



**AGENDA**  
**Parks, Beaches, and Recreation Commission**  
**City of Pacifica**

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**Regular Meeting – 7 PM**  
Wednesday, June 28, 2023  
2212 Beach Blvd. Pacifica, CA 94044

**CALL TO ORDER**

**7:00 PM REGULAR MEETING**

**I. PLEDGE OF ALLEGIANCE**

**II. ROLL CALL**

**III. APPROVAL OF MINUTES:**  
05/24/2023 Meeting Minutes

**IV. ADOPTION OF AGENDA**

**V. ORAL COMMUNICATION**

This is the time set aside for the public to address the Commission on items not appearing on the agenda, public input will be considered for items at this time. Please state your name for the record when addressing the Commission. Statements will be limited to three (3) minutes.

**VI. PUBLIC HEARING**

A. Tree Appeal #HT-015-23 1164 Rosita Road Continued

**VII. ITEMS FOR CONSIDERATION**

A. Priority Park -Skyridge Park

**VIII. REPORTS, ANNOUNCEMENTS, AND CORRESPONDENCE FROM COMMISSIONERS**

**IX. REPORTS FROM STAFF**

Director Bob Palacio

**X. ADJOURNMENT**

**Next Regular Meeting:** Regular meeting – July 26, 2023, 7:00pm

**The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.**



**Minutes  
Parks, Beaches, and Recreation Commission  
City of Pacifica**

**REGULAR MEETING – 7 PM**

Wednesday, May 24, 2023  
2212 Beach Blvd. Pacifica, CA 94044

**CALL TO ORDER:**

**Chair Abbott:** called the meeting to order at 7:00 pm.

**I PLEDGE OF ALLEGIANCE:**

**Chair Abbott:** led the Pledge of Allegiance

**II ROLL CALL:**

**Commissioners Present:** Chair Abbott, Commissioners: Benton Shoemaker, Nicolari, Phillips and Rodriguez.

Commissioners Absent: Commissioner Heywood

**Staff Present:** Director Bob Palacio, Planning Director Christian Murdock, Senior Planner Brianne Harkousha Recreation Supervisor Anthony Schriver, Recreation Specialist Rebecca Collier and NCE Landscape Architect Matthew Gaber

**III APPROVAL OF MINUTES:**

**Chair Abbott** called for a motion to approve the minutes. **A motion was made by Commissioner Phillips, seconded by Commissioner Nicolari, motion carried 5-0**

**IV ADOPTION OF THE AGENDA:**

**Chair Abbott** called for vote to approve the agenda of the May 24, 2023, meeting.  
**Approval carried 5-0**

**V ORAL COMMUNICATION:**

**None**

**VI PUBLIC HEARING:**

A. Tree Appeal #HT-015-23 1165 Rosita Road

Appeal filed by: John Beckmeyer -1163 Palou Drive

**Chair Abbott:** Asked, if any Commissioner(s) had a conflict of interest or conversations with any parties involved? No responses from commissioners.

**City of Pacifica Senior Planner Brianne Harkousha** presented a detailed staff report to the Parks, Beaches, Recreation (PB&R) Commission.

**Summary:** On June 24, 2020, the applicant originally applied (HT-019-20) for the removal of one Redwood tree, one Pine tree, and one Monterey Cypress tree at 1164 Rosita Road. The application was granted to remove the Redwood and Pine tree, while the Monterey Cypress was not permitted to be removed without further evaluation by a certified arborist. On March 27, 2023, the applicant/property owner, Janice Hanlon, applied for a Tree

Removal Permit ("Application") to the City of Pacifica to remove the Monterey Cypress tree (60 inches diameter at breast height, or dbh) located in the southeast corner of the rear yard at 1164 Rosita Road. The Monterey cypress tree are considered a protected tree pursuant to Pacifica Municipal Code (PMC) section 4-12.04(a) as it's located on private property with a diameter greater than twelve (12") inches. As a protected tree, a permit for removal must be issued by the City before removal of the tree. An arborist report was submitted for review as requested. Arborist report prepared by ISA-certified arborist Kevin Pineda who recommended removal of the Monterey Cypress tree as there are concerns of the health of the tree and its moderate risk of structural failure. The City's consulting arborist reviewed the proposed tree removal and agreed with the findings to remove the tree as evaluated in the arborist report prepared by Kevin Pineda based on the criteria for removal in PMC Section 4-12.04(c). With respect to the Tree Removal Permit, the following findings granting the tree removal have been made based on the criteria consistent with PMC section 4-12.04(c). The arborist reports determination that the trees structural integrity was compromised because the tree only has foliage on one side with codominant stems that make it more prone to failure. Therefore, the City's consulting arborist found the removal to be adequate for the site. Additionally, the project has been conditioned to ensure that tree removal is performed by a licensed tree removal specialist to ensure best practices are achieved. The licensed tree removal specialist is required as improper removal could present a hazard to life and property, which is similar to why tree removal is recommended. Furthermore, the site conditions for the tree were found to be small for the mature tree as stated in the arborist report, thus, proper removal by a licensed tree removal specialist would ensure best practices are achieved to avoid a hazard. There is no evidence to indicate an adverse impact to the site's topography that would result from removal. On March 29, 2023, application for removal was approved by City staff. Appeal was submitted by John Beckmeyer on April 11, 2023, with the following basis of appeal.

- "The tree is not half a tree, and the branches of the tree are not diseased, dead, or growing vigorously. The branches do overhang a fence, but that is typical of trees."
- "The tree is the only remaining tree that screens the Quonset Hut shaped architectural eyesore of the proposed house that the neighbors are building. The house was supposed to be [a] remodel, but somehow the house was approved and is hideous, tall, and large."
- "The root system of the two trees they cut down and the root system of this last remaining tree help stabilize the hillside immediately below the homes behind them on Palou Drive. There is no remediation for the removal of the trees supporting the hillside."
- "The removal of the tree and prior trees is contrary to the purpose of the Tree Preservation Ordinance (Section 4-12.01)."
- "When the first two trees were cut down, the intent was to cut down the third tree as well. The City asked for an arborist report before the third tree could be permitted. The permit includes an illegible and undated inspected by line and no arborist report appears to accompany the request. We need to ensure that the request is consistent with the Pacifica Municipal Code, not just an arborist signature"
- "The City of Pacifica's website states that a Tree Protection and Preservation Plan is required to be submitted when engaging in new construction within fifty (50" feet of a protected tree or heritage tree." The City should ensure that this was submitted and if not, reject permit HT-015-23 and halt all construction at 1164 Rosita Road until this matter is resolved."
- "The owners of 1164 Rosita Road created the issue by cutting down the first two trees in the first place and now the remaining tree is a problem. They created the aesthetic

issue they suffer – do not let them compound the problem.”

**Senior Planner Harkousha:** Stated, City staff position in the matter of tree removal at 1165 Rosita Road, is to follow the recommendations from arborist Kevin Pineda and City of Pacifica’s independent arborist consultant for tree removal as the criteria had been met. City staff and consulting arborist reviewed each basis for appeal and reasons for rejecting the appeal had been stated in the detailed staff report. Staff recommends that the PB&R Commission find the project exempt from CEQA, denying the appeal and upholding the Director of Public Works’ approval of Tree Removal Permit by adopting the resolution as Attachment A to the staff report including conditions of approval in Exhibit A of the resolution and incorporates all maps and testimony into the record by reference.

**Commissioner Benton-Shoemaker:** Asked, regarding Tree Protection Plans and was concerned to read in both staff and arborist reports, recommended Tree Protection Zone had been violated and therefore compromised the root plate and structural compacity. She stated, “messing with the roots is serious it could lead to trees falling and fines could be assessed for violations.” Therefore, Tree Protection Plans requirements are included in tree ordinances. Staff report stated, as the applicant was not required to adhere by the current tree ordinance. She referenced the previous ordinance and stated there was more than a page of requirements and consequences for violations of that ordinance. She assumed with the information given in the report that the applicant did not follow Tree Protection Plan requirements. If so, what would the consequences, and would it be part of the PB&R Commissions decision?

**Planning Director Christian Murdock:** Replied, City staff point was to articulate in the staff report current ordinances and tree protection requirements are not applicable to Tree Appeal #HT-015-23, since tree is proposed for removal. Therefore, protecting it is incongruent for the purpose. The prior ordinance tree protect requirements were not as detailed for obligations as the current ordinance. Furthermore, are not subject to the appeal put forth PB&R Commission and for that reason staff did not further analysis impact to the tree from prior activity. The information justifies the tree is compromised and qualify for potential removal with the current tree permit. Penalties or sanctions for violations of the previous tree permit or ordinances are not the subject of the hearing.

**Commissioner Benton-Shoemaker:** Remarked, staff report stated not subject to the current ordinance because of when action occurred on the tree which means it happened under the past ordinance. Asked about consequences for violating the Tree Protection Plan in either ordinance and seems there was a process that was in existence and repercussions are in the ordinance for violations.

**Director Murdock:** Answered, not disputing there may have been requirements applicable in a separate process but clarified they are not pertinent for the current Tree Appeal before PB&R Commission and current ordinance.

**Chair Abbott:** Replied, will come back to the subject in additional conversations.

**Commissioner Nicolari:** Asked, if was there considerations given to trim or top off the tree to be less of a hazard or was it ruled out due to the circumstances around the tree?

**NCE Landscape Architect Matthew Gaber:** Responded, criteria for removal were met through Tree Risk Assessment and the tree had been highly compromised and would not be possible to obtain a healthy tree.

**Chair Abbott:** Asked, if staking the tree would be possible? She had seen several trees staked for various reason around the city. In her review of the documents presented, the tree is a moderate risk tree and had not been policy to remove moderate risk trees. She wanted more clarification on the risk of the tree and other options for maintenance.

**Landscape Architect Gaber:** Replied, staking a tree the size of the tree in question is a major engineering project. Staking is used for smaller trees and used for establishment.

Another major risk factor are root system, roots may have been damaged or pruned with the installation of the retaining wall. The tree could not be properly stabilized therefore is at risk of failing and major structure issues would occur. Monterey Cypress trees are prone to branches breaking off/falling with risks of injury.

**Chair Abbott:** Replied, she believes that there had been large trees staked in the City of Pacifica. Her concern was what had happened to the tree in the past, put the tree in jeopardy due to the construction work and will follow-up with conversations during deliberations about the Tree Protection Plan and if one was in place. In the report, she noted that nothing in the ordinance related to building screening. However, the most important point was to protect and preserve the attractiveness, scenic beauty, and historic atmosphere of the City and overall visuals of the neighborhood. She asked, if anyone saw in the report from staff that the tree was not healthy, because everything she had reviewed stated the tree was moderate risk for several reasons. There was nothing that the PB&R Commission had in front of them that stated the tree is unhealthy.

**Landscape Architect Matthew Gaber:** Replied, the arborist report lists the tree at moderate risk but there are several trees at moderate risk that can fail.

**Commission Benton-Shoemaker:** Stated, on the ISA report, it is listed overall risk rating is high.

**Chair Abbott:** Replied, not within the grid and she was concerned about late arrival of the report to the PB&R Commission. Several comments stated certain failure might be possible, but the overall tree risk is high but did not seem to add up. Other comments had been about the structural root loss.

**Director Palacio:** Stated, he was at fault for the ISA report coming to the PB&R Commission late and apologized, he had missed that item requirement when he reviewed all the requirements necessary for the new ordinance. He wanted to insure the PB&R Commission received all information available.

**Chair Abbott:** Gave instructions for Appellant John Beckmeyer and Applicate JanNice Hanlon would each ten minutes for comments and Commissioners will have time to ask questions. Each will also have three minutes for rebuttal comments.

**Appellant John Beckmeyer:** He questioned the content of the arborist report from Kevin Pineda and Tree Risk Assessment because the requested was paid by the applicate JanNice Hanlon. He stated there was a conflict of interest in his mind and arborist specific goal was to meet the need of the applicate and is not an independent or impartial prepared report. He questioned the arborist following statements, location of the retaining wall, claim the tree is half of tree, area where the tree is leaning, and tree root damage detrimental to the health of the tree. He stated the previous removal of two other trees may have caused the sparseness of the tree limbs and improper pruning of the tree and the homeowner had caused the problem with the tree structure. The retaining wall did not exist prior to the homeowner's construction project. In his opinion, unknown root damage does not mean it will be detrimental to the long-term health of the tree and should be clarified in the report. He stated the arborist report, "Tree Protection Zone had been violated and compromised the structural of the roots...". According to him the Tree Protection Zone was violated when the retaining wall was built and falls to the homeowner and asks if it was approved part of the construction permit and if the proper plans were filed for tree preservation and protection. He questioned if the damage came from the retaining wall construction since the wall is below the tree and approximate distance from the tree. He stated the current retaining wall does not have visible buttress to help hold back the soil from hillside, the wall is thin approximately 8 inches wide and tall and the hillside would push heavily against the wall especially if rainwater is trapped behind the wall. He was concerned with the preservation of the hillside and the homes above the 1164 Rosita Road. He stated that the

City requires Tree Protection Plans for new construction within 50 feet of a protected or heritage tree.

**Applicant JanNice Hanlon:** Thanked the PB&R Commission for their time. She planted the tree in question when she was 11 years old, the tree is 60 years old. When planting the tree, she planted three trees (Redwood, Pine, and Monterey Cypress) fairly near each other not know at the time the size each tree would become. The redwood and pine trees inhibited growth for the Monterey Cypress and acted as a shield from the wind and other elements. The only pruning of Monterey Cypress were dead branches. In the past, her father had installed two retaining walls; the tree's roots uprooted the retaining walls and along with her home's foundations and she is having to address those issues. Due to her neighbor's concerns that the hillside would give away she had a new engineered retaining wall installed at the cost of \$45,000. Installation of the new wall, no roots were cut or removed that did not already uproot the previous retaining walls. When she originally applied to have all three trees removed in 2020, she was told by City staff a permit for two trees would more likely be approved than with three trees. She later found out that all three had been approved but was not communicated to her. The direction the wind blows, and angle of the tree is acts as a sail and could be dangerous. She had been nervous with recent storms that the tree would come down and cause serious damage and/or injury. Her immediate neighbors fear the tree would come down and one neighbor asked if she would be willing to remove the tree and would help pay for the work, since the tree is leaning over their property. She reiterated, her concern is safety, and no one knows when the tree will fall but when it does, there could be seriously injury or kill a person. There had been a few miscommunications with the City during the tree removal process. She believed there should be rules and regulations for tree removals. She stated previous Tree Removal Permit process was clear, and easier than the new process.

**Commissioner Benton-Shoemaker:** Remarked, she was confused over the tree roots and if they had been cut during the installation of the retaining wall.

**Applicant JanNice Hanlon:** Responded, Redwood tree and Monterey Cypress tree roots intertwined, with the Redwood and some roots may been removed.

**Commissioner Nicolari:** Asked, if the stumps and roots had been removed during the Pine and Redwood tree removal.

**Applicant JanNice Hanlon:** Responded, yes

**Commissioner Rodriguez:** Asked, during the process of the previous tree removal was there any reported issues with the roots and how did she source arborist Kevin Pineda?

**Applicant JanNice Hanlon:** Replied, she was not aware of any issues. She was referred to Kevin Pineda from the previous tree removal company.

**Chair Abbott:** Asked, was the retaining wall project was separated from home construction project?

**Applicant JanNice Hanlon:** Answered, yes

### **Chair Abbott called for public comments on Tree Appeal #HT-015-23**

**Ted Bisson:** He grew up and is raising his family in Pacifica. He spoke in support of the removal of the tree at 1165 Rosita Road. He understands and loves trees and community that has been built around them. He lives behind the tree and his home is at the greatest risk of damage when the tree falls. Most of the tree canopy that keeps the tree alive leans into his property. He does know when the tree falls it is certain to fall on his home, which could injury or kill someone in his household. Past winters and springs various storms had caused him and his family stress every time there were strong winds and/or small earthquakes. He reached out to his neighbor JanNice Hanlon and asked if she would be willing to remove the tree and offered to help pay for the cost. He wished to have a safe

environment for the neighborhood. He stated the arborist report and finding from the report, the tree is over mature, overweight and is leaning along with compromised structural root plate and anchoring capacity. Rather or not the tree is healthy or safe there is a problem with the tree and it needs to be addressed. He thanked the Commissioners for their time and asked them to do the right thing and remove the tree.

**Chair Abbott** Closed public comment and asked for rebuttal from the Appellant John Beckmeyer and Applicant JanNice Hanlon will have three minutes for rebuttals.

**Appellant John Beckmeyer:** Stated, if the roots had not been cut during the installation of the retaining wall, then the roots should still be intact. The tree is not showing any signs of decay or disease due to root system damage. He wanted to have them open the tree and remove branches hanging over the neighbor's yard for equal weight distribution, topped off and open the tree up it would save the tree to preserve beauty of the neighborhood plus it is a nice-looking tree to the rest of the world. He asked the PB&R Commission to keep the tree in place and instruct Applicant JanNice Hanlon to properly maintain the tree.

**Applicant JanNice Hanlon:** Commented, the tree may look beautiful to John Beckmeyer, but the tree is uneven and if the tree is cut further as he suggests it will destroy the tree.

**Commissioner Benton-Shoemaker:** Commented, she wished there was an arborist in attendance, that could clarify the root condition of the tree. It was important the PB&R Commission had a clear understanding since different information had been presented and if the Tree Protection Zone was violated.

**Matthew Gaber:** Answered, his firm was not involved with the original permits, or construction. Their report was based on current observations and the past experiences. He explained trees interlock their roots to support themselves and if one tree was removed, they no longer have the same support. Tree roots extent much further than the canopy and are close to the surface searching for water and stability.

**Commissioner Nicolari:** Asked, given the location and root system of the Redwood tree in Matthew Gaber's opinion what would be the likelihood of not damaging the Monterey Cypress roots?

**Matthew Gaber:** Answered, depends on the method removal, but since his firm was not present, he would be unsure.

**Commissioner Rodriguez:** Asked, could there have been a different outcome from the Monterey Cypress tree if it had properly maintained even with proximity to the Redwood and Pine trees.

**Matthew Gaber:** Explained, Redwood Trees are the largest trees in the world and would compete with other trees. There would not have been anyway to avoid the situation because the trees were too big and too close to each other.

**Chair Abbott called for Commission deliberation:**

**Commissioner Benton-Shoemaker:** Commented, current ordinance stated it is the responsibility of the homeowner, arborist, and construction company to have Tree Protection Plans, for root protection. Fines and fees would be assessed to the arborist or construction company if roots are cut. Under the previous ordinance, it is the responsibility of the homeowner. There was no information on Redwood tree stump when it was removed and if the roots had been compromised. There needs to be consequences for violation of the Tree Protection Plan and replacement of trees that have been removed. Difficult decision due to the safety factor, root situation and lack of information.

**Chair Abbott:** Remarked, she was concerned with the lack of information around the tree roots. With the work on the retaining wall, and previous removal of the two trees it would

be hard to believe the roots would not have been disturbed. Her key question had the roots compromised or are they intact? Would have been helpful to have an arborist in attendance that had been on-site. She sees a healthy tree, and a report that stated moderate risk. It looks as if the Tree Protection Zone was violated, and the roots had been compromised. She concurs that tree removal conditions require the re-planting of two 15-gallon trees. She also would like consequences for the violation of tree protection ordinance.

**Commissioner Benton-Shoemaker:** Commented, PB&R Commission had the option to request the cost or value of the proposed removed tree to be given to the tree fund due to the violation of Tree Protection Zone. Would like to see four trees planted in replacement of all three trees that had been removed instead of two. PB&R Commission can deliberate on the number of trees required for replacement.

**Director Murdock:** Asked, Chair Abbott if the PB&R Commission could point to the authority for levying of the fines? Clarify for the record, there was no indication or record that the conduct the PB&R Commission spoke about had occurred.

