

B. Total hours of operation per day: times vary per day, 6 hours minimum (tues-thurs), 10 hours maximum (fri/sat)
Times of operation (e.g., 8 - 5, M - F): 3-9 Tuesday thru Thursday, 12:00 - 10:00 Friday and Saturday, (closed Sunday and Monday)

C. If fixed seats involved, how many: N/A
If pews or benches, please describe how many and the total length: _____

D. Total number of employees: 3 to 5 employees

E. Anticipated number of employees on largest shift: 5 max

Item # 2.

III. If an **outdoor use** is proposed as part of this project, please complete this section.

A. Type of use:

Sales _____ Processing _____ Storage _____
Manufacturing _____ Other BEVERAGE AND FOOD CONSUMPTION

B. Area devoted to outdoor use (shown on site plan).

Square feet/acres 279 S.F. (existing patio) Percentage of site 0.05%

C. Describe the proposed outdoor use: OUTDOOR FENCED PATIO FOR TAPROOM PATRONS, BEVERAGE AND FOOD CONSUMPTION

USE PERMITS SITE PLAN REQUIREMENTS

A site plan is a scale drawing that depicts a property's size and shape, existing improvements on the property, and improvements or additions which are intended to be added. The site plan should be as complete and accurate as possible since it will be used by several City departments to check various requirements of the development application. Please place a check or N/A on the line provided in the below checklist. Submit this page along with the map and application packet.

A. Submittal Checklist:

- One completed copy of Universal Application form.
- N/A One completed copy of the Environmental Review Checklist (if applicable).
- 15 copies of the site plan and all other applicable plans/information.
- Preliminary Title Report dated no later than 6 months prior to the application filing date.
- The appropriate non-refundable filing fee.

B. Site Plan:

- Site Plan size – one 8-1/2" x 11", 15 larger folded copies (folded to 9" x 12") with one 8.5 by 11 reduced copy and e-mail electronic .pdf file.
- Graphic scale and north arrow.
- Show location and dimensions of existing and proposed structures and walls (identify existing as a solid line and proposed as a dashed line).

- Label the use of all existing and proposed structures or area.
- Show the distance between structures and to the property lines.
- Show site access and off street parking facilities, including parking area and layout, loading areas, trash storage areas, dimensions and numbers of individual parking spaces (including accessible spaces) and aisles.
- Show size and species of all trees 6 inches and greater in diameter at breast height.
- Show location and size of all proposed and existing signs, fences and walls.
- Show location and general dimensions of water courses and drainage ways on the site, including any proposed modifications.

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

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15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

PARKING CALCULATION

NOTES

OUTDOOR DINING AREA = 4,885 ±SQ.FT
1 STALL / 60 SQ.FT
4,885 / 60 = 81 STALLS REQUIRED

BUILDING AREA = 162,407± SQ.FT.
1 STALL / 250 SQ.FT
162,407 / 250 = 650 STALLS REQUIRED

81 + 650 = 731

731 TOTAL STALLS REQUIRED

745 TOTAL STALLS PROVIDED

PARKING IS SUFFICIENT

1. REFER TO PERMIT # 24BLD-0146 FOR LANDLORD SHELL IMPROVEMENTS.



Revisions

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TENANT IMPROVEMENTS

for

RIVER DOG 4 TAPROOM
151 EAST MCKNIGHT WAY, SUITE 151-L, GRASS VALLEY, CA
024-950-007

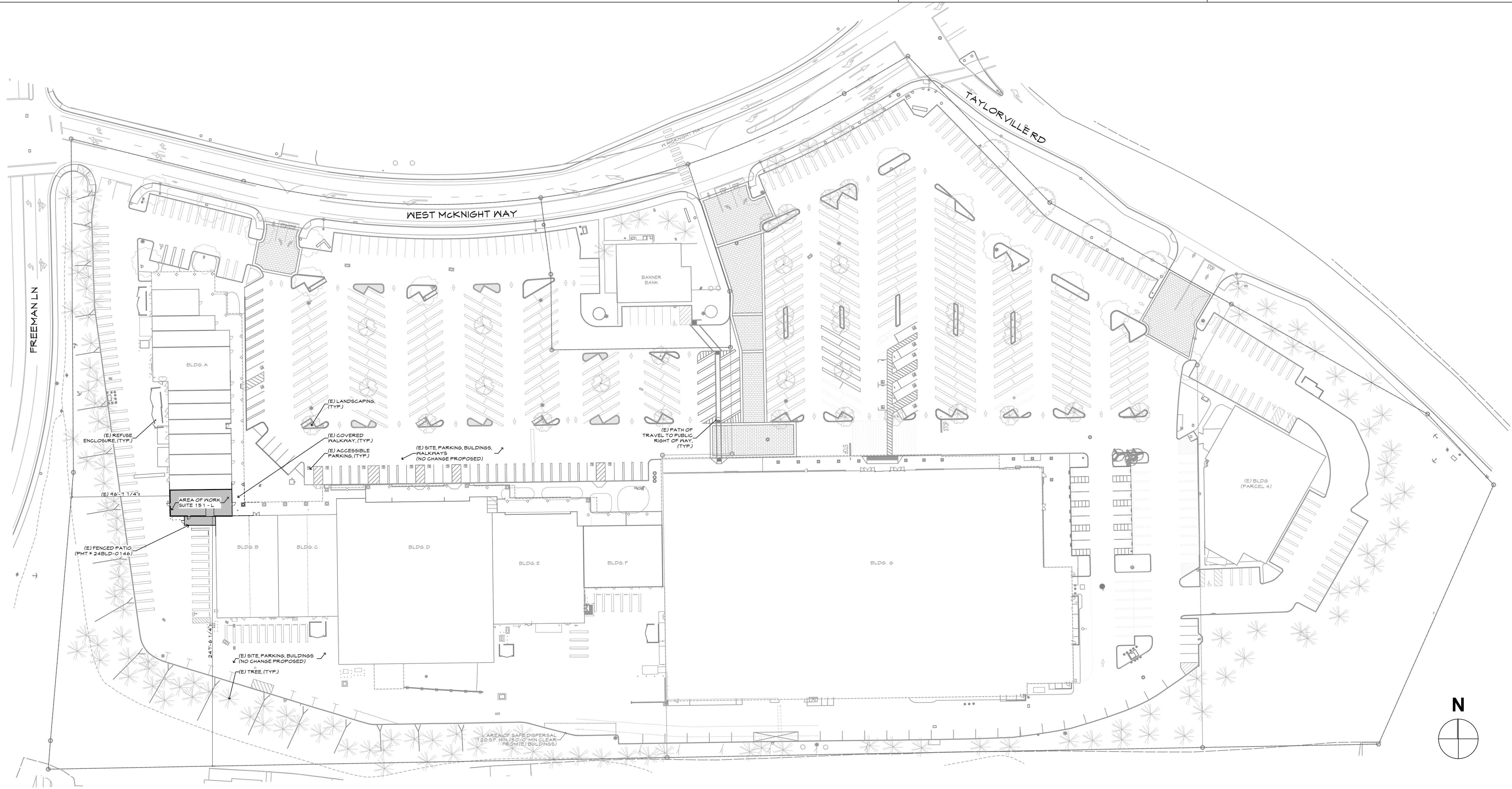
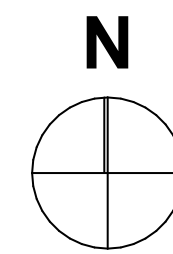
5/1/24