**Commissioner Benton-Shoemaker:** Replied, that she had the old ordinance in front of her and quoted, "Penalties a person who is guilty of a misdemeanor shall be punishable of a fine by not more than \$1,000.00 or six months in county jail, person can be subject to administrative civil penalties as provided in code." "The current ordinance, all remedies subscribed under this chapter cumulative and tells her that the PB&R Commission had the option to do both replace value for the tree fund and replace and planting of the two trees."

**Director Murdock:** Replied, he failed to understand the violation that had occurred under the current city ordinance, prior ordinance had been appealed and replace and not in effect. Respect to the violation that was alleged it was not clear that the conduct was a violation of the current ordinance or the prior ordinance. The requirement for a Tree Protection Plan in the prior ordinance applied to types of projects that was not, the construction of the home and retaining wall would not have been subject to the Tree Protection Plan requirement because it was not a development project or discretionary approval in Title Nine of the City municipal code. The prior requirements for a Tree Protection Plan likely did not apply.

**Commissioner Benton-Shoemaker:** Responded, by reading a section from previous ordinance.

**Director Murdock:** Replied, stating that she was reading from the repealed ordinance 4-12.07 subsection A of the ordinance. It was not clear by the matter of the law or the facts that a violation had occurred and furthermore that ordinance requirements had been repealed and not applicable the subject tree removal at hand.

**Chair Abbott:** Stated, the language is in both ordinances.

**Director Murdock:** Replied, he would need to review but had no reason to doubt. He tried to explain the conduct in questioned occurred under a different permit issued to remove different trees and even if the conduct had occurred but had not been proven in the record. It was not relevant for the current tree permit or appeal, given the timing of when the conduct occurred and could not hold them to accountable under the current ordinance for conduct that may have occurred at prior point and time before the ordinance was put in place.

**Chair Abbott:** Replied, it was the same conduct in prior ordinance. She believes the two ordinances are the same and the timing of the new and old was not relevant to the conversation. Relevant was if the tree was being protected at all in the planning process with construction that currently is happening in the front of the property and what was included in the process?

**Director Murdock:** Answered, there had not been a thorough evaluation because that is not what is in question during the current Tree Permit Appeal.



**Chair Abbott:** Replied, it is in question.

**Director Murdock:** Responded, in City staff assessment analyzes it was not need so it was not preformed.

**Chair Abbott:** Stated, PB&R Commission needed to understand the correct way to approach and to move forward. The PB&R Commission does not have the proper information about the stability of the tree, and extent of the damage to the roots. Unstable roots on a slope were a concern, she would consider removing and not sure if all the information had been presented to decide. First Tree Appeal had been presented to the PB&R Commission under the new ordinance. She apologized to the applicant for being in middle of different ordinances and correct approach. She wanted staff to come back with more information about the tree roots and if there was Tree Protection Plan through the building process along with additional conditions for approval.

**Director Palacio:** Asked, clarification on exact information needed by the PB&R Commission to come to a decision?

**Chair Abbott:** Answered, concerns around when root damage happened and if it happened during current or prior construction, and Tree Protection Plan in both prior and current tree ordinances for construction. Question for City Planning Department staff was Tree Protection Plan part of the construction or building approval for the project. More extensive information about the tree root damage and when it occurred.

**Chair Abbott** called for motion to continue Public Hearing Tree Appeal #HT-015-23 1165 Rosita Road until June 28, 2023. **Motion was made by Commissioner Phillips, seconded by Commissioner Nicolari, motion carried 5-0**

## **VII ITEMS FOR CONSIDERATION:**

**None**

## **VII REPORTS, ANNOUNCEMENTS, AND CORRESPONDENCE FROM COMMISSIONERS:**

Commissioners gave brief updates on their liaison assignments and community involvement.

## **IX REPORTS FROM STAFF**

**Director Palacio:** He gave updates on the following:

- Surf Camp/School Policy Advisory Task Force Recommendations: California Coastal Commission (CCC) unanimously approved the CDP for the Pacifica Surf Camp/School Permit Policy in their May 2023 meeting. Staff will be working to implement the new policy for 2024. Staff will be meeting with current permit applicants to review the code of conduct which is a new requirement under the CDP.
- Life Ring Buoy Station Program: Installation of 6 Lifesaving Buoy Stations have been complete. Staff are working with CCC staff on permit for 14 additional beach locations.
- Priority Parks: Staff received 65% construction documents from NCE, Landscape Architects. PB&R Department and City Public Works Department added some additional requests regarding irrigation coverage.
- Play Structure Improvements: Consisted of replacing existing play structures with new equipment. Status on improvements: Pacifica Co-Op Structure- complete, Fairway Park- play equipment purchased, Saltaire Park- asked clarity on design, Oddstad Park- play equipment purchased.
- Staffing Updates: Two new full-time staff members have filled vacancies within PB&R department, Food Services Coordinator and Recreation Specialist.

- Bike Park Update: The Pacifica Bike Park Committee and Staff recently met with Santa Cruz Mountain Trail Stewardship. Discussed the possibility of their organization providing a quote for services to create a concept design for the park. Staff had been working with the Bike Park Committee to submit grant applications to fund the project.
- Budget: Department staff have been busy working on the FY 23-24 budget proposals. Staff will be requesting expenditure enhancements for part-time staffing for new Community Teen Center Program, Special Events, and Contract Instructors for programs.

**Chair Abbott:** Asked, for staff to come back to PB&R Commission with the final revisions from the CCC for the surf camp program, because most of suggests given to the CCC from the PB&R Commission and staff were not included.

**X ADJOURNMENT:**

**Chair Abbott:** asked for motion to Adjourn. Motion was made by **Commissioner Phillips, seconded by Commissioner Nicolari. Motion Carried 5-0**

**Next Regular Meeting:** June 28, 2023

Respectfully submitted by,  
Rebecca Collier, Recreation Specialist  
Pacifica Parks, Beaches, and Recreation

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Pacifica Parks, Beaches & Commission  
Chair Cindy Abbott



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## Parks, Beaches, and Recreation Commission Staff Report

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**DATE:** June 28, 2023

**FILE:** HT-015-23

**SUBJECT:** Continued Hearing to consider an appeal of the Director of Public Works' approval of a Tree Removal Permit (HT-015-023) for the removal of one Monterey cypress tree on private property.

**PROJECT LOCATION:** 1164 Rosita Rd (APN 023-252-140)

**BACKGROUND/PROJECT DESCRIPTION:** On March 27, 2023, the applicant/property owner, Janice Hanlon, submitted an application for a Tree Removal Permit ("Application") to the City of Pacifica to remove a Monterey cypress tree (60 inches diameter at breast height, or dbh) located in the southeast corner of the rear yard at 1164 Rosita Road. The permit was reviewed and approved by the City's consulting arborist on behalf of the Director of Public Works and shortly after, the Public Works Department posted and mailed notice of approval to adjacent neighbors abutting the subject property. The City Clerk received an appeal of the approval of a Tree Removal Permit (HT-015-023) for the removal of one Monterey Cypress tree located at 1164 Rosita Road ("Appeal") and a hearing was scheduled for the permit.

On May 24, 2023, the Parks, Beaches, and Recreation (PB&R) Commission held a public hearing to consider the Appeal. The staff report from the May 24th PB&R Commission hearing is included as **Attachment B** for reference. The Commission reviewed the proposal and after public comment and deliberations, unanimously voted to continue the item to the next meeting date to receive additional information on the following:

1. What protection requirements were applicable to the building permit issued for the residence and retaining wall under construction?
2. Provide an assessment of the root damage of the tree proposed for removal.

### Item #1: Prior Tree Protection Requirements

The subject application was received on March 27, 2023, which means that the Tree Protection regulations applicable to this application is Ordinance No. 88-C.S, which took effect on October 12, 2022. Any prior regulations or actions on the property are not relevant to the Commission's consideration of the subject Application.

The building permit for the single-family residence (#54674-21) was issued on November 11, 2021 and a revision to the permit for a proposed retaining wall (#54674-21rev) was issued on September 28, 2022. Thus, the prior Heritage Tree Ordinance was the ordinance in place during review of the above-mentioned permits, which ordinance was repealed and is not the subject of the present decision for the Commission.

Under presently applicable regulations, the issuance of a Tree Removal Permit is subject to the criteria in PMC Section 4-12.04(c). Those criteria are as follows:

- (1) The condition of the tree, presence of disease, pest infestation, damage, public nuisance, risk, proximity to existing or proposed structures, and/or interference with utility services;
- (2) Whether the requested action is necessary for the economically viable use of the property;
- (3) The topography of the land and effect of the requested action on it;
- (4) The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, and general welfare of the area and the City as a whole; and
- (5) The number of healthy trees the parcel is able to support.

These are the criteria that the PB&R Commission must consider when making a determination on the instant appeal.

#### Item #2: Root Damage Assessment

The Tree Condition Assessment (**Attachment D**) prepared and signed on May 30, 2023 by Donald W. Cox, ISA Certified Master Arborist, analyzed the tree's structural root zone (SRZ) and root protection zone (RPZ). The SRZ is closer to the trunk and contains larger sized structural support roots that are important to the stability of the tree. The RPZ is further from the SRZ which contains finer feeder and hairy absorbing root systems that gather resources for tree survival, travel further than the dripline of the tree, and dominate the top 30-centimeters of soil. The report concluded that the major structural roots located in the SRZ have been severed at approximately seven (7) feet from the tree trunk and the SRZ is essential to be undisturbed at a minimum of 15-feet measured from the tree trunk. As mentioned in the report, encroaching into the SRZ places the tree at risk of catastrophic failure and removal of the tree is recommended to avoid structural failure by wind-throw toppling within two to five years.

The Tree Condition Assessment was reviewed by the City's Consulting Arborist and their sub-consultant Arborist, who agrees with the findings of the report and furthers the recommendation for removal of the tree. A statement confirming review and approval of the report was provided by the City's Consulting Arborist and has been included as an attachment to this report (**Attachment E**). Additionally, the sub-consultant Arborist and City's Consulting Arborist conducted a site visit to evaluate the health of the tree and prepared a report (**Attachment F**) that peer reviewed the findings outlined in the Arborist Report and Root Assessment provided by the applicant. The peer review concurs with the removal of the tree as there is no reasonable remedial action that would significantly decrease the likelihood of partial or full failure due to the heavy canopy composition and removal of the adjacent redwood tree (shelter tree).

#### **APPEAL:**

The decision before the Commission is the consideration of an appeal (**Attachment C**) of the Director of Public Works' approval of a Tree Removal Permit to remove one Monterey Cypress tree located at 1164 Rosita Road. The appellants' specific basis of appeal of the Director's

decision is summarized below the related quotes in *italics*. Where appropriate, the staff evaluated the basis for appeal and provided a response.

- *“The tree is not half a tree and the branches of the tree are not diseased, dead, or growing vigorously. The branches do overhang a fence, but that is typical of trees.”*

The City’s consulting arborist concurs with the report’s findings as the tree only has foliage on one side and has codominant stems which make it more prone to failure. As noted in the arborist report prepared by Kevin Pineda, the existing tree has a moderate risk of structural failure due to the size and entirely imbalanced canopy. The tree’s canopy and scaffold branch structure are overweight, and the tree is overgrown for the small site. The City’s peer review states that there are visual signs of minor to moderate decay in the canopy where evidence of past limb failure has occurred. The structural roots stabilizing the tree are damaged and located on the opposite side of the scaffold branches that are overweight and leaning to one side. Additionally, the Redwood tree that originally sheltered and matured alongside the Monterey cypress tree was removed which now leaves the Monterey cypress tree exposed to wind increasing the likelihood of limb failure. The City’s peer review concluded that removal of the tree is recommended to avoid partial or full failure due to the heavy canopy composition and removal of the adjacent redwood.

Therefore, the tree is proposed for removal and consistent with the criteria for removal per PMC Section 4-12.04.

- *“The tree is the only remaining tree that screens the Quonset Hut shaped architectural eyesore of the proposed house that the neighbors are building. The house was supposed to be [a] remodel, but somehow the house was approved and is hideous, tall, and large.”*

The criteria for removal of a protected tree in PMC section 4-12.04(c) do not include factors related to building screening. Therefore, this basis for appeal does not address applicable criteria that the City may consider related to tree permit issuance.

- *“The root system of the two trees they cut down and the root system of this last remaining tree help stabilize the hillside immediately below the homes behind them on Palou Drive. There is no remediation for the removal of the trees supporting the hillside.”*

The proposed removal of the tree was evaluated by the City’s consulting arborist and found to be necessary as the tree is a hazard for the site, as described above. Additionally, a condition of approval has been added to the project to require the applicant to plant two replacement trees to mitigate any potential adverse effects of the tree removal. No evidence has been submitted to indicate a specific impact to slope stability from removal of the tree.

- *“The removal of the tree and prior trees is contrary to the purpose of the Tree Preservation Ordinance (Section 4-12.01).”*

The purpose of the Tree Preservation Ordinance (PMC Section 4-12.01) is to preserve protected trees on public and private property for various reasons, including “to protect the environment”, “reduce air pollution”, and “continue to encourage and ensure quality

development". However, any person who desires to remove a protected tree is required to apply for a tree removal permit to be assessed and approved by the Director of Public Works or designee. The Director's designee, a licensed landscape architect, assessed the tree removal request and found that the permit shall be granted based on criteria consistent with PMC Section 4-12.04. In addition, a condition of approval has been added to the project that requires the applicant to replant two trees on the site to mitigate any potential adverse effects of the tree removal.

- *"When the first two trees were cut down, the intent was to cut down the third tree as well. The City asked for an arborist report before the third tree could be permitted. The permit includes an illegible and undated inspected by line and no arborist report appears to accompany the request. We need to ensure that the request is consistent with the Pacifica Municipal Code, not just an arborist signature."*

On June 24, 2020, the applicant originally submitted an application (HT-019-20) for the removal of one Redwood tree, one Pine tree, and one Monterey Cypress tree at 1164 Rosita Road. The application was granted to remove the Redwood and Pine tree, while the Monterey Cypress was not permitted to be removed without further evaluation by a certified arborist. The proposed tree removal for the Monterey Cypress tree was requested by the applicant on March 27, 2023, and an arborist report was submitted for review as requested. The arborist report prepared by ISA-certified arborist Kevin Pineda who recommended removal of the Monterey Cypress tree as there are concerns of the health of the tree and its moderate risk of structural failure. The City's consulting arborist reviewed the arborist report for consistency with the criteria to grant a tree removal pursuant to PMC 4-12.04(c) and concurs with the removal request based on the criteria provided in PMC section 4-12.04(c).

- *"The City of Pacifica's website states that a Tree Protection and Preservation Plan is required to be submitted when engaging in new construction within fifty (50) feet of a protected tree or heritage tree." The City should ensure that this was submitted and if not, reject permit HT-015-23 and halt all construction at 1164 Rosita Road until this matter is resolved."*

The initial Building Permit (#54674-21) to reconstruct and add to the existing single-family residence was submitted for plan review on January 7, 2021 and issued on November 11, 2021. The City's Tree Preservation Ordinance (PMC Title 4, Chapter 12) was enacted on October 12, 2022, and any permits prior to this ordinance were not subject to the requirements of the current ordinance. Thus, the current construction would not be subject to the tree protection zone and exclusionary fencing requirements of the current ordinance.

- *"The owners of 1164 Rosita Road created the issue by cutting down the first two trees in the first place and now the remaining tree is a problem. They created the aesthetic issue they suffer – do not let them compound the problem."*

Pursuant to PMC Section 4-12.01, any person who desires to remove a protected tree shall obtain a tree removal permit. The property owners at 1164 Rosita Road applied for a tree removal permit that was reviewed and approved by the City's consulting arborist,

who is the Director's designee, based on the criteria for protected tree removal in PMC Section 4-12.04(c). The prior tree removals and construction of the residence are separate matters and are not relevant to the proposed removal of the Monterey Cypress tree (HT-015-23). However, to mitigate adverse effects on tree removal the project has been conditioned to require planting of two new trees.

**STAFF'S FINDINGS:** PMC section 4-12.04(c) establishes five criteria that must be considered in order for the City to approve a tree removal permit:

- (1) The condition of the tree, presence of disease, pest infestation, damage, public nuisance, risk, proximity to existing or proposed structures, and/or interference with utility services;
- (2) Whether the requested action is necessary for the economically viable use of the property;
- (3) The topography of the land and effect of the requested action on it;
- (4) The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, and general welfare of the area and the City as a whole; and
- (5) The number of healthy trees the parcel is able to support.

Unlike findings, it is not necessary for all criteria to apply to a particular tree removal application. However, the specified criteria identify the range of relevant considerations for approval of a tree permit.

The Application indicated several reasons for tree removal as stated in the arborist report prepared by Kevin Pineda, ISA certified Arborist:

- Existing moderate risk of structural failure due to size and entirely imbalanced canopy, structural defects, with exposure to high-wind storm events off the nearby Pacific Ocean.
- The tree's canopy and scaffold branch structure are overweight and leaning toward the neighbor's property.
- The tree is over mature and overgrown for the small site.
- Tree protection zone appears to be violated and therefore compromised the structural root plate and anchoring capacity.

The City's consulting Arborist reviewed the proposed tree removal and agrees with the findings to remove the tree as evaluated in the arborist report prepared by Kevin Pineda based on the criteria for removal in PMC Section 4-12.04(c). Additionally, the City's consulting arborist agrees with the Tree Condition Assessment evaluating the structural/root zones and as discussed in the peer review finds that the trees structural integrity is comprised, thus, removal of the tree is necessary as it is a hazard for the site.

With respect to the Tree Removal Permit, the following findings granting the tree removal have been made based on the criteria consistent with PMC section 4-12.04(c):

- 1) *The condition of the tree, presence of disease, pest infestation, damage, public nuisance,*

*risk, proximity to existing or proposed structures, and/or interference with utility services;*

The City's consulting arborist concurs with the arborist report prepared by Kevin Pineda in that the structural integrity of the tree is compromised because the tree only has foliage on one side with codominant stems which make it prone to failure. Accordingly, it will not be possible to re-establish canopy growth and the tree is a hazard. The City's consulting arborist also concurs with the Tree Condition Assessment in that the encroachment of the Structural Root Zone has compromised the structural stability of tree. Therefore, removal is necessary to avoid risk to existing structures.

Furthermore, the City's consulting arborist and sub consultant performed a visual examination of the subject tree to determine its health, structural condition, and roots. The Monterey cypress tree is asymmetrical with the entire distribution of live foliage on the south-facing side of the tree and visual signs of minor to moderate decay were observed in the canopy, where evidence of past limb failure occurred. The subject tree was sheltered and matured alongside a Redwood tree that was removed approximately three years ago. The removal of the Redwood tree left the canopy of the Monterey cypress tree exposed to wind and this increases the likelihood of significant limb failure which will damage adjacent fences and could hit other targets as well. In summary, the tree is considered at risk of partial failure due to the heavy, asymmetrical canopy and its exposure to the wind. The City's consulting arborist and sub consultant recommend removal of the tree before any damage occurs.

2) *Whether the requested action is necessary for the economically viable use of the property;*

The proposed removal is not directly necessary for the economically viable use of the property because the site is already developed with an economic use (single-family residence).

3) *The topography of the land and effect of the requested action on it;*

The subject tree is located on a sloped hill of the southeastern corner in the rear yard of 1164 Rosita Road. The hill slopes downward toward the existing single-family residence and the subject tree is located at the top left corner of the hill. The City's consulting arborist concurred with the arborist reports determination that the trees structural integrity was compromised because the tree only has foliage on one side with codominant stems that make it more prone to failure. Therefore, the City's consulting arborist found the removal to be adequate for the site. Additionally, the project has been conditioned to ensure that tree removal is performed by a licensed tree removal specialist to ensure best practices are achieved. The licensed tree removal specialist is required as improper removal could present a hazard to life and property, which is similar to why tree removal is recommended. Furthermore, the site conditions for the tree were found to be small for the mature tree as stated in the arborist report, thus, proper removal by a licensed tree removal specialist would ensure best practices are achieved.