1" = 50'

#24-0212

SITE PLAN

A 1.1





**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:

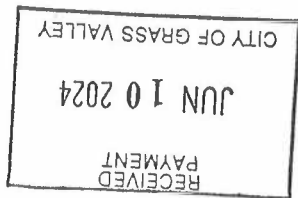
The tree removal permit is considered exempt pursuant to the “General Rule” §15061(b)(3) that the California Environmental Quality Act (CEQA) only applies to projects that could have a significant impact on the environment. The removal of one tree, determined to be hazardous, is not anticipated to have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



Attachment A

Item # 3.

This is an appeal from the DATE granting a permit application 24-15 to Eskaton Home Homeowners Association. The appellant is Frank Pray, resident at 121 Starling Circle, Grass Valley CA 95945. Phone 530-446-6733.

The appeal is from a permit decision to allow destruction of a large live oak present in the common forested area of Eskaton Village, and property of the Eskaton Village Homeowners Association, of which the appellant is a member.

The relief being sought is a nullification of the permit and recovery of the filing fee paid to oppose the permit.

The grounds for the appeal are:

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

The evidence in support of this appeal includes:

- The letter of protest filed in opposition to the permit
- The submitted AI research address some of the technical features of the argument
- The pictures of the tree and surrounding area submitted with the letter of protest and this appeal.
- The declaration of Frank Pray concerning observations on inspection of the tree and on hearing admissions made by the Applicant and its arborist.

The appellant requests the right to be present at the hearing of the appeal and accorded time to address the merits of the appeal.

• INTRODUCTION: A COMMUNITY IDENTITY

Every tree matters, and every tree disappears one at a time, and with it a piece of the local pride and identity. Every tree tells a story of the decades before it. Every healthy tree taken down unnecessarily is a violation of the miracle of how a grand tree comes forth from a seed taking root generations before ours. Very likely, this respect for the grandeur of the oaks in our city is the inspiration for the city policy reflected in these words:

"The City of Grass Valley recognizes the importance of trees to the character and beauty of Grass Valley, as well as the role that trees have in advancing the public health, safety and welfare of its residents . . . The city recognizes the special significance of heritage and distinctive trees and values the contribution which such trees make to the beauty and quality of life in Grass Valley." [Muni Code §12.36.010 - Purpose.]

Therefore, the burden of proof is squarely on the party seeking the permit to destroy the tree. If that permit application is based on false or misleading information, inconsistent statements, and inherent conflicts of interest, and if the tree is not diseased or weak as claimed, it is the city's mandate to protect that tree from destruction.

APPLICABLE LEGAL STANDARDS.

12.36.050 - Plans required.

B. *The applicant shall have the burden of proving that the application complies with the criteria for approval of the applicable class of permit. If the application is for a tree removal permit, the applicant shall submit specific written findings and evidence addressing the criteria in [Section 12.36.080](#) of this chapter for issuance of a tree removal permit.*

C. *Misrepresentation of any fact necessary for the city's determination for granting a tree removal permit shall invalidate the permit. The city may at any time, including after a removal has occurred, independently verify facts related to a tree removal request and, if found to be false or misleading, may invalidate the permit and process the removal as a violation. Such misrepresentation may relate to matters including, without limitation, tree size, location, health or hazard condition, justification for issuance of permit, or owner's authorized signature.*

12.36.080 - Criteria for issuance of tree removal permit.

An applicant for a tree removal permit shall demonstrate that the following criteria are satisfied. The tree permit administrator may require an arborist's report to substantiate the criteria for a permit.