4) *The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, and general welfare of the area and the City as a whole; and*



The existing Monterey Cypress tree is currently screening adjacent properties to the rear and contributes to reduced air pollution; however, the tree's current condition may impact the health, safety, and general welfare of the area. The tree's condition was assessed in the Arborist Report prepared by Kevin Pineda and the Tree Condition Assessment prepared by Don Cox. The City's Consulting Arborist concurs with the reports and that found the tree was not suitable for the site due to the issues with the structural integrity, as discussed in further detail above. Additionally, the peer review prepared by the City's consultants stated that the tree is at risk to partial or full failure due to the heavy and asymmetrical canopy, root damage to the roots stabilizing the opposite lean of the tree, and that the tree is now exposed to winds when it was once sheltered by a redwood tree. Therefore, the tree is recommended for removal to improve the site and reduce potential impacts of the tree failing due to the current structure.

5) *The number of healthy trees the parcel is able to support.*

The parcel appears to have sufficient space to support trees in the rear and front yard of the property. However, the existing Monterey Cypress tree was determined to be overgrown for the site and recommended for removal. Two replacement trees are recommended to mitigate potential adverse impacts of removing the tree and to provide healthy trees in place of the Monterey Cypress that is structurally failing.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW**

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15304 (b) as the proposal includes removal of one existing protected tree.

**RECOMMENDED ACTION:** Adopt the attached resolution to deny the appeal and approve Tree Removal Permit HT-015-23.

**PREPARED BY:** Brianne Harkousha, AICP, Senior Planner

RESOLUTION NO. 2023-\_\_\_\_\_

**A RESOLUTION OF THE PARKS, BEACHES AND RECREATION COMMISSION OF THE CITY OF PACIFICA UPHOLDING THE DIRECTOR OF PUBLIC WORKS' APPROVAL OF A TREE REMOVAL PERMIT (HT-015-23) GRANTING THE REMOVAL OF ONE MONTEREY CYPRESS TREE WITH A 60 INCH DIAMETER AT BREAST HEIGHT LOCATED IN THE SOUTHEAST CORNER OF THE REAR YARD AT 1164 ROSITA ROAD (APN 023-252-140), AND FINDING THE REMOVAL EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

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**WHEREAS**, on March 27, 2023, an application ("Application") for a tree removal permit to remove one (1) Monterey cypress tree with 60-inch diameter at breast height (dbh) located in the southeast corner of the rear yard at 1164 Rosita Road (APN 023-252-140) ("Property") was filed by Janice Hanlon; and

**WHEREAS**, the project is determined to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 (b) of title 14, California Code of Regulations, §§ 15000 et seq. (the "CEQA Guidelines"); and

**WHEREAS**, the designee of the Director of Public Works reviewed the tree removal permit based on the criteria under Section 4-12.04(c) of the Pacifica Municipal Code and recommended approval of the application with conditions on March 29, 2023; and

**WHEREAS**, the notice of decision was provided as required by PMC Section 4-12.07(a), informing recipients of the applicable appeal period; and

**WHEREAS**, the City Clerk of the City of Pacifica received an appeal of the Director of Public Works' approval of the tree removal permit submitted by John Beckmeyer ("Appellant") on April 11, 2023 ("Appeal"); and

**WHEREAS**, the Parks, Beaches and Recreation Commission of the City of Pacifica did hold a duly noticed public hearing on May 24, 2023, at which time the Commission continued the item to a date certain on June 28, 2023 to receive additional information on the permit; and

**WHEREAS**, the Parks, Beaches and Recreation Commission of the City of Pacifica did hold a duly noticed public hearing on June 28, 2023, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

**NOW, THEREFORE BE IT RESOLVED** by the Parks, Beaches and Recreation Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Parks, Beaches and Recreation Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

**BE IT FURTHER RESOLVED** that Parks, Beaches and Recreation Commission of the City of Pacifica denies the Appeal for the following reasons:

The condition of the tree, the potential risk of the tree falling, and proximity of the tree to existing structures has deemed the tree a hazard and removal is recommended to avoid potential damage. The Arborist report prepared by Kevin Pineda, ISA Certified Arborist, indicated several reasons for tree removal which included that the tree is over mature and overgrown for the small site, the canopy is imbalanced, and tree protection zone is violated which compromises the structural root plate and anchoring capacity. The tree removal request and Arborist report was reviewed by the City's consulting arborist a licensed Landscape Architect, who agrees with the findings to remove the tree as evaluated in the arborist report based on the criteria for removal in PMC Section 4-12.04(c). Additionally, the City's consulting arborist reviewed and concurs with the Tree Condition Assessment prepared by Donald W. Cox, ISA Certified Master Arborist, evaluating the structural/root zones. A peer review prepared by the City's consulting arborist and subconsultant evaluated the trees structural integrity and indicated that the tree is compromised for the above-mentioned reasons and is deemed a hazard for the site. Therefore, the Parks, Beaches, and Recreation Commission recommends removal of the tree as removal is consistent with PMC Section 4-12.04(c) as detailed below.

**BE IT FURTHER RESOLVED** that the Parks, Beaches and Recreation Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 4 exemption under CEQA. Guidelines Section 15304, as described below, applies to the Project:

Class 4 consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. An example includes, but is not limited to:

\* \* \* \* \*

(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire-resistant landscaping.

\* \* \* \* \*

The subject proposal is to remove one tree that has the potential for structural failure and may be a hazard for existing structures on-site. The proposal also includes replacement planting to mitigate potential adverse effects of removing a tree on this property. Therefore, the proposal includes new landscaping. For the foregoing reasons, there is substantial evidence in the record to support a finding that the Project is categorically exempt from CEQA pursuant to Section 15304 of the CEQA Guidelines.

**BE IT FURTHER RESOLVED** that Parks, Beaches and Recreation Commission of the City of Pacifica does find the project to be consistent with five criteria to grant a tree removal permit established by PMC Section 4-12.04(c):

- 1) *The condition of the tree, presence of disease, pest infestation, damage, public nuisance, risk, proximity to existing or proposed structures, and/or interference with utility services;*

The City's consulting arborist concurs with the arborist report prepared by Kevin

Pineda in that the structural integrity of the tree is compromised because the tree only has foliage on one side with codominant stems which make it prone to failure. Accordingly, it will not be possible to re-establish canopy growth and the tree is a hazard. The City's consulting arborist also concurs with the Tree Condition Assessment in that the encroachment of the Structural Root Zone has compromised the structural stability of tree. Therefore, removal is necessary to avoid risk to existing structures.

Furthermore, the City's consulting arborist and sub consultant performed a visual examination of the subject tree to determine its health, structural condition, and roots. The Monterey cypress tree is asymmetrical with the entire distribution of live foliage on the south-facing side of the tree and visual signs of minor to moderate decay were observed in the canopy, where evidence of past limb failure occurred. The subject tree was sheltered and matured alongside a Redwood tree that was removed approximately three years ago. The removal of the Redwood tree left the canopy of the Monterey cypress tree exposed to wind and this increases the likelihood of significant limb failure which will damage adjacent fences and could hit other targets as well. In summary, the tree is considered at risk of partial failure due to the heavy, asymmetrical canopy and its exposure to the wind. The City's consulting arborist and sub consultant recommend removal of the tree before any damage occurs.

- 2) *Whether the requested action is necessary for the economically viable use of the property;*

The proposed removal is not directly necessary for the economically viable use of the property because the site is already developed with an economic use (single-family residence).

- 3) *The topography of the land and effect of the requested action on it;*

The subject tree is located on a sloped hill of the southeastern corner in the rear yard of 1164 Rosita Road. The hill slopes downward toward the existing single-family residence and the subject tree is located at the top left corner of the hill. The City's consulting arborist concurred with the arborist reports determination that the trees structural integrity was compromised because the tree only has foliage on one side with codominant stems that make it more prone to failure. Therefore, the City's consulting arborist found the removal to be adequate for the site. Additionally, the project has been conditioned to ensure that tree removal is performed by a licensed tree removal specialist to ensure best practices are achieved. The licensed tree removal specialist is required as improper removal could present a hazard to life and property, which is similar to why tree removal is recommended. Furthermore, the site conditions for the tree were found to be small for the mature tree as stated in the arborist report, thus, proper removal by a licensed tree removal specialist would ensure best practices are achieved.

- 4) *The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, and general welfare of the area and the City as a whole; and*

The existing Monterey Cypress tree is currently screening adjacent properties to the rear and contributes to reduced air pollution; however, the tree's current condition may impact the health, safety, and general welfare of the area. The tree's condition was assessed in the Arborist Report prepared by Kevin Pineda and the Tree Condition Assessment prepared by Don Cox. The City's Consulting Arborist concurs with the reports and that found the tree was not suitable for the site due to the issues with the structural integrity, as discussed in further detail above. Additionally, the peer review prepared by the City's consultants stated that the tree is at risk of partial or full failure due to the heavy and asymmetrical canopy, root damage to the roots stabilizing the opposite lean of the tree, and that the tree is now exposed to winds when it was once sheltered by a redwood tree. Therefore, the tree is recommended for removal to improve the site and reduce potential impacts of the tree failing due to the current structure.

5) *The number of healthy trees the parcel is able to support.*

The parcel appears to have sufficient space to support trees in the rear and front yard of the property. However, the existing Monterey Cypress tree was determined to be overgrown for the site and recommended for removal. Two replacement trees are recommended to mitigate potential adverse impacts of removing the tree and to provide healthy trees in place of the Monterey Cypress that is structurally failing.

**BE IT FURTHER RESOLVES** that the Parks, Beaches and Recreation Commission of the City of Pacifica hereby approves Tree Removal Permit HT-015-23 subject to the conditions of approval in Exhibit A to this Resolution.

\* \* \* \* \*

Appeal of Tree Removal Permit HT-015-23  
1164 Rosita Road (APN 023-252-140)  
June 28, 2023

**PASSED AND ADOPTED** at a regular meeting of the Parks, Beaches and Recreation Commission of the City of Pacifica, California, held on the 28<sup>th</sup> day of June, 2023, by the following vote:

AYES, Commissioner:

NOES, Commissioner:

ABSENT, Commissioner:

ABSTAIN, Commissioner:

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Cindy Abbott, Chair

ATTEST:

APPROVED AS TO FORM:

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Bob Palacio  
Parks, Beaches and Recreation Director

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Michelle Kenyon  
City Attorney

## Exhibit A

### **Conditions of Approval: Tree Removal Permit HT-015-23, to remove one Monterey Cypress with a 60-inch Diameter at Breast Height located in the southeast corner of the rear yard at 1164 Rosita Road (023-252-140)**

#### **Parks, Beaches and Recreation Commission Meeting of June 28, 2023**

1. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
2. The applicant/property owner shall provide replacement planting of a minimum of two (2) 15-gallon trees that are of the same species or species of similar mature stature to be planted in a similar location as the subject tree to be removed to the satisfaction of the Director of Public Works or their designee to be consistent with PMC Section 4-12.04(e).

In the event replacement trees are not feasible, the Director of Public Works or their designee may request that the applicant pay the replacement value of the mature protected tree minus the cost of the replacement trees or trees in lieu thereof if on-site replacement is not feasible. No applicant shall be required to spend more on the replacement trees than the appraised value of the trees for which a permit is required. The Director shall determine the replacement value of the trees utilizing the most recent edition of the Guide for Plant Appraisal by the Council of the Tree and Landscape Appraisers.

3. All tree removal activities shall be performed by a licensed tree removal specialist to ensure best practices are achieved.
4. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant's project ("Challenge"). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant's sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney's fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

\*\*\*END\*\*\*



Scenic Pacifica  
Incorporated Nov. 22, 1957

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## Parks, Beaches, and Recreation Commission Staff Report

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**DATE:** May 24, 2023

**FILE:** HT-015-23

**SUBJECT:** Hearing to consider an appeal of the Director of Public Works' approval of a Tree Removal Permit (HT-015-023) for the removal of one Monterey cypress tree on private property.

**PROJECT LOCATION:** 1164 Rosita Rd (APN 023-252-140)

**BACKGROUND/PROJECT DESCRIPTION:** On June 24, 2020, the applicant originally submitted an application (HT-019-20) for the removal of one Redwood tree, one Pine tree, and one Monterey Cypress tree at 1164 Rosita Road. The application was granted to remove the Redwood and Pine tree, while the Monterey Cypress was not permitted to be removed without further evaluation by a certified arborist. On March 27, 2023, the applicant/property owner, Janice Hanlon, submitted an application for a Tree Removal Permit ("Application") to the City of Pacifica to remove the Monterey cypress tree (60 inches diameter at breast height, or dbh) located in the southeast corner of the rear yard at 1164 Rosita Road. The Monterey cypress tree is considered a protected tree pursuant to Pacifica Municipal Code (PMC) section 4-12.04(a) as it's located on private property with a diameter greater than twelve (12") inches. As a protected tree, a permit for removal must be issued by the City before removal of the tree.

PMC section 4-12.04(c) establishes five criteria that must be considered in order for the City to approve a tree removal permit:

- (1) The condition of the tree, presence of disease, pest infestation, damage, public nuisance, risk, proximity to existing or proposed structures, and/or interference with utility services;
- (2) Whether the requested action is necessary for the economically viable use of the property;
- (3) The topography of the land and effect of the requested action on it;
- (4) The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, and general welfare of the area and the City as a whole; and
- (5) The number of healthy trees the parcel is able to support.

Unlike findings, it is not necessary for all criteria to apply to a particular tree removal application. However, the specified criteria identify the range of relevant considerations for approval of a tree permit.

PMC section 4-12.04(a) also requires an applicant to submit an arborist's report including an International Society of Arboriculture (ISA) basic tree risk assessment form with an application for a tree removal permit.



Tree Removal Permit Application

The Application indicated several reasons for tree removal as stated in the arborist report prepared by Kevin Pineda, ISA certified Arborist:

- Existing moderate risk of structural failure due to size and entirely imbalanced canopy, structural defects, with exposure to high-wind storm events off the nearby Pacific Ocean.
- The tree’s canopy and scaffold branch structure are overweight and leaning toward the neighbor’s property.
- The tree is over mature and overgrown for the small site.
- Tree protection zone appears to be violated and therefore compromised the structural root plate and anchoring capacity.

The following is a summary of the permit processing events leading up to the appeal:

Date	Action
June 24, 2020	Janice Hanlon (“Applicant”) applied for a Tree Removal Permit to remove one Redwood, one Pine, and one Monterey cypress tree (HT-019-20). Redwood and Pine Tree were approved to be removed.
March 27, 2023	Applicant applied for a Tree Removal Permit to remove one Monterey cypress tree (HT-015-23) ( <b>Attachment B</b> )
March 29, 2023	Permit was reviewed and approved by City’s consulting arborist on behalf of the Director of Public Works.
April 5, 2023	Public Works Department posted and mailed notice of approval to adjacent neighbors abutting the subject property ( <b>Attachment C</b> )
April 11, 2023	John Beckmeyer (“Appellant”) submitted an appeal of the tree removal permit to the City Clerk ( <b>Attachment D</b> )

**BASIS OF THE APPEAL:** The appellants’ specific basis of appeal of the Director’s decision is summarized below the related quotes in *italics*. Where appropriate, the staff evaluated the basis for appeal and provided a response.

- *“The tree is not half a tree and the branches of the tree are not diseased, dead, or growing vigorously. The branches do overhang a fence, but that is typical of trees.”*

The City’s consulting arborist concurs with the report’s findings as the tree only has foliage on one side and has codominant stems which make it more prone to failure. As noted in the arborist report prepared by Kevin Pineda, the existing tree has a moderate risk of structural failure due to the size and entirely imbalanced canopy. The tree’s canopy and scaffold branch structure are overweight, and the tree is overgrown for the small site. Therefore, the tree is proposed for removal and consistent with the criteria for removal per PMC Section 4-12.04.

- *“The tree is the only remaining tree that screens the Quonset Hut shaped architectural eyesore of the proposed house that the neighbors are building. The house was supposed to be [a] remodel, but somehow the house was approved and is hideous, tall, and large.”*

The criteria for removal of a protected tree in PMC section 4-12.04(c) do not include factors related to building screening. Therefore, this basis for appeal does not address applicable criteria that the City may consider related to tree permit issuance.

- *“The root system of the two trees they cut down and the root system of this last remaining tree help stabilize the hillside immediately below the homes behind them on Palou Drive. There is no remediation for the removal of the trees supporting the hillside.”*

The proposed removal of the tree was evaluated by the City’s consulting arborist and found to be necessary as the tree is a hazard for the site, as described above. Additionally, a condition of approval has been added to the project to require the applicant to plant two replacement trees to mitigate any potential adverse effects of the tree removal. No evidence has been submitted to indicate a specific impact to slope stability from removal of the tree.

- *“The removal of the tree and prior trees is contrary to the purpose of the Tree Preservation Ordinance (Section 4-12.01).”*

The purpose of the Tree Preservation Ordinance (PMC Section 4-12.01) is to preserve protected trees on public and private property for various reasons, including “to protect the environment”, “reduce air pollution”, and “continue to encourage and ensure quality development”. However, any person who desires to remove a protected tree is required to apply for a tree removal permit to be assessed and approved by the Director of Public Works or designee. The Director’s designee, a licensed landscape architect, assessed the tree removal request and found that the permit shall be granted based on criteria consistent with PMC Section 4-12.04. In addition, a condition of approval has been added to the project that requires the applicant to replant two trees on the site to mitigate any potential adverse effects of the tree removal.

- *“When the first two trees were cut down, the intent was to cut down the third tree as well. The City asked for an arborist report before the third tree could be permitted. The permit includes an illegible and undated inspected by line and no arborist report appears to accompany the request. We need to ensure that the request is consistent with the Pacifica Municipal Code, not just an arborist signature.”*

On June 24, 2020, the applicant originally submitted an application (HT-019-20) for the removal of one Redwood tree, one Pine tree, and one Monterey Cypress tree at 1164 Rosita Road. The application was granted to remove the Redwood and Pine tree, while the Monterey Cypress was not permitted to be removed without further evaluation by a certified arborist. The proposed tree removal for the Monterey Cypress tree was requested by the applicant on March 27, 2023, and an arborist report was submitted for review as requested. The arborist report prepared by ISA-certified arborist Kevin Pineda who recommended removal of the Monterey Cypress tree as there are concerns of the health of the tree and its moderate risk of structural failure. The City’s consulting arborist reviewed the arborist report for consistency with the criteria to grant a tree removal pursuant to PMC 4-12.04(c) and concurs with the removal request based on the criteria provided in PMC section 4-12.04(c).

- *“The City of Pacifica’s website states that a Tree Protection and Preservation Plan is required to be submitted when engaging in new construction within fifty (50) feet of a protected tree or heritage tree.” The City should ensure that this was submitted and if not, reject permit HT-015-23 and halt all construction at 1164 Rosita Road until this matter is resolved.”*

The initial Building Permit (#54674-21) to reconstruct and add to the existing single-family residence was submitted for plan review on January 7, 2021 and issued on November 11, 2021. The City’s Tree Preservation Ordinance (PMC Title 4, Chapter 12) was enacted on October 12, 2022, and any permits prior to this ordinance were not subject to the requirements of the current ordinance. Thus, the current construction would not be subject to the tree protection zone and exclusionary fencing requirements of the current ordinance. In any case, the tree in question is proposed for removal and protection of the tree is not necessary.

- *“The owners of 1164 Rosita Road created the issue by cutting down the first two trees in the first place and now the remaining tree is a problem. They created the aesthetic issue they suffer – do not let them compound the problem.”*

Pursuant to PMC Section 4-12.01, any person who desires to remove a protected tree shall obtain a tree removal permit. The property owners at 1164 Rosita Road applied for a tree removal permit that was reviewed and approved by the City’s consulting arborist, who is the Director’s designee, based on the criteria for protected tree removal in PMC Section 4-12.04(c). The prior tree removals and construction of the residence are separate matters and do not contribute to the proposed removal of the Monterey Cypress tree (HT-015-23). However, to mitigate adverse effects on tree removal the project has been conditioned to require planting of two new trees.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REVIEW**

The project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15304.

**CONCLUSION:** The City’s consulting Arborist reviewed the proposed tree removal and agrees with the findings to remove the tree as evaluated in the arborist report prepared by Kevin Pineda based on the criteria for removal in PMC Section 4-12.04(c). With respect to the Tree Removal Permit, the following findings granting the tree removal have been made based on the criteria consistent with PMC section 4-12.04(c):

- 1) *The condition of the tree, presence of disease, pest infestation, damage, public nuisance, risk, proximity to existing or proposed structures, and/or interference with utility services;*

The City’s consulting arborist concurs with the arborist report prepared by Kevin Pineda in that the structural integrity of the tree is compromised because the tree only has foliage on one side with codominant stems which make it prone to failure. Accordingly, it will not be possible to re-establish canopy growth and the tree is a hazard. Therefore, removal is necessary to avoid risk to existing structures.

- 2) *Whether the requested action is necessary for the economically viable use of the property;*

The proposed removal is not directly necessary for the economically viable use of the property because the site is already developed with an economic use (single-family residence).

3) *The topography of the land and effect of the requested action on it;*

The City's consulting arborist concurred with the arborist reports determination that the trees structural integrity was compromised because the tree only has foliage on one side with codominant stems that make it more prone to failure. Therefore, the City's consulting arborist found the removal to be adequate for the site. Additionally, the project has been conditioned to ensure that tree removal is performed by a licensed tree removal specialist to ensure best practices are achieved. The licensed tree removal specialist is required as improper removal could present a hazard to life and property, which is similar to why tree removal is recommended. Furthermore, the site conditions for the tree were found to be small for the mature tree as stated in the arborist report, thus, proper removal by a licensed tree removal specialist would ensure best practices are achieved to avoid a hazard. There is no evidence to indicate an adverse impact to the site's topography that would result from removal of the tree.

4) *The number, species, size, and location of existing trees in the area and the effect of the requested action upon shade, noise buffers, protection from wind damage, air pollution, historic value, scenic beauty and upon the health, safety, and general welfare of the area and the City as a whole; and*

The existing Monterey Cypress tree is currently screening adjacent properties to the rear and contributes to reduced air pollution; however, the tree's current condition may impact the health, safety, and general welfare of the area. The tree's condition was assessed in the arborist report prepared by Kevin Pineda and by the City's consulting arborist that found the tree was not suitable for the site and issues with the structural integrity, as discussed in further detail above. Therefore, the tree is recommended for removal to improve the site and reduce potential impacts of the tree failing due to the current structure.

5) *The number of healthy trees the parcel is able to support.*

The parcel appears to have sufficient space to support trees in the rear and front yard of the property. However, the existing Monterey Cypress tree was determined to be overgrown for the site and recommended for removal. Two replacement trees are recommended to mitigate potential adverse impacts of removing the tree and to provide healthy trees in place of the Monterey Cypress that is structurally failing.

**RECOMMENDED ACTION:** Adopt the attached resolution to deny the appeal and approve Tree Removal Permit HT-015-23.

**PREPARED BY:** Brianne Harkousha, AICP, Senior Planner

CITY OF PACIFICA

DEPARTMENT OF PUBLIC WORKS - FIELD SERVICES DIVISION
540 Crespi Dr. Pacifica, CA 94044
650-738-3760, 650-738-9747 (fax), DPWassistance@ci.pacifica.ca.us
TREE PERMIT APPLICATION

THIS SECTION IS A PERMIT APPLICATION ONLY
IT DOES NOT GUARANTEE ISSUANCE OF PERMIT NOR GIVE PERMISSION TO BEGIN WORK

PERMIT NUMBER: HT-015-23
DATE: 27 MARCH 2023
PAID: \$ 238
RECEIPT NUMBER: 165 357

APPLICANTS NAME: JanNiece Hanlon
PHONE NUMBER: 650 219-5491
ADDRESS: 1164 Rosita Road, Pacifica, Calif. 94044

1) LOCATION OF TREE(S): TREE in LEFT REAR YARD (UPPER CORNER)
(ATTACH A SITE PLAN OR PLOT OF THE PROPERTY)

2) VARIETY OF TREE(S): MONTEREY CYPRESS (HESPEROYPPONIS MACCARPE)
TOTAL NUMBER OF TREE(S): ONE

3) ACTION REQUESTED\*: (NO OPS) mag60hanlon@gmail.com

- Removal / destruction
construction affecting dripline
other (please specify)
move
designate as Heritage Tree
pruning
tree encroachment OVER OUR NEIGHBORS YARD'S

\*Applicant to submit an arborist's report and an ISA basic tree risk assessment form for removal of a protected tree(s).

4) JUSTIFICATION (STATE THE REASON WHY THE ACTION IN SECTION 3 IS BEING REQUESTED): THE TREE IS HALF A TREE FOR A REDWOOD WAS GROWING RIGHT TO IT WHICH CAUSE THE CYPRESS TO DIE OFF TO MAKE IT HALF A TREE WHICH MAKES FOR OVER WEIGHT IN OUR NEIGHBOR'S YARD WITHOUT WEATHER CHANGING & THOSE TREES TO HELP PROTECT IT...

5) SIGNATURE OF PROPERTY OWNER: JanNiece Hanlon WE ARE AFRAID OF DAMAGE TO OUR NEW HOUSE & OUR NEIGHBORS AROUND US

THE PERMITTEE AND/OR PROPERTY OWNER BY ACCEPTANCE OF THIS PERMIT, AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF PACIFICA FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS AND LEGAL ACTIONS FOR INJURIES OR DAMAGES TO PERSONS OR PROPERTY RESULTING FROM OPERATIONS OR MAINTENANCE UNDER THIS PERMIT, REGARDLESS OF PASSIVE NEGLIGENCE OF THE CITY OF PACIFICA, ITS OFFICERS, EMPLOYEES, CONSULTANTS AND AGENTS, AND AGREES TO COMPENSATE THE CITY IN FULL FOR ALL DAMAGES TO PROPERTY OF THE CITY OR TO PUBLIC PROPERTY UNDER ITS JURISDICTION RESULTING FROM OPERATIONS OR MAINTENANCE UNDER THIS PERMIT.

\*\*\*\*\*APPLICANT - DO NOT COMPLETE BELOW THIS LINE\*\*\*\*\*

TREE ORDINANCE - PERMIT

IN ACCORDANCE WITH THE APPLICATION EXECUTED ABOVE, PERMISSION IS: [ ] GRANTED [ ] DENIED

EFFECTIVE DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_ EXTENTION EXPIRATION: \_\_\_\_\_

SUBJECT TO THE FOLLOWING CONDITIONS:

- [ ] to be done by a professional tree service with a City of Pacifica Business License
[ ] debris to be removed when work is completed
[ ] mitigation measures (specify): \_\_\_\_\_

NOTE: ANY COSTS FOR THE REMOVAL OF TREE(S) IS AT THE EXPENSE OF THE PROPERTY OWNER

INSPECTED BY: [Signature] DATE: \_\_\_\_\_
APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TREE ORDINANCE APPEAL

NAME OF APPELLANT: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_
ADDRESS: \_\_\_\_\_
REASON TO APPEAL THE ADMISTRATIVE DECISION ABOVE FOR THE FOLLOWING REASON: \_\_\_\_\_

25 March, 2023

Re: Application to Remove Tree at 1164 Rosita Road

To Whom It May Concern:

We are writing in fervent support for the application to remove the tree at the southernmost corner of 1164 Rosita Road. Our property at 1167 Palou Drive is adjacent directly south of 1164. The center of the tree trunk is approximately 5 feet from our shared property line.

**Falling Hazard**

At over 55 feet tall, this represents a direct structure hazard to 3 homes, 1164 Rosita Road, 1168 Rosita Road and ours, 1167 Palou Drive. If it were to fall it could also damage fences and yard property at 1160 Rosita Road, 1176 Rosita Road, 1163 Palou Drive and 1171 Palou Drive.

**Canopy and Health**

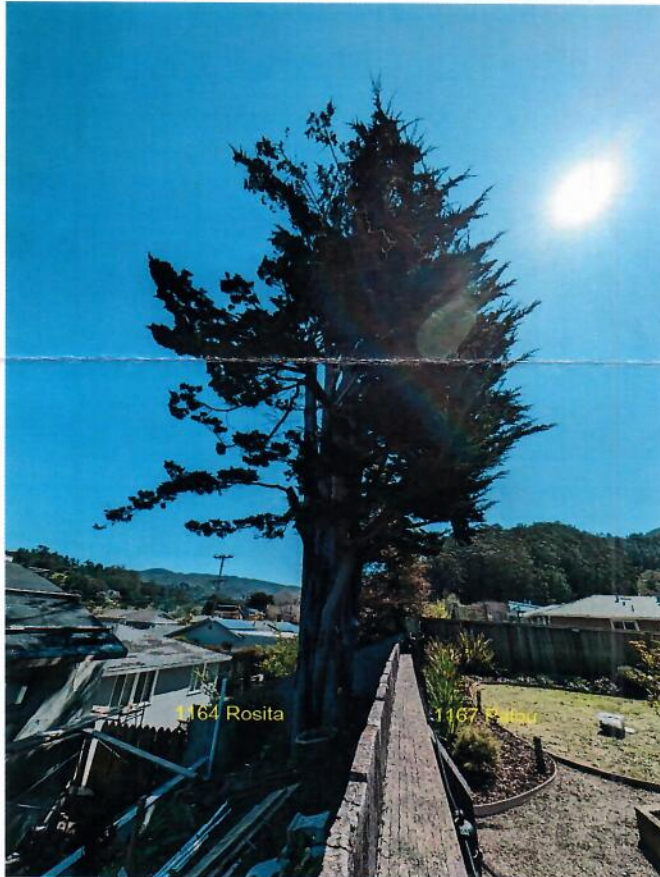
Due to lack of maintenance and being planted too close to a tree to the north (removed about a year ago,) the canopy for this tree grew to the south only, over our property. That means the health and stability of this tree is largely the result of a canopy that hangs 15+ feet south over our property. We have been informed in the past that as long as it doesn't harm the tree, we have the right to remove all overhanging branches at the property line, but due to the canopy coverage we can not do that without compromising the tree. This puts us in the position of having to maintain a tree we don't own and have no control over. Over the years, this tree has also extended its root system into our yard, destroying our landscaping and creating tripping hazards.

This tree is just too big, too unbalanced and too dangerous to keep. We love our trees in Pacifica and value the habitat they offer to local wildlife. They absolutely improve the character of our community and the health of our environment. But sometimes a tree, like this one, is more danger than delight. Please allow the owners at 1164 to proceed with the removal of this tree.

Sincerely,



Theodore Bisson & Zanmei Yang  
1167 Palou Drive  
650-922-4957



# Arborist Report

## Tree Risk Assessment

1164 Rosita Road Pacifica, CA 94044

March 20, 2023



*Prepared for the homeowner:*

**JanNice P Hanlon**

1164 Rosita Rd.

Pacifica, CA 94044

*Prepared by:*

**Kevin Pineda**

ISA Certified Arborist

[pinedakevin1990@gmail.com](mailto:pinedakevin1990@gmail.com)

with

**Donald Cox**, advisor

ISA Certified Arborist

[drtreelove@gmail.com](mailto:drtreelove@gmail.com)



## **Arborist Assignment**

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Kevin Pineda and Don Cox, independent certified-arborist associates, have been contracted by the owner of the property at 1164 Rosita Road in Pacifica, CA, to assess a tree on the residential property in relation to a concern of the property owner as well as from a next-door neighbor about potential risk of tree structural failure and property damage. The arborist site visit by Kevin Pineda took place March 4.

Plans, laws, and standards used for site and tree assessment:

### **City of Pacifica Municipal Code Chapter 12. – Tree Preservation**

**Best Management Practices: Tree Risk Assessment** (2<sup>nd</sup> Edition 2017)  
(A publication of the International Society of Arboriculture)

**Best Management Practices: Managing Trees During Construction** (2<sup>nd</sup> Edition 2016)  
(A publication of the International Society of Arboriculture)

## **Summary Of Tree Assessment**

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**One large Monterey cypress tree** (*Hesperocyparis macrocarpa*) is located in the rear yard and adjacent to a new retaining wall and a fence, which borders a neighboring property to the rear.

The subject tree is only **half a tree**, due to structural deformity and canopy growth restrictions which resulted from crowding with a previously adjacent tree and topping. It is over-mature and over-grown for the small site.

With the one-sided canopy and scaffold branch structure, the tree is overweighted and leaning toward the neighbor's property to the rear. The one-sided over-weighting presents a risk of structural failure and wind-throw tree toppling. There is no possibility of re-establishing canopy growth and balance in weight distribution within a reasonable amount of time for preventive management.

History of the new retaining wall construction and tree root damage impacts are unknown and are a large concern for tree structural integrity. It is obvious that the recommended tree protection zone has been violated and therefore compromised the structural root plate and anchoring capacity.

Entire tree removal is required to abate risk and replant with a more suitable species for the site.

## **Regulated Trees In The City Of Pacifica**

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### **Sec. 4-12.02. - Definitions.**

"Protected tree" shall mean and include:

All trees on public and private property within the City of Pacifica, which have a trunk with a diameter of twelve (12") inches or greater at DBH.

Any heritage tree designated by the Director.

Any grove of trees.

Eucalyptus and any species determined invasive by the California Invasive Plants Council are not protected by this chapter, except groves of trees and as the director may deem otherwise.

### **Sec. 4-12-08. - Designation of heritage trees.**

*Ord. No. 88-C.S., § 2, effective October 12, 2022, repealed ch. 12, §§ 4-12.1—4-12.11 and enacted a new ch. 12 as set out herein.*

All trees currently known to meet the following criteria within the City of Pacifica are hereby designated as heritage trees:

- Any trees that are of the species *Quercus agrifolia* (coast live oak), *Quercus lobata* (valley oak), *Aesculus californica* (California buckeye), *Pinus radiata* (Monterey pine), or *Sequoia sempervirens* (redwood), which have a trunk diameter of twelve (12") inches or more; or
- Any trees that are of the species *Heteromeles arbutifolia* (toyon) which have a trunk diameter of four (4") inches DBH or more.
- The Director may also designate heritage trees that meet any of the following criteria:
- Tree(s) of historic value; Specimen tree(s) of any species; Any tree of substantial size of its species; is one of the largest and oldest trees in Pacifica; or Significant habitat value.

## **Subject Tree Description**

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**Monterey cypress** (*Hesperocyparis macrocarpa*)

**Size:** 60-inches in trunk diameter at breast height. 60-feet in height'

**Age and Condition:** Over-mature, estimate <sup>60</sup>70 years old. Fair physiological health, poor structural condition. **There is existing moderate risk of structural failure**, due to size and entirely imbalanced canopy, structural defects, with exposure to high-wind storm events off the nearby Pacific Ocean.

**City Code Protection Status:** A "Protected tree" by City Ordinance Definition (... a trunk with a diameter of twelve (12") inches or greater at DBH.)

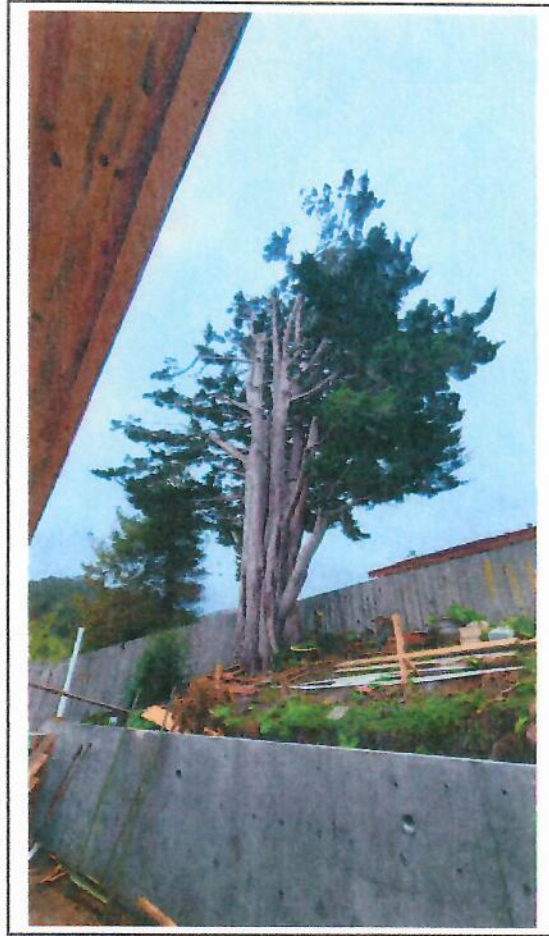
Not classified as a 'heritage tree' according to current ordinance definition.

**Potential construction impacts:** Significant damage to the tree would be inevitable with any root cutting, grading and paving or other construction within the recommended TPZ . This can result in severe negative physiological impact and possible destabilization contributing to structural failure. (This has already occurred.)

**Risk and potential targets:**

Tree parts most likely to fail: One or more entire vertical stems with foliar crown, or entire tree.  
Targets for falling tree parts: Property of neighbor to the rear.

**TPZ:** A Tree Protection Zone recommendation is **25-feet** distance from the tree trunk in all directions as a non-intrusion, no root cutting zone for tree preservation.



*One-sided large cypress with heavy lean and structural defects.*



*Compromised root plate. Root cutting at less than eight feet from the tree trunk.*



***Leaning one-sided tree with multiple co-dominant stems – prone to failure  
Compromised structural root zone***

## **ARBORIST RECOMMENDATIONS**

Considering the compromised structural condition of the subject tree (structural defects and root-zone excavation), there is risk of structural failure and impact on high-value potential targets for a falling tree or tree parts. Tree removal and replacement with a suitable species should be considered.

The recommendation is for pre-emptive hazard abatement, to eliminate the risk of catastrophic property damage and personal injury. Remove and replace with one or two medium-size evergreen trees that are more in scale with the residential site, and will be much safer over the next 20 years or more.

Suggestions for replacement trees:

**Red flowering gum** *Corymbia ficifolia*  
(Preferred - red flower variety is spectacular)

**Eucalyptus "willow-leaf peppermint"** *Eucalyptus nicholii*  
(second preference – beautiful tree but not known for flowering)

*Other possibilities:*

**New Zealand Christmas tree** *Metrosideros excelsa*

**Southern magnolia** *Magnolia grandiflora* 'Majestic Beauty' or 'Little Gem'

**Brisbane box** *Lophostemon confertus*

## **Arborist Disclosure Statement:**

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could lead to the structural failure of a tree. Trees are living organisms that fail in ways that we sometimes do not fully understand. Conditions are often hidden within trees and below ground.

Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning, and removal of trees may involve considerations beyond the scope of the arborist's services such as property boundaries, property ownership, site lines, disputes between neighbors, and other issues. Arborists cannot take such considerations into account unless complete and accurate information is disclosed to the arborist.

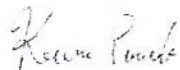
Trees can be managed, but all factors cannot be controlled. To live near trees is to accept some degree of risk.

Information contained in this report covers only those items that were examined and reflects the conditions of those items at the time of inspection.

The inspection is limited to visual examination of accessible items without dissection, excavation, probing, or coring. There is no warranty or guarantee, expressed or implied, that problems or deficiencies of the plants or property in question may not arise in the future.

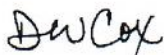
### **Certification:**

We hereby certify that all the statements of fact in this report are true, complete, and correct to the best of our knowledge and belief, and are made in good faith, in the best interests of the trees, the property owners and the community.



---

Kevin Pineda  
ISA Certified Arborist WE-12118A  
Tree Risk Assessment Qualification



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Donald W. Cox,  
ISA Board Certified Master Arborist WE-3023BUM

## Suzuki, Maria

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**From:** Schaufelberger, Bea  
**Sent:** Monday, April 3, 2023 3:39 PM  
**To:** Suzuki, Maria  
**Subject:** RE: 2 tree applications you sent me

Matthew did approved 1164 Rosita in greenvue.