A. *Hazard Tree. The tree permit administrator shall issue a tree removal permit for a hazard tree if the applicant demonstrates that a tree is a hazard and warrants removal:*

1. *A hazard tree is a tree that is physically damaged to the degree that it is clear that it is likely to fall and injure persons or property. A hazard tree may also include a tree that is located within*

public rights-of-way and is causing damage to existing public or private facilities or services and such facilities or services cannot be relocated or the damage alleviated. The applicant must demonstrate that the condition or location of the tree presents a clear public safety hazard or a foreseeable danger of property damage to an existing structure and such hazard or danger cannot reasonably be alleviated by treatment or pruning.

12.36.100 - Tree removal permit appeals.

Decisions of the tree permit administrator may be appealed to the planning commission within seven days of issuance of the notice of decision by filing a written appeal with the requisite appeal fee to the city's planning department. A public hearing will be noticed, mailed to all property owners within three hundred feet of the subject trees and posted conspicuously on the tree or grove of trees in question. Any tree removal permit shall be suspended until the planning commission reaches a decision after its public hearing.

• **12.36.140 - Decision criteria—Discretionary project.**

In instances involving a discretionary project, before a tree removal permit application can be approved by the director of public works, the approving body shall have made a finding that removal of the tree(s) is necessary for a reasonable use of the property, based upon the following criteria:

- B. The condition of the tree(s) with respect to disease or danger of falling;*
- C. The age of the tree(s), the relative scarcity or rarity of the species within the Grass Valley city limits, and the number of trees remaining in the immediate area;*
- D. The effect of such tree removal upon public health and safety, on property values and on the economic prosperity of the community, and on aesthetic values and the quality of life for residents;*
- E. The number of healthy trees that the given parcel of land can reasonably support;*
- ...*
- G. The potential for the tree to be a public nuisance or to interfere with utility service, and its proximity to existing structures;*
- H. Present and future potential for the tree(s) to shade and provide natural cooling or warming;*
- I. Whether or not any alternatives have been presented that would allow for the preservation of the tree, such as paving with a permeable substance, relocating proposed*

structures, driveways or sidewalks, the use of standard tree care practices, landscaping with the existing native vegetation, etc.

(Ord. No. 726, § 1, 4-12-2011)

ARGUMENT:

- NOTICE IS INADEQUATE AND MISLEADING. PROCEDURAL REASON TO DENY.

The notice in this instance was not posted in a place likely to be seen. The notice was posted on a tree set far back from usual vehicle or pedestrian traffic in a wooded area. The appellant saw it only because walking his dog to the end of a short approximate 50-yard dead end street identified as "Egret Place" that accesses only five homes. The tree is in a common area of the homeowner association that consists of 130 homes. It is doubtful even the five homeowners knew of the notice. The notice itself requires it to be posted so as likely to be seen and suggests alternative locations if the tree is not conspicuous. The length of notice should be measured only from the time notice is placed to be reasonably seen. In this case, after informed by appellant that notice was deficient, Liz Coots, HOA Chairperson, attempted notice by a misleading and argumentative email and telephone blast, the script of which stated without foundation that the tree posed a danger to people and property. Since no extended time of notice was given, the notice is defective, and is itself cause for denial.

- THE RISK ASSESSMENT PROVIDED BY ARBORIST TIM MURPHY IS FALSE AND MISLEADING, AND LACKS SUFFICIENT SUPPORTING EVIDENCE.

The application is false in stating that cabling was present on the tree. There is no cabling on the tree. Without explanation, this same erroneous information is presented by the city officer's written denial of appellant's protest letter.

The application is misleading in stating that the presence of ants is reliable evidence that there is decay or rot in the tree. The arborist has admitted in an examination of the tree with the appellant that ants are "not the problem," but stated that the true problem with the tree is structural. That same day, when Appellant stated to the arborist and Liz Coots that the story for removal of the tree had changed, the arborist stated that Ms. Coots was mistaken about the ants, and that she had not deliberately changed her story. Yet, ants are cited by the applicant in its application as cause to destroy. Further, even after the arborist's admission, Liz Coots broadcast to the community as belated and misleading notice that ants had infested the tree, indicating it posed a danger of collapse.

What then is the significance of a colony of ants within a crevice of an apparently healthy tree? There is none without further supportive findings.

- INSUFFICIENT CIRCUMSTANTIAL EVIDENCE

The tree itself in in full foliage and appears fully healthy. The arborist in his application identifies no direct evidence of decay or disease of the tree. In conversation with the Appellant during a tree inspection, the arborist admitted repeatedly he lacked direct evidence that the tree presented an imminent risk to person or property. He even read a long disclaimer of any ability to reach that conclusion. That is, the risk assessment is based on circumstantial evidence essentially consisting of the structure of the tree and the presence of ants.

As to the structure, it has been, and it apparently remains stable. The tree is fully mature and has tolerated decades of various wind, snow and rain conditions. The presumption should therefore be that its structure remains sufficient.

There is no fungus or rot identified by the arborist. The arborist does not identify any sign of illness with the tree, and indeed it is in full foliage and appears as healthy as the other trees around it.

What the arborist ignores is that this trees three projecting trunks are virtually equidistant from a common fused trunk, thereby distributing the weight evenly at 120-degree angles and obtaining more, not less support by their fusion into a common trunk at the base (Please view pictures attached to the protest letter and additional photos in support of this appeal – five total). The arborist does not do a structural analysis but submits a conclusionary unsupported conclusion. He identifies no cracking or separation in the tree. He makes no case that cabling or other support, if needed, could not address concerns about structure. He conducts no boring to identify internal rot. He makes no distinction with harmless and ordinary ant infestation, and evidence that these ants prove the presence of rot. His self-interested conclusion is to cut the tree down for a fee. His business is a hammer, and every tree is a nail.