---

**From:** Suzuki, Maria <[msuzuki@pacificagov](mailto:msuzuki@pacificagov)>  
**Sent:** Monday, April 3, 2023 3:25 PM  
**To:** Schaufelberger, Bea <[bberger@pacificagov](mailto:bberger@pacificagov)>  
**Cc:** Kent, Jennifer <[jkent@pacificagov](mailto:jkent@pacificagov)>  
**Subject:** RE: 2 tree applications you sent me

Addresses below

- 1) 1383 Solano Dr. ( has a sticky note with "Matt approved"
- 2) 1164 Rosita Rd. – not note attached

---

**From:** Schaufelberger, Bea <[bberger@pacificagov](mailto:bberger@pacificagov)>  
**Sent:** Monday, April 3, 2023 3:18 PM  
**To:** Suzuki, Maria <[msuzuki@pacificagov](mailto:msuzuki@pacificagov)>  
**Cc:** Kent, Jennifer <[jkent@pacificagov](mailto:jkent@pacificagov)>  
**Subject:** RE: 2 tree applications you sent me

What are the addresses? As to the signature, that is a question to be asked in the next tree meeting.

---

**From:** Kent, Jennifer <[jkent@pacificagov](mailto:jkent@pacificagov)>  
**Sent:** Monday, April 3, 2023 12:27 PM  
**To:** Schaufelberger, Bea <[bberger@pacificagov](mailto:bberger@pacificagov)>  
**Cc:** Suzuki, Maria <[msuzuki@pacificagov](mailto:msuzuki@pacificagov)>  
**Subject:** FW: 2 tree applications you sent me  
**Importance:** High

Hi Bea,

I think this message is for you. May you please respond? I don't know the addresses.

Sincerely,  
Jennifer



**Jennifer Kent | Permit Technician**

City of Pacifica  
540 Crespi Dr., Pacifica, CA 94044  
Building: (650) 738-7344 | Planning: (650) 738-7341  
[jkent@pacificagov](mailto:jkent@pacificagov)

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**From:** Suzuki, Maria <[msuzuki@pacificagov](mailto:msuzuki@pacificagov)>  
**Sent:** Friday, March 31, 2023 1:57 PM





Scenic Pacifica  
Incorporated Nov. 22, 1957

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## CITY OF PACIFICA

540 Crespi Drive • Pacifica, California 94044-3422  
[www.cityofpacifica.org](http://www.cityofpacifica.org)

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**MAYOR**  
Tygarjas Bigstycck

**MAYOR PRO TEM**  
Sue Vaterlaus

**COUNCIL**  
Sue Beckmeyer  
Mary Bier  
Christine Boles

April 5, 2023

\* \* \* \* **NOTICE** \* \* \* \*

On **April 3, 2023** an application was submitted by **Jannice Hanlon** the owner(s) of the property located at **1164 Rosita Rd.** to remove **One (1) Heritage Tree(s)**. City Staff is recommending removal of the tree and is now processing the application. The process requires that notification be mailed to adjacent property owners. **If you are not in favor of the removal you need to notify the City in writing (phone calls DO NOT qualify as notice) before April 14, 2023.** In accordance with the requirements established by the Heritage Tree Ordinance, this Department will make a final decision on the permit by that date.

If you desire to appeal the proposed administrative decision, please complete the bottom portion of the application and return it by the date specified. This appeal needs to be mailed to: City of Pacifica, City Clerk, Attention: Tree Appeal, 540 Crespi Dr., Pacifica, CA 94044. Appeals mailed to a different Department may not reach the City Clerk in time to be considered. If you are planning to hand-deliver your appeal, please deliver it to 540 Crespi Dr. Hand-delivering the appeal to another Department will most likely not reach the City Clerk in time for consideration. The filing fee for an appeal is \$426.00. Thank you for your cooperation

If you have any questions regarding this matter, please contact the Public Works office at 650-738-3760, 650-738-9747 (fax) or email:  
[DPWassistance@ci.pacificaca.us](mailto:DPWassistance@ci.pacificaca.us)

Sincerely,

Gino Assereto

Public Works Superintendent

Mailing address: 540 Crespi Dr.  
Corporation Yard: 155 Milagra Drive  
Pacifica, CA 94044  
650-738-3760 (P)  
650-738-9747 (F)

**City of Pacifica  
Public Works**  
[www.CityofPacifica.org](http://www.CityofPacifica.org)

# Memo

**To:** Janice Hanlon  
**From:** Gino Assereto  
**Date:** April 5, 2023  
**Re:** Heritage Tree Permit Application # HT-015-23

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**\*\*THIS IS NOT AN APPROVED PERMIT, BUT INFORMATIONAL IN PURPOSE ONLY! \*\***

Enclosed is a copy of the notification letter that I have sent to the adjacent & abutting property owners regarding the tree removal application at **1164 Rosita Road**.

This "Notice" letter and a copy of the permit application are out for delivery via U.S. Postal Service. The appeal period for this application will be over on **April 14, 2023** and pending no appeals, we will issue the permit on or around that date. A copy of the approved permit will be mailed to you. **DO NOT SCHEDULE WORK WITH THE TREE COMPANY UNTIL YOU HAVE THE PERMIT IN HAND.** If you wish to pick up the permit, have it emailed or faxed to you, please call our office.

**Please be advised that this permit has not been approved yet, and is still being processed. Tree removal work cannot begin unless a copy of the approved & signed permit is on site.** If you have any questions regarding this matter, please do not hesitate to call our office at 650-738-3760.

Sincerely,



Gino Assereto  
Public Works Superintendent

CITY OF PACIFICA  
PUBLIC WORKS DEPARTMENT  
PARKS & STREAMS DIVISION

# NOTICE

PERMIT # HT-015-23  
Date Posted: 4-5-23

An application has been submitted to remove this heritage tree under the provisions of the City's Heritage Tree Ordinance (Chapter 12, Title 4, of the Pacifica Municipal Code). A heritage tree is defined as a tree, exclusive of Eucalyptus, which has a trunk circumference of fifty (50") inches (approximately sixteen (16") inches in diameter or more), measured at twenty-four (24") inches above the natural grade, or a tree or grove of trees including Eucalyptus designated by resolution of the city Council to be a special historical, environmental or aesthetic value. No person may trim, cut down, destroy, remove, or move a heritage tree for which a permit application is in process.

A person violating any of the provisions of the Heritage Tree Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of up to \$1,000 or six months imprisonment, or a combination thereof, and may be subject to administrative civil penalties as provided by the Municipal Code.

City Staff is recommending removal of this tree and the Public Works Superintendent has issued his proposed decision on this application as follows:

Removal of (one) Redwood tree Reacted Per Arborist Report

Individuals wishing to appeal the proposed decision upon this application may do so within seven (7) days of the posted date above. The fee to appeal this removal is \$405.00 by check made out to the City of Pacifica. Please submit all appeals in writing to the information below. Copies of the Heritage Tree ordinance are available upon request. Any comments or questions; please contact Public Works at (650) 738-3760. Please submit all appeals in writing to the information below.

City of Pacifica  
City Clerk-Tree Appeal  
540 Crespi Drive  
Pacifica, CA 94044



# Basic Tree Risk Assessment Form

Client \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_  
 Address/Tree location \_\_\_\_\_ Tree no. \_\_\_\_\_ Sheet \_\_\_\_\_ of \_\_\_\_\_  
 Tree species \_\_\_\_\_ dbh \_\_\_\_\_ Height \_\_\_\_\_ Crown spread dia. \_\_\_\_\_  
 Assessor(s) \_\_\_\_\_ Time frame \_\_\_\_\_ Tools used \_\_\_\_\_

## Target Assessment

Target number	Target description	Target zone			Occupancy rate 1 – rare 2 – occasional 3 – frequent 4 – constant	Practical to move target?	Restriction practical?
		Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1							
2							
3							
4							

## Site Factors

**History of failures** \_\_\_\_\_ **Topography** Flat  Slope  \_\_\_\_\_ % **Aspect** \_\_\_\_\_  
**Site changes** None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe \_\_\_\_\_  
**Soil conditions** Limited volume  Saturated  Shallow  Compacted  Pavement over roots  \_\_\_\_\_ % Describe \_\_\_\_\_  
**Prevailing wind direction** \_\_\_\_\_ **Common weather** Strong winds  Ice  Snow  Heavy rain  Describe \_\_\_\_\_

## Tree Health and Species Profile

**Vigor** Low  Normal  High  **Foliage** None (seasonal)  None (dead)  Normal \_\_\_\_\_ % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
**Pests** \_\_\_\_\_ **Abiotic** \_\_\_\_\_  
**Species failure profile** Branches  Trunk  Roots  Describe \_\_\_\_\_

## Load Factors

**Wind exposure** Protected  Partial  Full  Wind funneling  \_\_\_\_\_ **Relative crown size** Small  Medium  Large   
**Crown density** Sparse  Normal  Dense  **Interior branches** Few  Normal  Dense  **Vines/Mistletoe/Moss**  \_\_\_\_\_  
**Recent or planned change in load factors** \_\_\_\_\_

## Tree Defects and Conditions Affecting the Likelihood of Failure

### — Crown and Branches —

Unbalanced crown  LCR \_\_\_\_\_ % Cracks  \_\_\_\_\_ Lightning damage   
 Dead twigs/branches  \_\_\_\_\_ % overall Max. dia. \_\_\_\_\_ Codominant  \_\_\_\_\_ Included bark   
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_ Weak attachments  \_\_\_\_\_ Cavity/Nest hole \_\_\_\_\_ % circ.  
 Over-extended branches  Previous branch failures  \_\_\_\_\_ Similar branches present   
**Pruning history**  
 Crown cleaned  Thinned  Raised  Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Reduced  Topped  Lion-tailed  Conks  Heartwood decay  \_\_\_\_\_  
 Flush cuts  Other \_\_\_\_\_ Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

**Load on defect** N/A  Minor  Moderate  Significant  \_\_\_\_\_  
**Likelihood of failure** Improbable  Possible  Probable  Imminent  \_\_\_\_\_

### — Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor taper   
 Lean \_\_\_\_\_ ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

**Load on defect** N/A  Minor  Moderate  Significant   
**Likelihood of failure** Improbable  Possible  Probable  Imminent

### — Roots and Root Collar —

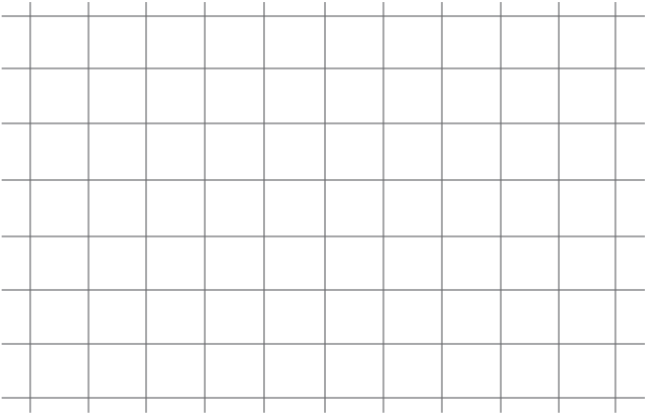
Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Main concern(s) \_\_\_\_\_

**Load on defect** N/A  Minor  Moderate  Significant   
**Likelihood of failure** Improbable  Possible  Probable  Imminent

Risk Categorization																							
Condition number	Tree part	Conditions of concern	Part size	Fall distance	Target number	Target protection	Likelihood												Consequences				Risk rating of part (from Matrix 2)
							Failure				Impact				Failure & Impact (from Matrix 1)				Negligible	Minor	Significant	Severe	
							Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely					
1																							
2																							
3																							
4																							

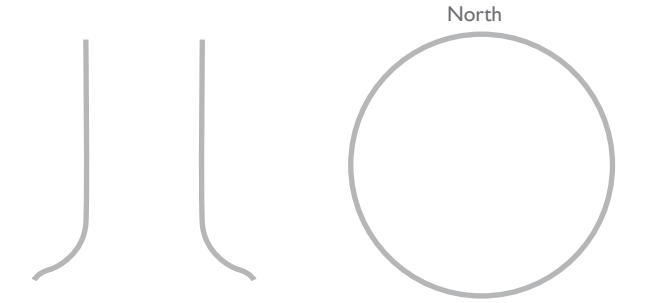
Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impacting Target			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely



Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low



Notes, explanations, descriptions \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Mitigation options \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_  
 \_\_\_\_\_ Residual risk \_\_\_\_\_

Overall tree risk rating Low  Moderate  High  Extreme  Work priority 1  2  3  4   
 Overall residual risk Low  Moderate  High  Extreme  Recommended inspection interval \_\_\_\_\_  
 Data  Final  Preliminary Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_  
 Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_



Collaboration. Commitment. Confidence.<sup>SM</sup>

May 23rd, 2023

Ms. Brianne Harkousha  
Senior Planner  
City of Pacifica  
540 Crespi Dr.  
Pacifica, CA 94044

**RE: 1164 Rosita Road Tree Removal Application**

Brianne

NCE has reviewed the Arborist Report and Tree Risk Assessment form prepared by Kevin Pineda, ISA Certified Arborist and found the Report and Tree Risk Assessment in compliance with the City of Pacifica's Chapter 12-Tree Preservation Ordinance of the City of Pacifica's Municipal Code.

Please contact me if you have any questions.

Sincerely,

**NCE**

A handwritten signature in blue ink, appearing to read "Matthew S. Gaber".

Matthew Gaber RLA  
Principal Landscape Architect

cc: Lisa Peterson

Christian Murdoch

Bob Palacio

Oakland, CA  
5253 College Ave, Suite B  
Oakland, CA 94618  
(510) 250-9189

RECEIVED

APR 11 2023  
Sawley in person  
CITY CLERK

CITY OF PACIFICA

DEPARTMENT OF PUBLIC WORKS - FIELD SERVICES DIVISION

540 Crespi Dr. Pacifica, CA 94044

650-738-3760, 650-738-9747 (fax), DPWassistance@ci.pacifica.ca.us

TREE PERMIT APPLICATION

THIS SECTION IS A PERMIT APPLICATION ONLY

IT DOES NOT GUARANTEE ISSUANCE OF PERMIT NOR GIVE PERMISSION TO BEGIN WORK

PERMIT NUMBER: HT-015-23	DATE: 27 MARCH 2023	PAID: \$ 238	RECEIPT NUMBER: 165357
-----------------------------	------------------------	-----------------	---------------------------

APPLICANTS NAME: Jannice Hanlon PHONE NUMBER: 650 219-5491  
 ADDRESS: 1164 Rosita Road, Pacifica, Calif. 94044

1) LOCATION OF TREE(S): TREE IN LEFT REAR YARD (UPPER CORNER)  
 (ATTACH A SITE PLAN OR PLOT OF THE PROPERTY)

2) VARIETY OF TREE(S): MONTAREY CYPRESS (HESPEROYPARIS MACCARPE) TOTAL NUMBER OF TREE(S): ONE

3) ACTION REQUESTED\*: (NO COPS) mag660hanlon@gmail.com

- removal / destruction
- construction affecting dripline
- other (please specify)
- move
- designate as Heritage Tree
- pruning
- tree encroachment OVER OUR NEIGHBORS YARD'S

\*Applicant to submit an arborist's report and an ISA basic tree risk assessment form for removal of a protected tree(s).

4) JUSTIFICATION (STATE THE REASON WHY THE ACTION IN SECTION 3 IS BEING REQUESTED): THE TREE IS HALF A TREE FOR A REDWOOD WAS GROWING RIGHT TO IT WHICH CAUSE THE CYPRESS TO DIE OFF TO MAKE IT HALF A TREE WHICH MAKES FOR OVER WEIGHT IN OUR NEIGHBORS YARD WITHOUT WEATHER CHANGING & THOSE TREES TO HELP PROTECT IT...

5) SIGNATURE OF PROPERTY OWNER: Jannice P. Hanlon we are afraid of damage to our New House & our neighbors around us  
 (by signing, you are granting permission for the City of Pacifica to inspect tree(s) on your property)

THE PERMITTEE AND/OR PROPERTY OWNER BY ACCEPTANCE OF THIS PERMIT, AGREES TO INDEMNIFY, DEFEND AND HOLD HARMLESS THE CITY OF PACIFICA FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS AND LEGAL ACTIONS FOR INJURIES OR DAMAGES TO PERSONS OR PROPERTY RESULTING FROM OPERATIONS OR MAINTENANCE UNDER THIS PERMIT, REGARDLESS OF PASSIVE NEGLIGENCE OF THE CITY OF PACIFICA, ITS OFFICERS, EMPLOYEES, CONSULTANTS AND AGENTS, AND AGREES TO COMPENSATE THE CITY IN FULL FOR ALL DAMAGES TO PROPERTY OF THE CITY OR TO PUBLIC PROPERTY UNDER ITS JURISDICTION RESULTING FROM OPERATIONS OR MAINTENANCE UNDER THIS PERMIT.

\*\*\*\*\*APPLICANT - DO NOT COMPLETE BELOW THIS LINE\*\*\*\*\*

TREE ORDINANCE - PERMIT

IN ACCORDANCE WITH THE APPLICATION EXECUTED ABOVE, PERMISSION IS:  GRANTED  DENIED

EFFECTIVE DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_ EXTENTION EXPIRATION: \_\_\_\_\_

SUBJECT TO THE FOLLOWING CONDITIONS:

- to be done by a professional tree service with a City of Pacifica Business License
- debris to be removed when work is completed
- mitigation measures (specify): \_\_\_\_\_

NOTE: ANY COSTS FOR THE REMOVAL OF TREE(S) IS AT THE EXPENSE OF THE PROPERTY OWNER

INSPECTED BY: pu arborist DATE: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

TREE ORDINANCE APPEAL

NAME OF APPELLANT: John Beckmeyer PHONE NUMBER: 650-738-1248  
 ADDRESS: 1163 Palou Dr., Pacifica CA 94044  
 REASON TO APPEAL THE ADMISTRATIVE DECISION ABOVE FOR THE FOLLOWING REASON: See Attached Letter There is insufficient space at the bottom of this form to supply all reasons the appeal is needed. -John Beckmeyer 4/11/2023

Appeal of HT-015-23 to cut down "Tree in left rear yard (upper corner)" at 1164 Rosita Rd submitted by JanNice Hanlon on 27 March 2023.

I am appealing this request to cut down the requested in permit number HT.015-23 for the following:

The tree is not "half a tree" as stated in the request - the tree is complete. The reason for there being fewer branches is that the residents cut down two adjacent trees prior. The tree has been filling out on the side where the two trees which were removed were standing.

The branches of the healthy tree - no disease, no dead limbs, vigorous growth - do overhang the fence, but that's typical of trees.

That tree is the only remaining tree that hides the Quonset Hut shaped architectural eyesore of a "new house" they built. (That was supposed to be a "remodel" of an existing Linda Mar Rancher but somehow they got this "new" hideous, *tall*, large, ½ beer barrel of a structure permitted.)

The root system of the two trees they cut down AND the root system of this last remaining tree help stabilize the hillside immediately below the homes behind them on Palou Dr. I see NO remediation for the removal of the trees supporting the hillside.

The removal of the tree in question (and the prior trees), is contrary to Pacifica Municipal Code:

- 4-12-01 (a) (2) To protect and conserve the attractiveness, aesthetic and scenic beauty, and historic atmosphere of the City;
- 4-12-01 (a) (3) To protect the environment;
- 4-12-01 (a) (4) To reduce air pollution;
- 4-12-01 (a) (5) To decrease wind velocity and reduce potential wind damage;
- 4-12-01 (a) (6) To provide shade and reduce the effects of urban heat islands;
- 4-12-01 (a) (7) To act as a noise buffer;
- 4-12-01 (a) (8) To reduce stormwater runoff and improve infiltration into the ground, thereby protecting against potential damages from soil erosion, mudslides and flooding, as well as reducing the cost of handling storm water by artificial means
- 4-12-01 (a) (9) To sequester carbon dioxide in woody and foliar biomass;
- 4-12-01 (a) (10) To lower the demand for electricity and natural gas

I believe when the first two trees were cut down, the intent was to cut down the 3rd tree as well. The City of Pacifica asked for an arborist's report before the third tree could be permitted. Although there is an *illegible and undated* "inspected by" line in the requested permit, no such "arborist report" appears to accompany the request. We need to ensure that the request is, in its content, in support of the City of Pacifica's Municipal Code - not just that an "arborist" signature appears on the request.