Further, the Appellant submits his verification to this Appeal that his conversations with the Applicant and its arborist, and his own observations of the tree (with photos) are true and correct.

The applicant shall have the burden of proving that the application complies with the criteria for approval of the applicable class of permit. If the application is for a tree removal permit, the applicant shall submit specific written findings and evidence addressing the criteria in [Section 12.36.080](#) of this chapter for issuance of a tree removal permit. [G.F. Muni Code §12.36.050 - B]

The false information stated in the Application and the inherent conflict of interest by the Arborist Tim Murphy, together with failure to give proper notice, are reasons to deny the permit.

Given the burden is on the arborist to support his risk analysis with reliable and truthful evidence, Tim Murphy in this case should be required to justify his findings by

addressing the following points before a permit is granted. The following listed points are derived from a Chat GPT 4.0 extraction from expert sources derived from vast internet sources:

1. Presence of Ants Not Indicative of Internal Rot

Argument:

- **Observation:** The presence of a large colony of small brown ants in the crevice of the tree near ground level.
- **Scientific Insight:** Ants often inhabit crevices in trees for shelter and food, regardless of the tree's health. Healthy trees can also have ant colonies because ants are attracted to the natural shelter and food resources provided by the tree's bark and sap. Unlike termites, ants do not eat wood, and they do not bore channels into the interior of the tree.
- **Supporting Evidence:** Arborists often find ants in healthy trees. The tree being in full foliage and showing no signs of distress (e.g., leaf drop, discoloration, or branch dieback) is a strong indicator of its overall health.
- **Conclusion:** The presence of ants alone is not conclusive evidence of internal rot, especially when the tree appears healthy in all other respects.

2. Structural Integrity of the Tree

Argument:

- **Observation:** The tree has three melded trunks forming about 4 feet of solid trunk, with three main branches emerging at roughly 120 degrees from each other.
- **Scientific Insight:** This structure can optimally distribute mechanical stresses. The co-equal size and even distribution of the branches reduce the likelihood of any single branch becoming overly dominant and increasing stress on the trunk.
- **Supporting Evidence:** Research in arboriculture supports the idea that trees with multiple co-dominant stems can distribute mechanical stresses more evenly than those with a single main trunk.
- **Conclusion:** The tree's structure is beneficial for its stability and longevity.

3. Strength of the Trunk

Argument:

- **Observation:** The trunk with three fused trunks forming one solid supporting structure.
- **Scientific Insight:** The fused trunks create a sturdy and stable base, increasing the overall strength and stability of the tree. Such structures can be more resilient to wind and other mechanical forces.
- **Supporting Evidence:** Historical evidence shows the tree has stood for approximately 75 years, demonstrating its structural integrity over time.
- **Conclusion:** The trunk's configuration is robust and capable of supporting the tree's weight, as evidenced by its longevity.

4. Lack of Direct Evidence of Internal Damage

Argument:

- **Observation:** No direct evidence, such as boring samples, has been presented to show internal damage.
- **Scientific Insight:** Modern arboricultural practices include non-invasive techniques like sonic tomography and resistograph testing to assess internal tree health without causing harm.
- **Supporting Evidence:** The absence of boring sample results or other direct evidence undermines the assertion that the tree is a danger based on internal rot.
- **Conclusion:** Without conclusive evidence of internal damage, the assessment of danger is speculative.

5. Absence of External Signs of Disease

Argument:

- **Observation:** No external evidence of fungus or disease.
- **Scientific Insight:** Visible signs of tree diseases include fungal growths, cankers, discolored leaves, and dead branches. The absence of these signs suggests the tree is healthy.
- **Supporting Evidence:** Regular inspections by qualified arborists have not reported any external signs of disease.
- **Conclusion:** The lack of visible disease symptoms supports the tree's health status.

6. Alternative Mitigation Measures

Argument:

- **Observation:** Other mitigating measures have not been considered.
- **Scientific Insight:** Techniques like cabling, bracing, and targeted treatments can enhance the structural stability of trees and treat potential diseases.
- **Supporting Evidence:** Arboricultural best practices recommend exploring all possible conservation measures before considering removal.
- **Conclusion:** Viable alternatives to removal exist and should be explored.

7. Distance from Trail and Minimal Risk

Argument:

- **Observation:** The tree is far removed from a hiking trail, and the bulk of its weight would not reach the trail if it fell.
- **Scientific Insight:** The likelihood of the tree causing harm to people is low given its distance from the trail and the low traffic on the trail.

- **Supporting Evidence:** Risk assessments in similar scenarios typically consider the distance and usage patterns of nearby areas.
- **Conclusion:** The tree poses minimal risk to people or property.

8. Prevalence of Trees with Fused Trunks

Argument:

- **Observation:** Many oak trees have fused trunks and remain stable.
- **Scientific Insight:** Fused trunks are a natural growth form for many tree species and do not inherently indicate weakness.
- **Supporting Evidence:** Many healthy trees in the community and broader region have similar structures and do not pose a danger.
- **Conclusion:** Removing trees based solely on the presence of fused trunks would result in unnecessary loss of healthy trees.

- **The Arborist's Report in This Case Is Suspect Because Biased, And Because His Conclusions Are Speculative.**

Tim Murphy has been under contract for several years to destroy suspect trees in the Eskaton Village community. He is paid not only to identify trees for destruction, but also to then destroy them. He runs a major tree removal business he operates as "Tim the Tree Man." He is inherently tempted to identify trees for removal based on supposition, and to exaggerate liability factors if removal is delayed. This approach works well with the anti-tree attitude of the current HOA Board President, Lis Coots, who has consistently pressed for a larger budget to remove more trees. Ms. Coots has an esthetic preference for flowering smaller trees, apparently feeling the oaks and pines in this area are too dense. The result is what we see in the present permit application—a hasty and poorly justified, even misleading application.

Conclusion: The appeal should be granted for the following reasons:

1. The application lacked legally sufficient notice to the public.
2. The application is false in stating that cabling is present on the tree.
3. The application references ants without evidence that the ants are indicative of rot. Ants often inhabit healthy trees.
4. The application fails to identify mitigating measures to preserve the tree.
5. The tree is not in a location to impact property, and while the upper reaches of the tree might reach the Litton Trail, the likelihood of a pedestrian being in the area is slight.
6. The structural integrity of the tree appears strong, and the application does not identify any evidence, such as cracking or splitting, to indicate compromise in structure.

7. The tree appears fully leafed and vibrant.
8. The fused base of the tree and the equidistant three main branches of the tree indicates structural integrity.
9. The arborist has not presented simple affordable testing, such as a core sampling, to support his conclusions.
10. The arborist's opinion is discredited because a) speculative; b) based on false or incomplete information; c) based on a conflict of interest.
11. Preservation of the tree is consistent with the stated public policy found in Muni Code §12.36.010 to preserve the unique identity of this community.

Dated: June 10, 2024

Frank Pray

Appellant, Frank Pray.

VERIFICATION:

If called to testify in this matter, I could state competently of personal knowledge under oath to the following:

1. I have viewed the subject tree in the last 30 days on several occasions. It has no cabling. It shows no splitting or cracking. I found ants on the tree nestled in the crook of the tree near its base, covered over with leaf debris. These were very small brown ants in a colony. The area around these ants appeared to be completely normal tree bark. I saw no evidence of rot or deterioration.
2. I took the photographs which were included in the protest letter preceding this appeal, and took three additional pictures, now included with this appeal. The pictures accurately reflect the condition of the tree.
3. The subject oak tree is located about 25 to 50 yards in a common forested area not easily visible or readily accessible to the general public or local residents. I found a notice of intent to take down the tree only because my dog moved into the area and I happened to look in the direction of the tree, and so walked over rough ground to access the notice.
4. I inspected the tree with Tim Murphy before preparing the protest letter. During that inspection, Mr. Murphy admitted that "ants are not the problem. The problem is the structure of the tree."
5. Later, at another location that same day, Mr. Murphy admitted that Liz Coots, in stating that ants were the problem was "mistaken," rather than deliberately falsifying.
6. I have examined the tree for any evidence of cabling. I found none. The application, and even the city permit official's inspection of last week, both falsely state the tree is cabled.
7. The height tree is not within the distance of reaching any home or other building structure.

8. Tim Murphy admitted to me several times during our joint inspection of the oak that he did not know the internal condition of the tree. He admitted he could not assess the likelihood of the tree collapsing. He read to me a broad disclaimer of any liability of responsibility for accurately opining on the condition of the tree.
9. I have attended budget committee meetings and general HOA Board meetings for the Eskaton Village. During these meetings, I learned that Tim Murphy is under continuing exclusive contract to act as both arborist and tree removal expert for the Association. I have seen Murphy's crew and trucks on repeated occasions employed to destroy and remove large oaks and pines in the community. I have not witnessed replacement trees being planted or present in the vicinity of these tree removals.
10. I have conducted extensive research via the internet with the assistance of AI technology to challenge the assumptions stated in the Applicant's risk assessment calculations, and in addition have viewed the tree and questioned the HOA Chairperson Lis Coots and arborist Tim Murphy. Based on this information, I have presented facts and arguments in support of this appeal.

I have read the foregoing and I declare under penalty of perjury under the laws of California that the matters therein are true and correct.

Executed this 10th day of June in Grass Valley, California.



Frank Pray, Appellant.

Attached: Exhibits "A" through "D"

APPEAL to PERMIT APPLICATION # 24-15

EXHIBIT "A" TO APPEAL – TREE HAZARD EVALUATION FORM



A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas
TREE HAZARD EVALUATION FORM 2nd Edition

Item # 3.

Site/Address: 117 Teal
 Map/Location: _____
 Owner: public _____ private _____ unknown _____ other _____
 Date: 4-9-24 Inspector: Tim Murphy Certified Arborist
 Date of last inspection: _____

HAZARD RATING:						
4	+	3	+	2	=	9
Failure Potential		Size of part		Target Rating		Hazard Rating
					<input checked="" type="checkbox"/>	Immediate action needed
					<input type="checkbox"/>	Needs further inspection
					<input type="checkbox"/>	Dead tree

TREE CHARACTERISTICS WE-0960-A

Tree #: 198 Species: Black Oak
 DBH: 28 1/2 # of trunks: 3 Height: 100' Spread: _____
 Form: generally symmetric minor asymmetry major asymmetry stump sprout stag-headed
 Crown class: dominant co-dominant intermediate suppressed
 Live crown ratio: 100 % Age class: young semi-mature mature over-mature/senescent
 Pruning history: crown cleaned excessively thinned topped crown raised pollarded crown reduced flush cuts cabled/braced
 none multiple pruning events Approx. dates: Cabled
 Special Value: specimen heritage/historic wildlife unusual street tree screen shade indigenous protected by gov. agency

TREE HEALTH

Foliage color: normal chlorotic necrotic Epicormics? Y N
 Foliage density: normal sparse Leaf size: normal small
 Annual shoot growth: excellent average poor Twig Dieback? Y N
 Woundwood development: excellent average poor none
 Vigor class: excellent average fair poor
 Major pests/diseases: Ants Therefore decay