Also, per the City of Pacifica website:

Under "Building Permits and Protected and Heritage Trees" it is stated, including reference to the municipal code,

***Tree protection and preservation plans are required when engaging in new construction within fifty (50') feet of a protected tree or heritage tree.*** The plan must be prepared by a qualified arborist, horticulturist, landscape architect or other qualified person. See sections 4-12.06, 4-12.08 and 4-12.11 of the Pacifica Municipal Code for specific rules regarding tree protection and preservation plans and building permits.

The city should ensure the required "Tree protection and preservation plan" noted above was submitted. If it was not submitted, the city should immediately reject permit HT-015-23 AND halt all construction at 1164 Rosita Rd. until this matter is properly resolved.

That the owners of 1164 Rosida Rd. created the issue they are complaining about in the first place does not permit them to declare the last, remaining tree is a problem just because they removed two trees previously. They created the aesthetic issue they suffer - don't let them compound the problem by cutting down a healthy tree, potentially destabilizing the hillside, and exposing even more of their hideous house to the neighbors on the hill behind them.

Signed,

John E Beckmeyer  
beckmeyer@gmail.com

1164 ROSITA RD  
PACIFICA, CA 94043  
415-708-2727

170 SANTA MARIE AVENUE  
PACIFICA, CA 94026  
415-708-2727

DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
411/42022 11/27/11 94

415-708-2727

415-708-2727

415-708-2727

415-708-2727

# ***ARBORIST FIELD REPORT***

## **TREE CONDITION ASSESSMENT**

SITE ADDRESS: 1164 Rosita Rd., Pacifica, Ca 94044

DATE OF INSPECTION: 05/22/2023

OWNER: JanNice P Hanlon

TREE DESCRIPTION: COMMON NAME: Monterey cypress  
BOTANICAL NAME: *Hesperocyparis macrocarpa*  
SIZE: 60-inches dbh trunk diameter

LOCATION ON PROPERTY: Backyard elevated slope near rear fence.

TREE CONDITION:

The tree is structurally unsound due to a severely compromised structural root plate and extremely unbalanced foliar-crown weight distribution.


Major structural roots have been severed at approximately 7-feet from the tree trunk. The essential SRZ (structural root zone) to be maintained undisturbed for this tree is minimum 15-feet. (As determined from experienced-based arborist judgement and the ISA BMP CRZ (critical root zone) 3:1 ratio minimum.

Further excavation/examination/assessment is unnecessary. The facts are obvious. It really doesn't matter at this point who cut the roots or when or who is at fault (the previous owners, current owner, City of Pacifica Planning Dept.) What matters for public safety and abatement of catastrophic risk, is that the structural integrity of the tree is severely compromised.

There is a high risk of structural failure by wind-throw toppling within two to five years, with the probability of property damage and personal injury.

RECOMMENDATION:

The entire tree must be removed as soon as possible.



05/30/2023

---

*Donald W. Cox / I.S.A. Certified Master Arborist WE-3023 BUM*

# **ARBORIST FIELD REPORT**

## **TREE CONDITION ASSESSMENT**

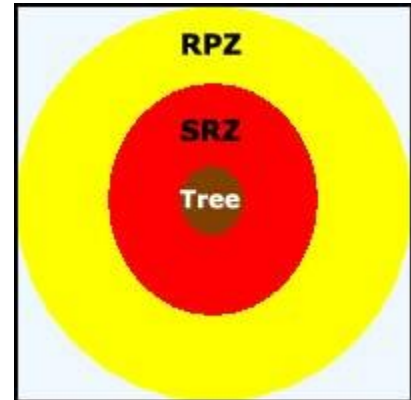
### **Structural Root Zone SRZ vs Root Protection Zone RPZ**

*Based on the Australian Standard AS4970-2009*

*There's two root areas or zones (SRZ and RPZ), The Structural Root Zone is closer to the trunk, this is where the larger sized structural support roots are.*

**Encroaching into the SRZ puts the tree at risk of catastrophic failure. In most tree upheavals regardless of the size of the tree the soil ball (root plate) that goes over with the tree is generally within 2.5m of the outside of the trunk.** There is a formula we use to calculate the SRZ and obviously

on an individual tree basis (species, location, age etc) we adjust the SRZ. **The SRZ is the area around the tree that ensures structural stability.**



The RPZ (Root Protection Zone) is further out where the finer feeder and hairy absorbing root system is. It's those smaller finer roots that gather the resources for tree survival, they usually dominate the top 30cm of soil and travel far further than the drip line of the tree. Adequate area has to be provided and cared for ... for those roots to sustain the tree.

***ARBORIST FIELD REPORT***  
**TREE CONDITION ASSESSMENT**



***Compromised structural root plate. Unbalanced weighted crown. Neighbor's house***

---



Collaboration. Commitment. Confidence.<sup>SM</sup>

June 9, 2023

Ms. Brianne Harkousha  
Senior Planner  
City of Pacifica  
540 Crespi Dr.  
Pacifica, CA 94044

**RE: 1164 Rosita Road Tree Removal Application**

Brianne

NCE has reviewed the Tree Condition Assessment form prepared by Donald Cox, ISA Certified Arborist dated 5/22/23 and concur with its' findings.

Please contact me if you have any questions.

Sincerely,

**NCE**

A handwritten signature in blue ink, appearing to read "Matthew Gaber".

Matthew Gaber RLA  
Principal Landscape Architect

cc: Lisa Peterson

Christian Murdoch

Bob Palacio

Lexi Tucker

**Oakland, CA**  
5253 College Ave, Suite B  
Oakland, CA 94618  
(510) 250-9189

June 19, 2023

Ms. Brianne Harkousha  
Senior Planner  
City of Pacifica  
540 Crespi Dr.  
Pacifica, CA 94044

**RE: 1164 Rosita Road Tree Removal Application**

Brianne

Lexi Tucker (NCE's Arborist Consultant) and I conducted a second site visit on June 7<sup>th</sup>, 2023, to evaluate the Monterey cypress in the Southeastern corner of the Applicant's rear yard to determine its health and structural condition and look at its roots. Lexi and I performed a visual examination to determine potential long-term concerns, and to recommend corrective action to minimize potential risk.

The tree's diameter is 62 inches, measured at 54 inches above grade. The tree height is approximately 60 feet, and the canopy extends approximately 15 feet over the fence line to the south. Most of the overhanging limbs appear to be larger than six inches in diameter and the tree is asymmetrical with the entire distribution of live foliage on the south-facing side of the tree. Visual signs of minor to moderate decay were observed in the canopy, where evidence of past limb failure has occurred.

Immediately adjacent to the Monterey Cypress there was a large redwood that sheltered and matured alongside the Monterey cypress which was removed approximately three years ago. This removal has left the canopy fully exposed to the wind increasing the likelihood of significant limb failure which will damage the adjacent fences and could hit other targets as well. Based on canopy failures we observed in the vicinity, local wind conditions are conducive to major failures in Monterey cypress of similar age.

In addition to the risk of partial failure, the canopy is heavy and asymmetrical. This fact poses a higher likelihood that root failure could occur, especially because damaged structural roots stabilizing the tree are on the opposite side of the lean. Based on this it would be irresponsible to argue for its preservation; even though the tree hasn't failed yet, does not mean that it won't. These issues are predictable and will be costly to repair once the damage does occur.

After a full visual evaluation of the tree, and considering canopy structure and other impacts, Lexi Tucker's and NCE's recommendations are to remove the tree before any damage occurs. Given the heavy canopy composition, adjacent redwood removal (shelter tree), there is no reasonable remedial action that would significantly decrease the likelihood of partial or full failure.

Oakland, CA  
5253 College Ave, Suite B  
Oakland, CA 94618  
(510) 250-9189

Please feel free to contact me if you have questions regarding this letter, or if further discussion about any tree issue is required.

Sincerely,

**NCE**



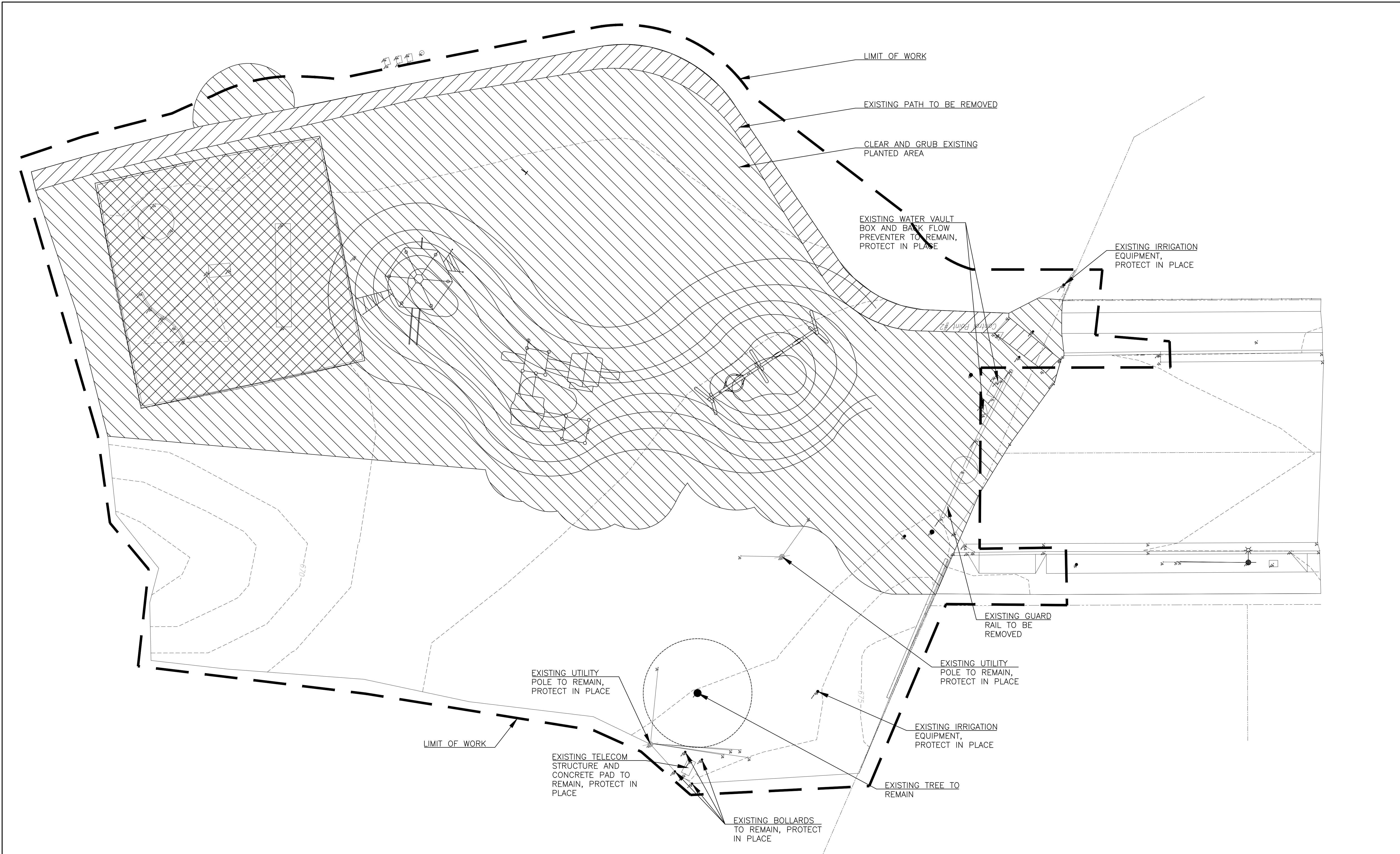
Matthew Gaber RLA  
Principal Landscape Architect

cc: Lisa Peterson

Christian Murdoch

Bob Palacio

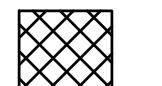


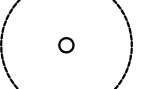

Lexi Tucker



CITY OF PACIFICA FOR  
 PRIORITY PARKS

OWNER  
 CITY OF PACIFICA  
 540 CRESPI DRIVE,  
 PACIFICA CA 94044

**DEMO PLAN**

- LEGEND**
-  EXISTING PLAY EQUIPMENT, PLASTIC PLAYGROUND  
RETAINING WALL, AND PLAY SURFACING TO BE REMOVED
  -  EXISTING DECOMPOSED GRANITE TO BE REMOVED TO FULL DEPTH
  -  CLEAR AND GRUB EXISTING PLANTED AREA
  -  EXISTING TREE TO REMAIN, SEE
  -  EXISTING TREE TO BE REMOVED

NO.	DATE	DESCRIPTION
	5/11/2023	65% SUBMITTAL

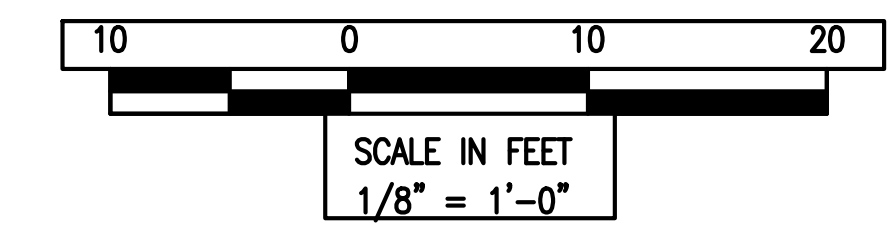
PROJECT NO: 1004,14.55  
 DESIGNED BY: MSG  
 DRAWN BY: CDV & IMA  
 CHECKED BY: MSG DATE 5/11/23  
 DATE: 5/11/23

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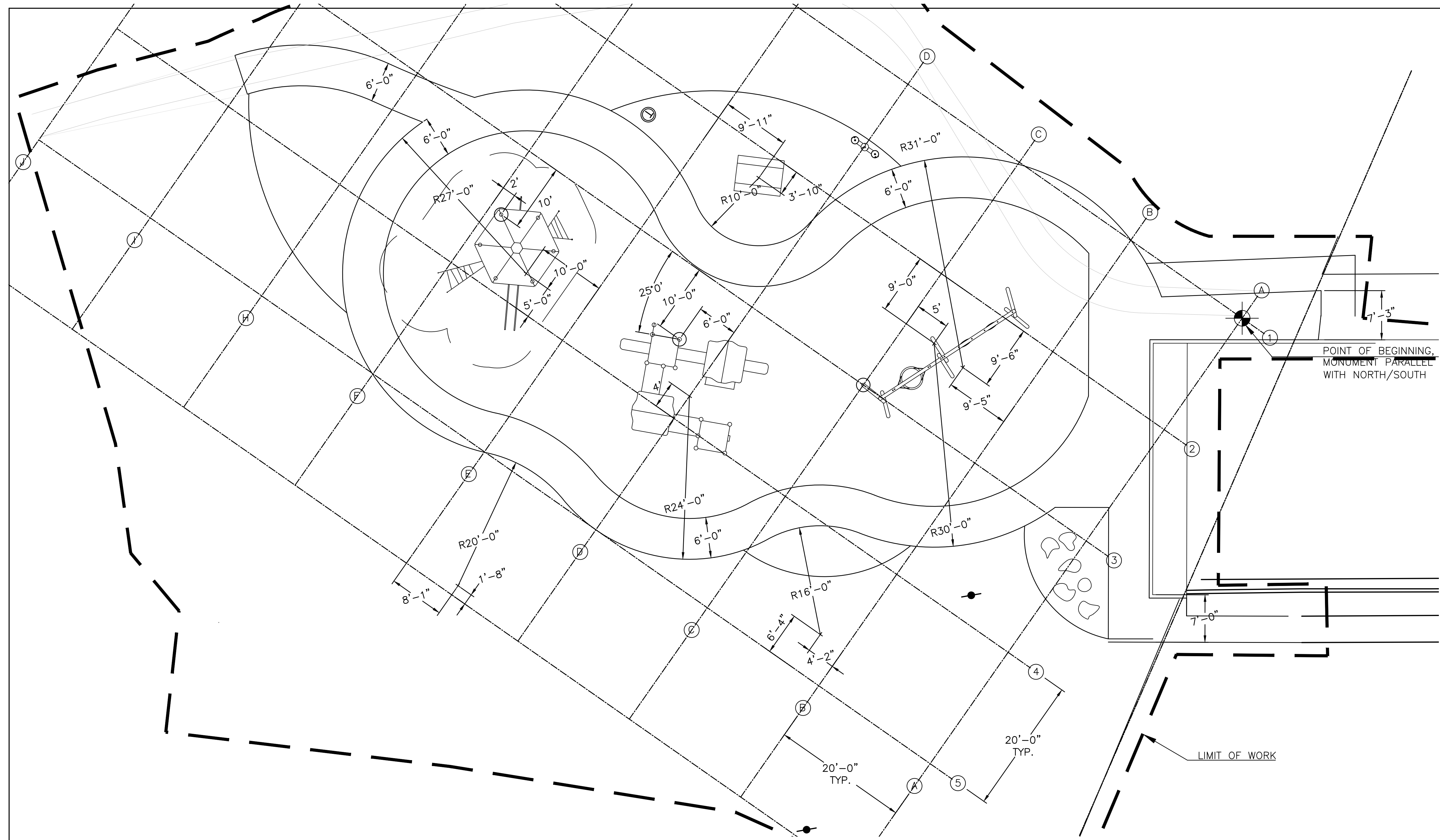
SHEET TITLE  
**SKYRIDGE PARK  
 DEMO PLAN**

DRAWING  
**L4.1.0**

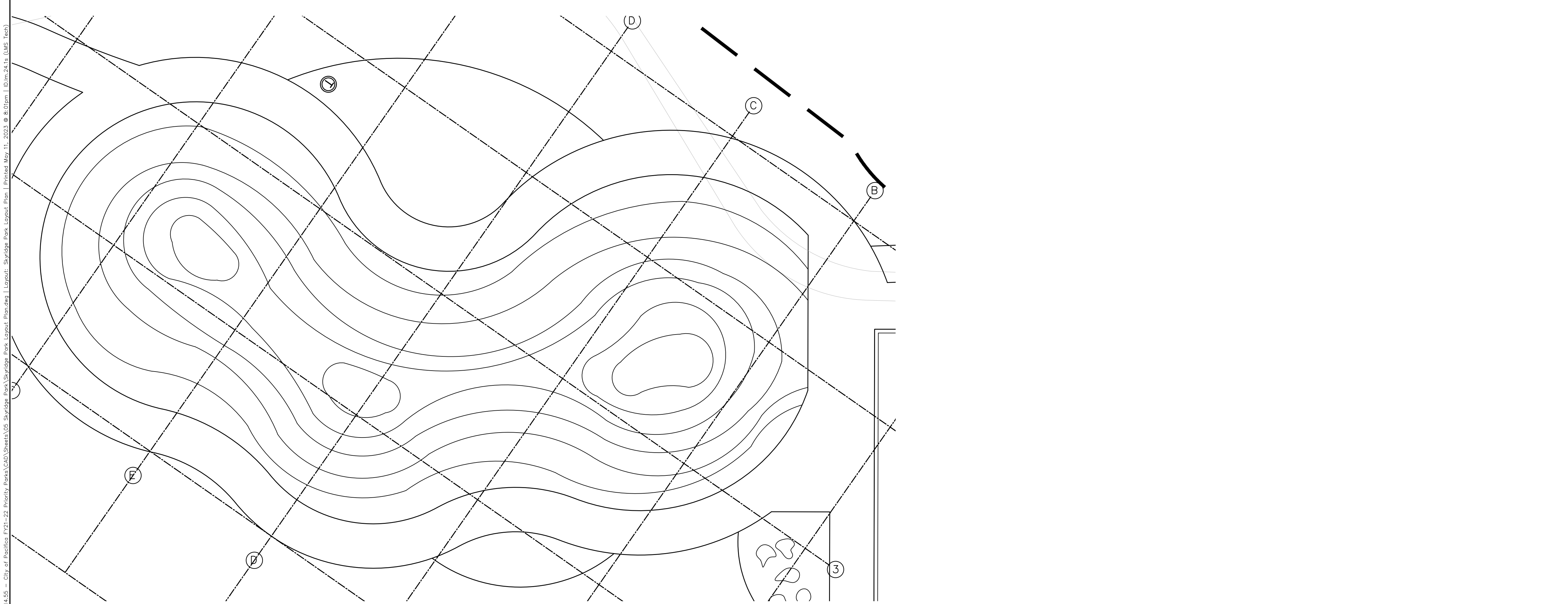
SHEET 21 OF 28







LAYOUT PLAN  
1/8" = 1'-0"