SITE CONDITIONS

Site Character: residence commercial industrial park open space natural woodland/forest
 Landscape type: parkway raised bed container mound lawn shrub border wind break
 Irrigation: none adequate inadequate excessive trunk wetted
 Recent site disturbance? Y N construction soil disturbance grade change line clearing site clearing
 % dripline paved: 0% 10-25% 25-50% 50-75% 75-100% Pavement lifted? Y N
 % dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
 % dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
 Soil problems: drainage shallow compacted droughty saline alkaline acidic small volume disease center history of fail
 clay expansive slope _____° aspect: _____
 Obstructions: lights signage line-of-sight view overhead lines underground utilities traffic adjacent veg. _____
 Exposure to wind: single tree below canopy above canopy recently exposed windward, canopy edge area prone to windthrow
 Prevailing wind direction: SW Occurrence of snow/ice storms never seldom regularly

TARGET

Use Under Tree: building parking traffic pedestrian recreation landscape hardscape FEATHER FENCE utility lines
 Can target be moved? Y N Can use be restricted? Y N
 Occupancy: occasional use intermittent use frequent use constant use

The International Society of Arboriculture assumes no responsibility for conclusions or recommendations derived from use of this form.

TREE DEFECTS

ROOT DEFECTS:

Suspect root rot: Y N Mushroom/conk/bracket present: Y N ID: _____
 Exposed roots: severe moderate low Undermined: severe moderate low
 Root pruned: _____ distance from trunk Root area affected: _____ % Buttress wounded: Y N When: _____
 Restricted root area: severe moderate low Potential for root failure: severe moderate low
 LEAN: _____ deg. from vertical natural unnatural self-corrected Soil heaving: Y N
 Decay in plane of lean: Y N Roots broken Y N Soil cracking: Y N
 Compounding factors: 10% Lean severity: severe moderate low

CROWN DEFECTS: Indicate presence of individual defects and rate their severity (s = severe, m = moderate, l = low)

DEFECT	ROOT CROWN	TRUNK	SCAFFOLDS	BRANCHES
Poor taper				
Bow, sweep				
Codominants/forks		S		
Multiple attachments		S		
Included bark		S		
Excessive end weight				
Cracks/splits		S		
Hangers				
Girdling				
Wounds/seam		S		
Decay		M		
Cavity		M		
Conks/mushrooms/bracket				
Bleeding/sap flow				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs				
Borers/termites/ants		S		
Cankers/galls/burls				
Previous failure				

HAZARD RATING

Tree part most likely to fail: Forks at Base of Trunk
 Inspection period: _____ annual _____ biannual _____ other _____
 Failure Potential + Size of Part + Target Rating = Hazard Rating
4 + 3 + 2 = 9

Failure potential: 1 - low; 2 - medium; 3 - high; 4 - severe
 Size of part: 1 - <6" (15 cm); 2 - 6-18" (15-45 cm);
 3 - 18-30" (45-75 cm); 4 - >30" (75 cm)
 Target rating: 1 - occasional use; 2 intermittent use;
 3 - frequent use; 4 - constant use

HAZARD ABATEMENT

Prune: remove defective part reduce end weight crown clean thin raise canopy crown reduce restructure shape
 Cable/Brace: _____ Inspect further: root crown decay aerial monitor
 Remove tree: Y N Replace? Y N Move target: Y N Other: _____
 Effect on adjacent trees: none evaluate
 Notification: owner manager governing agency Date: 4-9-24

COMMENTS

APPEAL to PERMIT APPLICATION # 24-15

EXHIBIT "B" TO APPEAL – PROTEST TO APPLICATION 24-15

Attachment C



Employee Rights Attorney Frank Pray
121 Starling Circle
Grass Valley CA 95945
949-251-1006
fpray@employee-rights-atty.com

May 27, 2024

Notice of Protest for Permit Application

City of Grass Valley Public Works Department
125 East Main Street,
Grass Valley CA 95945

Re: Permit Application #24-15

I am Frank Pray. I reside at 121 Starling Circle, Grass Valley CA 95945. I protest the granting of a permit for the removal of a mature oak tree found in the common area of my homeowners' association property.

I am enclosing as evidence in support of the protest two pictures of the subject tree.

The reasons for the protest are as follows:

1. The tree is healthy and shows no signs of distress.
2. The tree is sufficiently removed from structures or human traffic to present little risk of harm to person or property if tree fails. The applicant overstates the risk.
3. The notice was not visible to the public, nor were adequate measures taken to provide alternative posting. The tree is in a forested area fifty or so yards at the end of short cul de sac, not often visited or visible to local residents. Even when alerted to the failure of sufficient notice, the applicant did not post written notice in conspicuous common spaces within the Association property, but caused a misleading, and argumentative notice to be given by a voicemail blast.
4. The reasons given by the persons seeking destruction have been inconsistent and contradictory. Although "the structure of the tree" is the latest story, the original story stated by the Applicant HOA president was that the tree was infected with ants. The arborist on my inquiry admitted that was not a problem with the tree.
5. The motives for removing the tree are tainted by the personal aesthetic preference by the applicant rather than only the safety of the public.
6. The arborist who recommended the removal admits that he has no way of assessing the vulnerability of the tree or the danger of falling.
7. The arborist who recommends the tree removal has a conflict of interest in removing the trees he recommends for removal. This person, Tim Murphy, has been making money for several years by working with the HOA President to achieve her tree removal goals.

8. The stated reason by the arborist for destruction is the "structure of the tree," but the tree has shown full support for its growth for over a hundred years. Pictures of the tree are included with this protest.
9. The union of the three emerging trunks of the tree is solid and the common trunk is a tight fusion. The fusion shows no signs of decay or splitting.
10. The trunks are evenly spaced and show an even distribution of weight by size and height, enhancing stability. The leaning of the trunks is not excessive or extreme.
11. There is no evidence of aging, decay, or damage to the roots.
12. The tree is not in tree dense area and offers habit and food for wildlife.
13. The tree is probably a hundred years old and has proven its stability and resilience in various conditions.
14. If there is a concern about stability, the grandeur and ecosystem contributions of the tree merit consideration of less extreme measures than removal, such as cabling or bracing, and at considerably less expense than will be paid to the arborist.

In conclusion, every tree presents some degree of risk of failing in various environmental conditions. It is my observation and based on my cross examination of the applicant and her arborist that this tree does not present the represented danger. In the cost-benefit assessment, this tree should remain.

The protestor requests a building department official view the tree for an independent assessment.

Please confirm the timely receipt of this protest. Thank you.

Frank Pray

Enc: 2 pictures

APPEAL to PERMIT APPLICATION # 24-15

EXHIBIT "C" TO APPEAL – Five Photographs of Subject Tree



Item # 3.



Item # 3.



Item # 3.



Item # 3.



APPEAL to PERMIT APPLICATION # 24-15

EXHIBIT "D" TO APPEAL – Notice of Decision June 3, 2024



**CITY OF GRASS VALLEY
Public Works Department**

125 East Main Street
Grass Valley, CA 95945
530-274-4350

Engineering/Facilities
Streets Maintenance
Parks and Recreation
Water/Wastewater Operations

June 3, 2024

Liz Coots
505 Eskaton Circle
Grass Valley, CA 95945

Re: Tree Removal Permit #24-15. Notice of Decision
Eskaton Village Grass Valley

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 black oak tree located near 117 Teal Lane and one black oak tree located near 134 Sparrow Circle. Along with the application, a Tree Hazard Evaluation Report Form was received for each tree as well as 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 I conducted a site visit to inspect the tree and confirm the information provided on the Tree Hazard Evaluation Report Form by the arborist was consistent with field conditions. During the site visit I found that there was a large presence of ants in the crotch of the tree where the three trunks connect. I also confirmed the tree had three codominant trunks as noted on the arborist report. I confirmed that if the tree failed, two of the codominant trunks would likely fall across two separate segments of the Litton Trail. Additionally, I observed that two of the trunks were already cabled together in a previous attempt to help stabilize the tree.


After confirming the site conditions are consistent with the Tree Hazard Evaluation Form provided by the certified arborist, I have determined that the tree removal request meets the minimum requirements for removal. Tree Removal Permit #24-15 will be issued on June 11, 2024, unless a tree removal permit appeal is received prior to 5:00 pm on June 10, 2024.

If you have any questions, or need additional information, please contact me at (530) 274-4713 or zacq@cityofgrassvalley.com.

Sincerely,

CITY OF GRASS VALLEY
Public Works Department

by:



Zac Quentmeyer
Deputy Public Works Director





Corporate Headquarters
1500 North Mantua Street
P.O. Box 5193
Kent, OH 4240-5193
330-673-5685
Toll Free 1-800-828-8312

Western Region
Northern California Office
PO Box 5321
Larkspur, CA 94977
831-291-2245

Contact: Lori Murphy
916-899-7917

July 8, 2024

Frank Pray
121 Starling Cir.
Grass Valley, CA 95945

RE: Peer Review of Arborist Assessment of One Oak Tree Within the Eskaton HOA, Grass Valley

Frank Pray, resident of the Eskaton Homeowners Association, requested that an arborist from Davey Resource Group, Inc. (DRG) review the arborist assessment completed by Tim Murphy (ISA Certified Arborist A-0960) of one black oak tree located near 117 Teal Ln. in Grass Valley, CA 95945. The purpose of the peer review was to render an opinion concerning the weight and credibility of the assessment submitted in support of the application for a tree removal permit. On July 8, 2024, an ISA Board Certified Master Arborist & Qualified Tree Risk Assessor (WE-7844BM) from DRG reviewed the tree assessment document written by Mr. Murphy, and photos provided by Mr. Pray.

- The 'hazard evaluation' form submitted by Mr. Murphy is obsolete and no longer accurate for reporting per industry standards. The assessment is dated 4-9-24. The International Society of Arboriculture (ISA) updated tree risk assessment methodology in 2017.
- Mr. Murphy does not hold the Tree Risk Assessment Qualification (TRAQ). The [ISA 'Verify A Credential'](#) website was accessed 7-8-24.
- Tree is listed as over mature/senescent but Live Crown Ratio (LCR) is listed as 100%. Senescent trees typically have crown dieback and a noted loss of vigor. A tree with 100% LCR is usually considered 'very good'. Also, foliage color and density are rated 'normal', annual shoot growth is 'average', no twig dieback noted, and vigor is 'average'. This sounds more like a healthy mature tree than a senescent tree.
- 'Ants therefore decay' is listed on the form but ants are not a positive indicator of decay. Some ants nest in decayed wood but not all. Further evaluation would be needed to determine if decay is present.
- Root rot is suspected but no evidence of fungal growth was noted. Potential for root failure is rated as 'severe' without evidence or further evaluation of the suspected root rot.
- Codominant stems and included bark can be seen in the photos provided, which are listed on the assessment form. The arborist lists 'cracks/splits' as 'severe' on the form but no cracks or splits can be seen in the photos. Many trees with co-dominant stems remain stable for many years, some never fail at this union. Most trained arborists would not condemn a tree just for having a structural defect of co-dominants with included bark. It raises the likelihood of tree failure, but does not guarantee it. A time frame for the suspected failure is now required in the updated risk assessment. Evidence of decay or splitting of wood fibers between the union(s) should be further evaluated or photographed for support.
- Common mitigation recommendations for trees with co-dominant leaders and included bark would be end weight reduction pruning and possibly installing a cabling system (steel or fiber ropes installed between branches) within the canopy, or bracing rods at or near the defect.
- Cabling within the canopy is noted on the form. Cables are considered a support system to reduce risk.
- The oak tree is noted to be within a woodland/forest, and removing a tree within a forest can affect wind forces on the surrounding trees. This should be evaluated when considering a tree removal, but none was recommended on the assessment form.