SAFETY SURFACING LAYOUT PLAN  
1/8" = 1'-0"

- LEGEND
- EXISTING TREE TO REMAIN, SEE [Symbol]
  - EXISTING TREE TO BE REMOVED
  - CONCRETE PAVING -- PEDESTRIAN, SEE [Symbol]
  - SAFETY SURFACING, SEE [Symbol]
  - EXPANSION JOINT, SEE [Symbol]
  - ACCESSIBLE PICNIC TABLE, SEE SPECS
  - BENCH, SEE SPECS
  - RECYCLING CONTAINER
  - TRASH CAN, SEE SPECS
  - PET WASTE STATION, SEE SPECS
  - EXISTING FENCE TO REMAIN
  - LIMIT OF WORK
  - PLANTING AREA
  - SEE CIVIL DWGS
  - EQUAL
  - ALIGN
  - CLEAR
  - LAYOUT POINT OF BEGINNING
  - DOWN
  - TYPICAL



CITY OF PACIFICA FOR  
PRIORITY PARKS

OWNER  
  
CITY OF PACIFICA  
540 CRESPI DRIVE,  
PACIFICA CA 94044

NO.	DATE	DESCRIPTION
	5/11/2023	65% SUBMITTAL

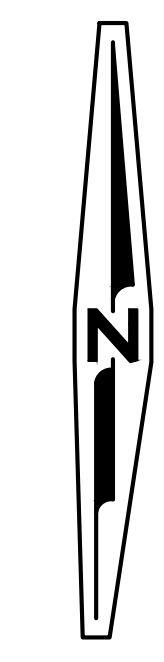
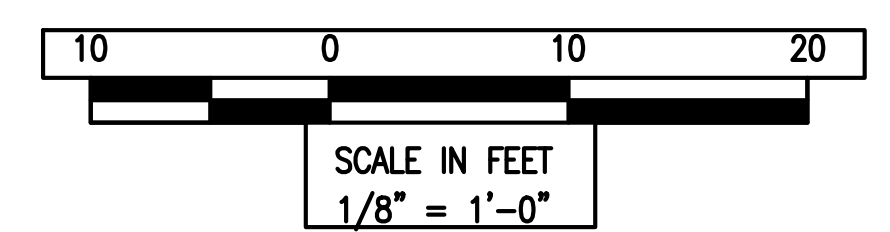
PROJECT NO:	1004.14.55
DESIGNED BY:	MSG
DRAWN BY:	CDV & IMA
CHECKED BY:	MSG
DATE:	5/11/23

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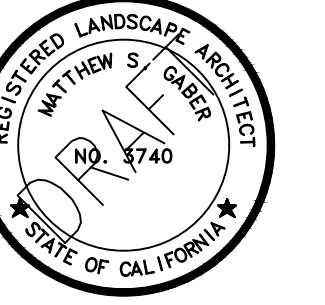
SHEET TITLE

SKYRIDGE PARK  
LAYOUT PLAN

DRAWING  
**L 4.1.1**



File: D:\Active Projects\Projects\1004\1004.14.55 - City of Pacifica\Priority Parks\1004.14.55 - Skyridge Park Layout Plan.dwg  
 Project: Skyridge Park Layout Plan  
 Date: 5/11/23  
 Author: MSG  
 Title: LAYOUT PLAN



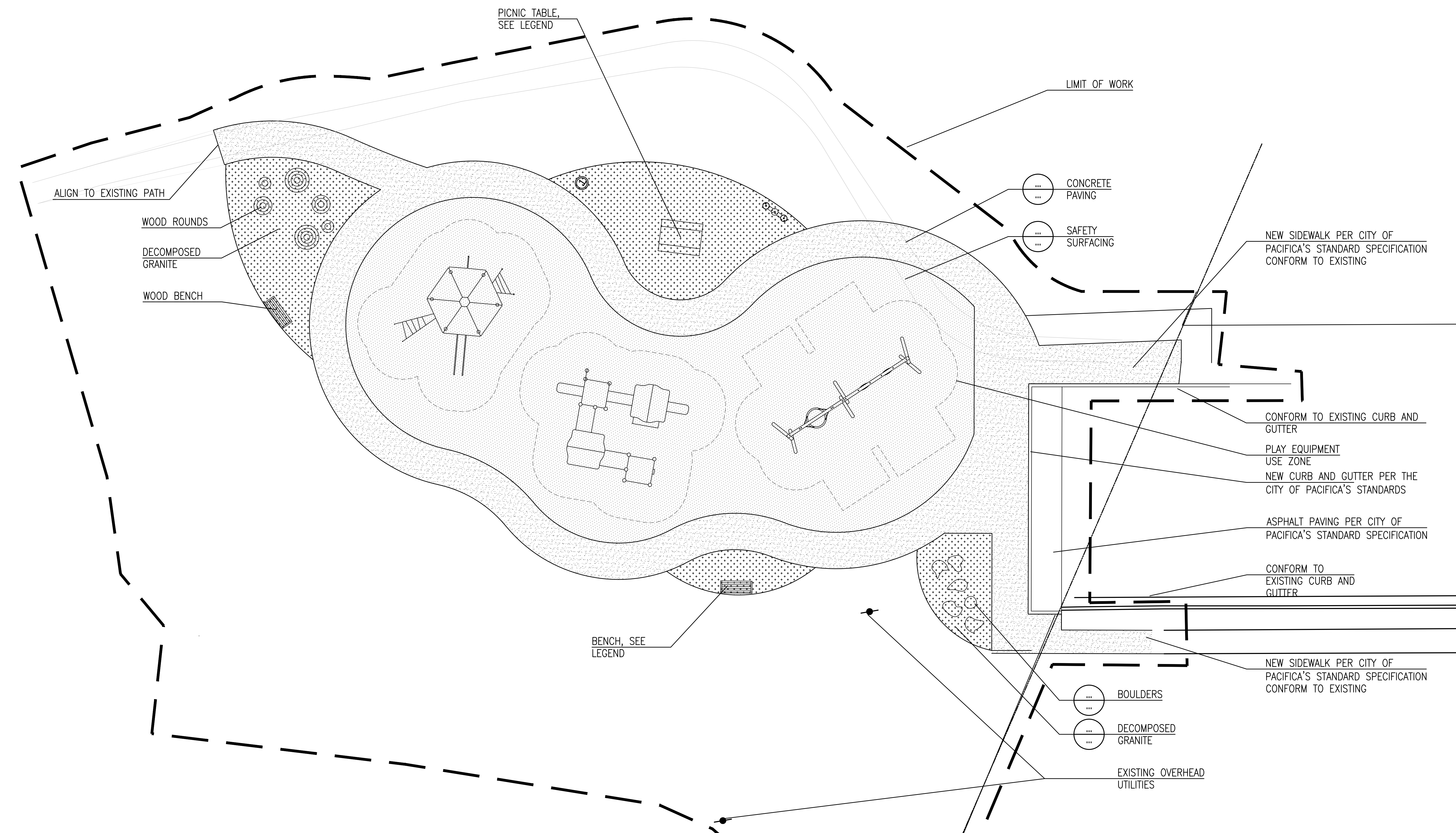
**A. Six-Sided Climbing Structure**



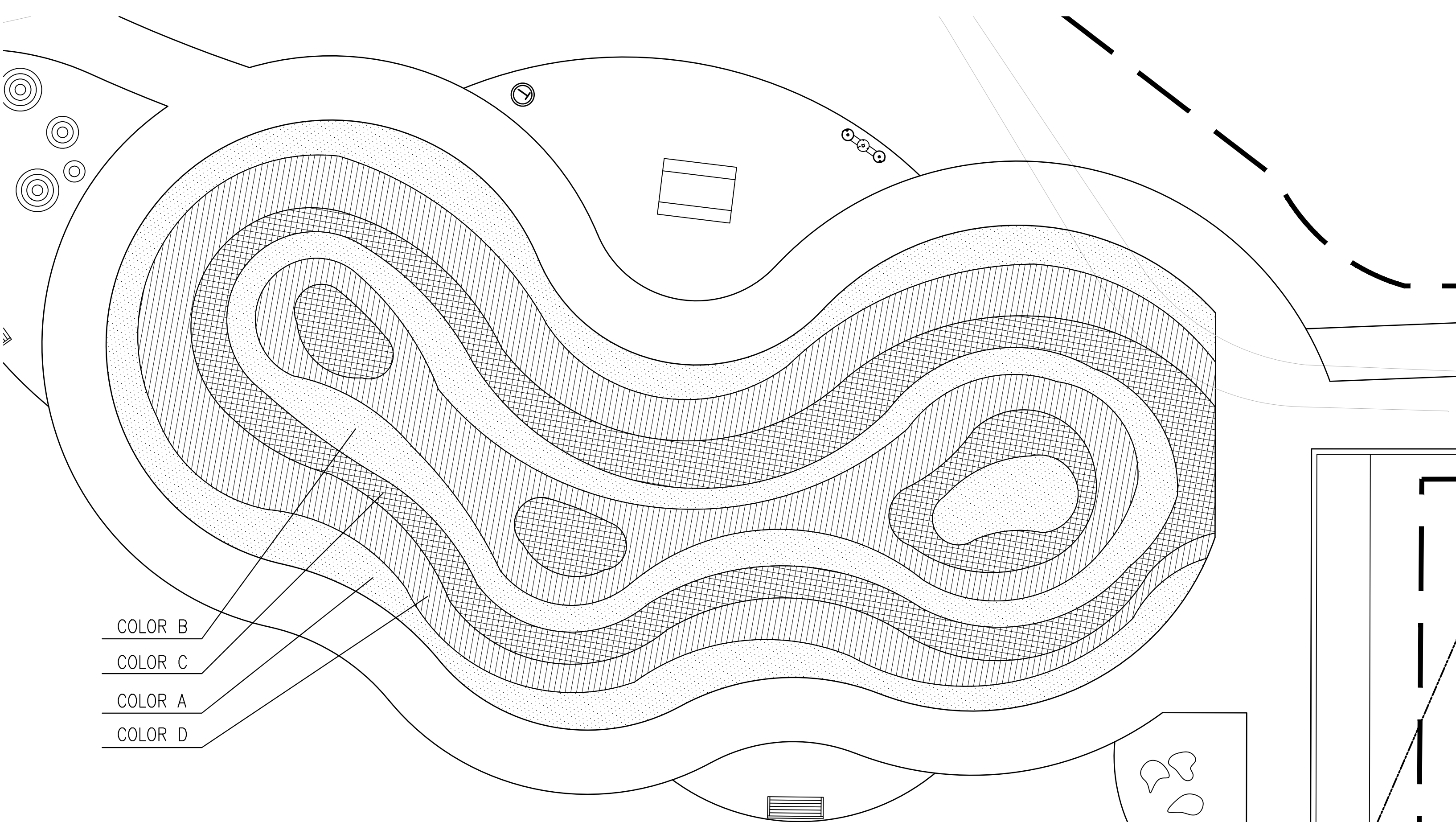
**B. Little Turtle's Town**



**C. Double Swing Combination**



**MATERIAL PLAN**



**SAFETY SURFACING PLAN**

- LEGEND**
- EXISTING TREE TO REMAIN, SEE ...
  - EXISTING TREE TO BE REMOVED
  - CONCRETE PAVING -- PEDESTRIAN, SEE ...
  - SAFETY SURFACING, SEE ...
  - EXPANSION JOINT, SEE ...
  - DRINKING FOUNTAIN
  - ACCESSIBLE PICNIC TABLE, SEE SPECS
  - BENCH, SEE SPECS
  - RECYCLING CONTAINER
  - TRASH CAN, SEE SPECS
  - PET WASTE STATION, SEE SPECS
  - EXISTING FENCE TO REMAIN
  - PROPOSED WOOD FENCE
  - LIMIT OF WORK
  - PLANTING AREA
  - SEE CIVIL DWGS
  - EQUAL
  - ALIGN
  - CLEAR
  - LAYOUT POINT OF BEGINNING
  - DOWN
  - TYPICAL

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 CITY OF PACIFICA  
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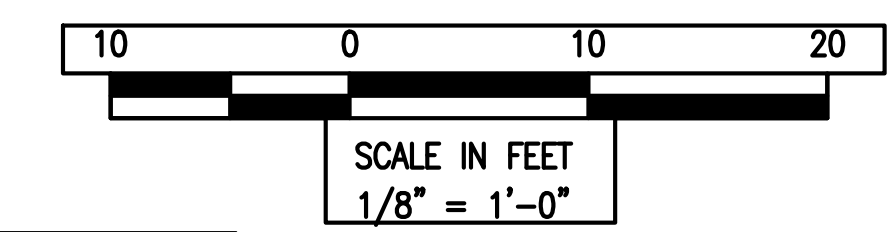
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	5/11/2023	65% SUBMITTAL

PROJECT NO:	1004.14.55
DESIGNED BY:	MSG
DRAWN BY:	CDV & IMA
CHECKED BY:	MSG DATE 5/11/23
DATE:	5/11/23

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**SKYRIDGE PARK MATERIAL PLAN**

DRAWING  
**L 4.1.2**  
 SHEET 23 OF 28



P:\Projects\Projects\2023\051123\_Skyridge\_Park\_Material\_Plan.dwg (5/11/23) 11:25:52 AM MSG



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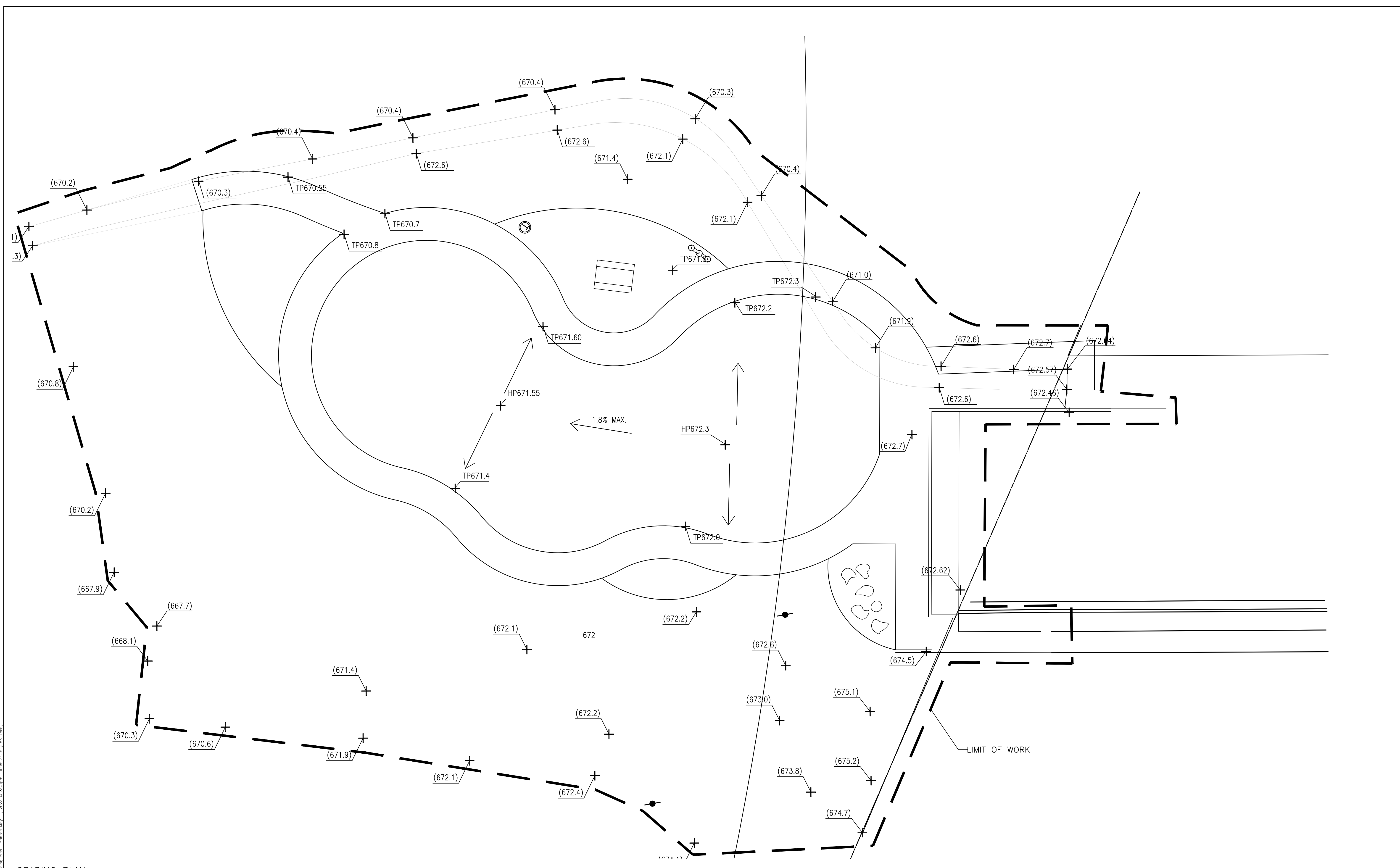
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SHEET TITLE  
**SKYRIDGE PARK  
 GRADING PLAN**

DRAWING  
**L 4.1.3**



**GRADING PLAN**  
 1/8" = 1'-0"

**LEGEND**

FFE 148.00	FINISH FLOOR ELEVATION- S.C.D./ S.A.D.
142.45	PROPOSED ELEVATION
(138.95)	EXISTING ELEVATION-S.C.D.
R	RIDGE
→	DIRECTION OF SLOPE
↪	SWALE @ 2%
2%	PERCENTAGE OF SLOPE
TP 103.87	TOP OF PAVING
⊙	LANDSCAPE AREA DRAIN, SEE SPECS
⊗	AREA DRAIN IN PAVING
▣	LANDSCAPE DRAIN S.C.D.
INV	INVERT ELEVATION
=====	6" SOLID PVC DRAIN LINE, CONNECT TO STORM DRAIN, S.C.D.