In summary, the arborist evaluation of the subject tree is based on an outdated system. The ISA revised and updated the risk assessment program in 2017, and changed the name from 'Hazard Evaluation' to 'Risk Assessment'. The outdated 'hazard evaluation' used a quantitative assessment using numeric values, and was deemed impractical for tree risk assessment. The

updated method is a qualitative assessment, using a matrix system to categorize risk which is a recognized and respected method of risk assessment that is used internationally by many governments and businesses. An ISA TRAQ arborist must complete a training course and a comprehensive written test and a performance based assessment. They must also retrain and retest every five years to maintain this credential.

Additionally, no other mitigation options besides whole tree removal were recommended. I would recommend a Level 2 risk assessment be conducted on the oak by a TRAQ arborist before the tree is condemned as other mitigation options may be viable. Please contact DRG with any questions or concerns. Thank you.

Sincerely,



Lori Murphy
Davey Resource Group
ISA Board Certified Master Arborist #WE-7844BM
ISA Tree Risk Assessment Qualified
ASCA Registered Consulting Arborist #780



asca RCA #780
Registered Consulting Arborist®

RESUME

Lori Murphy

Associate Consultant

Lori Murphy is an associate consultant with Davey Resource Group, Inc. (DRG). With over 20 years of industry experience, Lori is an expert in all facets of tree assessment and identification and has inventoried more than 300,000 trees during her time with DRG. She performs urban tree risk assessments; tree inventories; arborist reports; tree protection plans; site plan review; construction monitoring; and tree and plant appraisals.

In 2017, Lori became the contract city arborist for the City of Rancho Cordova, CA, managing city-maintained trees by developing a five-year proactive maintenance plan for all trees, and reviewing site plans and tree permits. She has also been the contract city arborist for the City of Citrus Heights, CA since 2018. Within both of these roles, Lori provides excellent tree care solutions and responds to resident inquiries.

Lori is a former Sacramento County Master Gardener, serving for over ten years, where she diagnosed pest and landscape problems at plant clinics and conducted workshops on pruning and integrated pest management (IPM) techniques.

Prior to joining DRG, Lori was a community forester with the Sacramento Tree Foundation where she worked with homeowners, businesses, and municipalities, sited trees in appropriate locations, taught proper planting, pruning, and cultural care, organized tree planting events with volunteers, and led tree tours.

Notable Project Experience

- City of Rancho Cordova, CA | Contracted Urban Forest Manager
- City of Citrus Heights | Contracted On-Call City Arborist
- City of Sacramento | Consulting Arborist for Concrete Maintenance
- City of Dixon, CA | Urban Forest Technical Advisor
- BLM Parker Strip, AZ Recreation Area | Consulting Arborist Services
- City of Belmont, CA | Level 3 Risk Assessment



Education

- Municipal Forestry Institute (MFI) Graduate, 2021
- A.A., Social Science, American River College

Credentials

- Registered Consulting Arborist (#780)
- Board Certified Master Arborist and Municipal Specialist (WE-7844BM), International Society of Arboriculture (ISA)
- Tree Risk Assessment Qualification (TRAQ), ISA
- Tree and Plant Appraisal Qualification, American Society of Consulting Arborists (ASCA)
- Adult First Aid/CPR/AED, American Red Cross

Special Training

- Graduate, American Society of Consulting Arborists Academy

Professional Affiliations

- Member, International Society of Arboriculture—Western Chapter
- Former Member, Sacramento County U.C. Master Gardener

July 10, 2024

Item # 3.

TO: Amy Wolfson, City Planner
City of Grass Valley
Community Development Dept.
125 east Main St.
Grass Valley, CA 95945

FROM: James Bair
Property Owner [537 Eskaton Circle] and Manager
128 Sierra Blanca Ct.
Grass Valley, CA 95045

SUBJECT: Appeal of the Tree Removal Permit #25-15, 117 Teal Lane, Eskaton Village, by Frank Pray, AND the Tree Removal Permit #24-18, 134 Sparrow Circle, Eskaton Village, **which was not appealed.**

As a property owner in the vicinity of both tree removals, and a businessman with real-estate holdings in Grass Valley, and extensive experience with the Management of Eskaton Village, I oppose both tree removals and support Mr. Pray's appeal of the permit scheduled July 16, to be heard by the City's Planning Commission.

This permit should not be granted. I have personally reviewed site and have found **insufficient** cause for tree removal. To wit, the presence of ants is insufficient; there is no visible structural deficiency. Further, I assert that removing these trees will lower property values and remove important cooling value of these mature oaks.

Unfortunately, I cannot attend the Public Hearing due to an out-of-town business trip. I ask if you would please present my position to the Commission. I trust the letter will be entered into the public record regardless.

Thank you for sending me the notice.

/s/

James Bair

Former Planning Commissioner, City of Grass Valley