=====	4" SOLID PVC DRAIN LINE, CONNECT TO STORM DRAIN, S.C.D.
=====	4" PERFORATED PVC DRAIN LINE, CONNECT TO STORM DRAIN, S.C.D.
=====	FRENCH DRAIN CONNECT TO STORM DRAIN, S.C.D. AND
HP	HIGH POINT
TW	TOP OF WALL
TP	TOP OF PAVING
TC	TOP OF CURB
FG	FINISH GRADE
TS	TOP OF STEP
BS	BOTTOM OF STEP
S.C.D.	SEE CIVIL'S DRAWINGS
S.A.D.	SEE ARCHITECT'S DRAWINGS
S.M.D.	SEE MECHANICAL'S DRAWINGS
S.S.D.	SEE STRUCTURAL'S DRAWINGS



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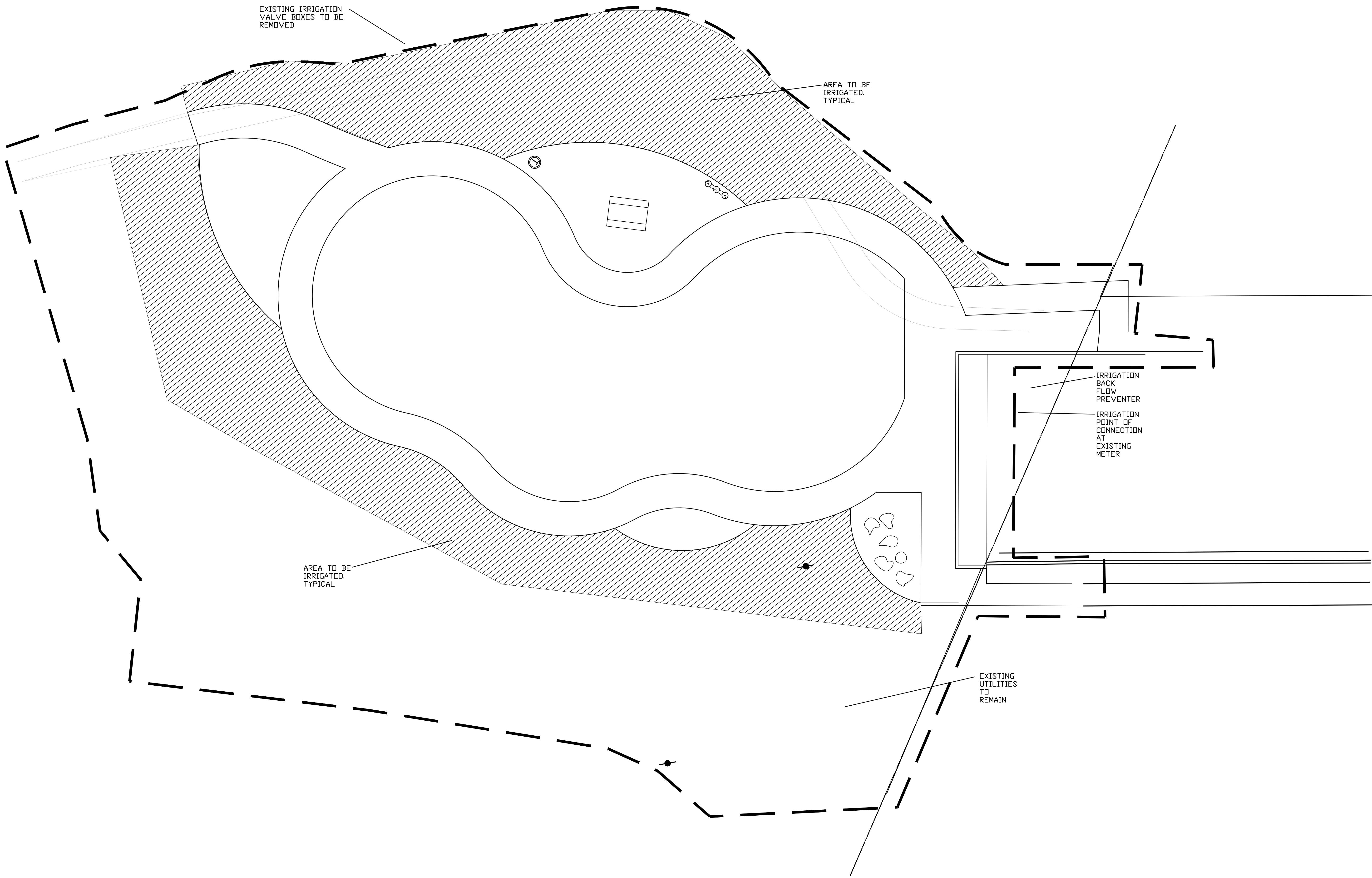
SHEET TITLE

SKYRIDGE PARK  
 IRRIGATION PLAN

DRAWING

L4.1.4

SHEET 25 OF 28



P:\Projects\Projects\1004\1004.14.55 - City of Pacifica - Skyridge Park\Drawings\Irrigation\Irrigation Plan\Irrigation Plan.dwg, 5/11/23, 10:00 AM, 1004.14.55



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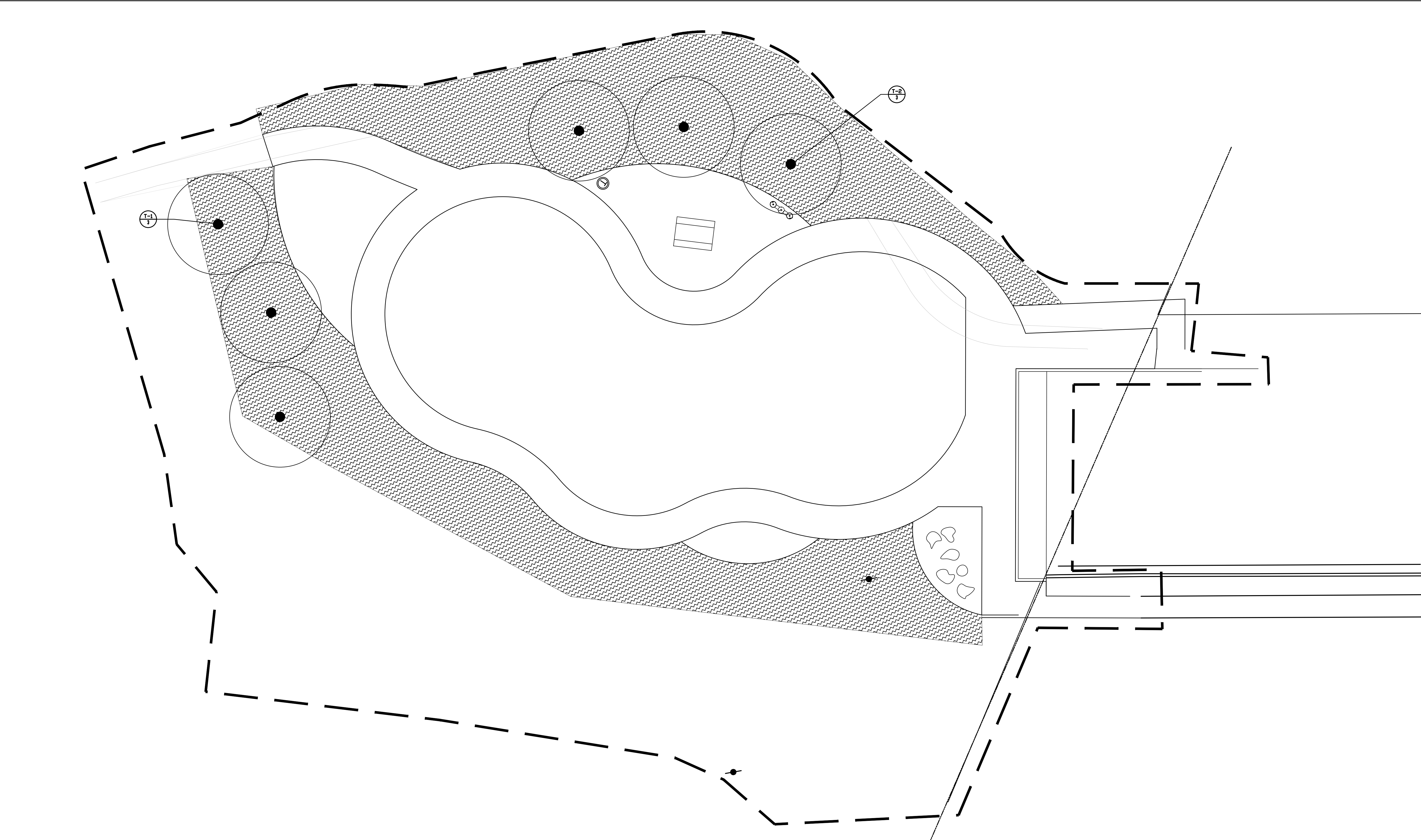
SHEET TITLE

SKYRIDGE PARK  
 PLANTING PLAN

DRAWING

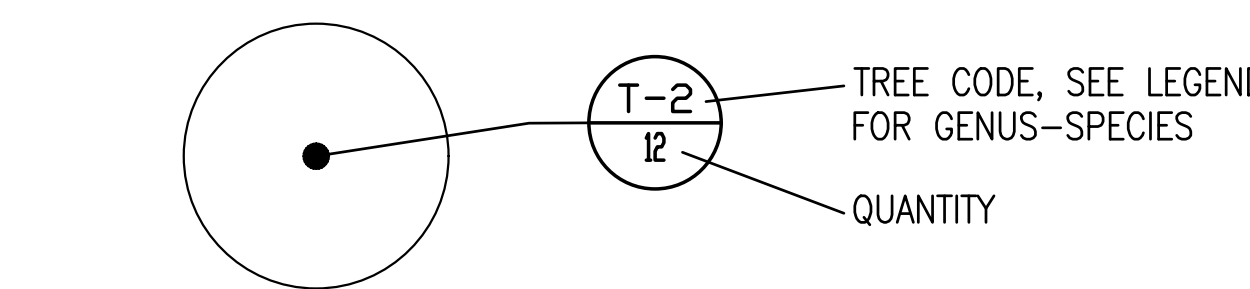
L 4.1.5

SHEET 26 OF 28



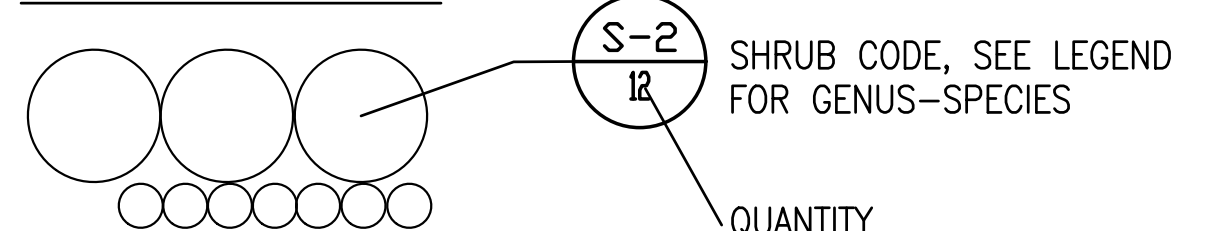
PLANTING PLAN

PLANTING LEGEND



NOTE: SEE SHT. L4-1-1 FOR TREE PLANTING DETAILS

SHRUBS AND PERENNIALS



NOTE: SEE SHT. L4-1-1 FOR SHRUB PLANTING/LAYOUT DETAILS

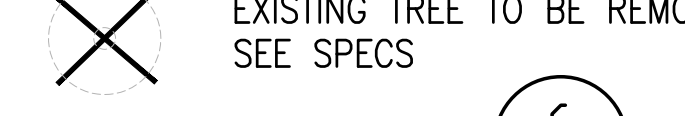
GROUNDCOVERS



COBBLES, SEE 10 L4I-3



EXISTING TREE TO BE REMOVED, SEE SPECS



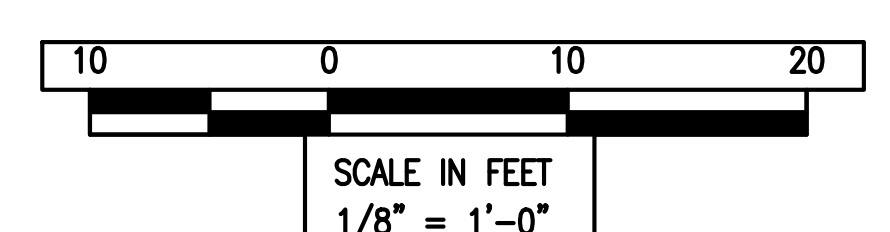
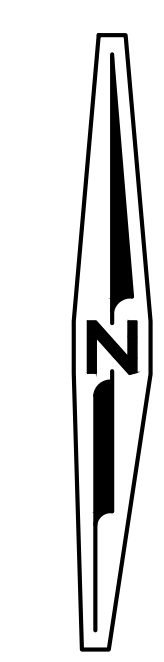
BOULDERS, SEE 6 L4I-2

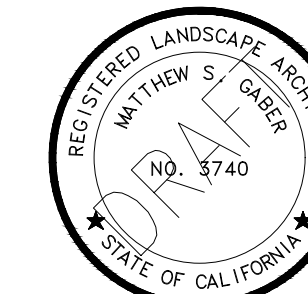
PLANTING NOTES

1. PROVIDE MATCHING SIZES AND FORMS FOR EACH SPECIES OF TREE INSTALLED ON GRID OR SPACED EQUALLY IN ROWS AS SHOWN ON DRAWINGS. ALIGN TREES ACROSS WALKS. ADJUST SPACING AS NECESSARY, SUBJECT TO REVIEW BY THE LANDSCAPE ARCHITECT.
2. PROVIDE MATCHING SIZES AND FORMS FOR ALL HEDGE PLANTINGS. SPACE EQUALLY (ON GRID) (TRIANGULARLY) AS SHOWN.
3. INSTALL ALL TREES A MINIMUM OF FOUR (4) FEET FROM BACK OF CURB, EDGE OF WALL OR PAVING.
4. FORM 30" WATERING AROUND ALL TREES NOT INSTALLED IN LAWN OR PAVED AREAS. FILL BASIN WITH (2 INCH LAYER OF WOOD CHIPS) (1-1/2 INCH LAYER OF FIR BARK).
5. THE LOCATION OF ALL TREES SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO FINAL INSTALLATION.
6. EXACT PLACEMENT OF HEADERS WILL BE REVIEWED BY LANDSCAPE ARCHITECT PRIOR TO FINAL INSTALLATION.
7. PROVIDE AN ALLOWANCE OF 5 PERCENT OF THE TOTAL LINEAR FOOTAGE OF HEADER TO BE FURNISHED AND INSTALLED DURING PROGRESS OF WORK AS MAY BE DIRECTED BY THE LANDSCAPE ARCHITECT, IN ADDITION TO ALL HEADERS INDICATED ON DRAWINGS.
8. PLANT NAMES ARE ABBREVIATED ON THE DRAWINGS. SEE PLANT LIST FOR KEY AND CLASSIFICATION.
9. IN ADDITION TO QUANTITIES OF THESE TREES GIVEN, SUPPLY 2 PERCENT OF THE TOTAL NUMBER OF TREES OR A MINIMUM OF 1 TREE IN EACH SPECIES FOR DESTRUCTIVE INSPECTION. THE TREES TO BE SO INSPECTED WILL BE RANDOMLY SELECTED BY THE LANDSCAPE ARCHITECT UPON DELIVERY AT THE SITE, AND PRIOR TO ACCEPTANCE OF PLANT MATERIALS.
10. PLACE A 3" LAYER OF FIR BARK MULCH ON ALL PLANTINGS AREAS EXCEPT LAWN.
11. FOR BID PURPOSES, CONTRACTOR TO ASSUME THAT ALL PLANTED AREAS SHALL BE AMENDED TO A MINIMUM DEPTH OF 6" WITH 6 CUBIC YARDS PER 1000 SF OF ORGANIC AMENDMENT PER 1000 SF OF PLANTED AREA. FINAL QUANTITY OF ORGANIC AMENDMENT TO BE DETERMINED AFTER SOILS TESTS ARE PERFORMED. SEE SPECIFICATIONS.
12. LOCATION OF ALL PLANTING IS DIAGRAMMATIC. DO NOT WILLFULLY LOCATE PLANTINGS WHERE CONFLICTS EXIST WITH UTILITIES OR THE BUILDING.

PLANT LIST

Code	Botanical Name	Common Name	Size	Spacing
<b>TREES</b>				
T-1	<i>Quercus agrifolia</i>	Coast live oak	15 gallon	As shown
T-2	<i>Salix lasiolepis</i>	Arroyo willow	DP 40	As shown
T-2	<i>Quercus lobata</i>	Valley oak	15 gallon	As shown
<b>SHRUBS</b>				
S-1	<i>Arctostaphylos manzanita howard mcminn</i>	McMinn Manzanita	5 gallon	As shown
S-2	<i>Heteromeles arbutifolia</i>	Toyon	5 gallon	As shown
S-3	<i>Baccharis pilularis</i>	Dwarf Coyote Brush	1 gallon	As shown
S-4	<i>Rosa californica</i>	California Wildrose	1 gallon	As shown





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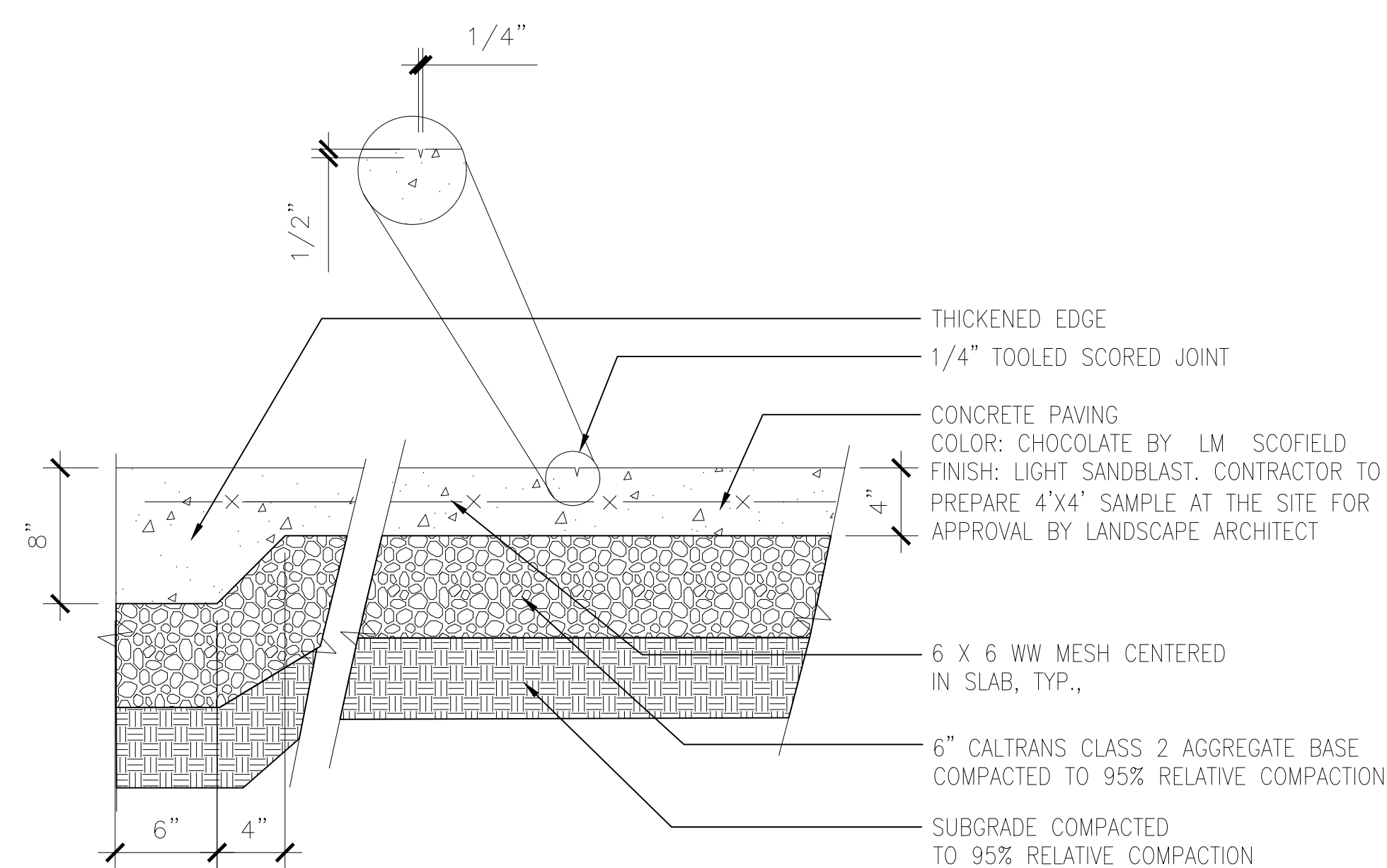
SHEET TITLE

HARDSCAPE DETAILS

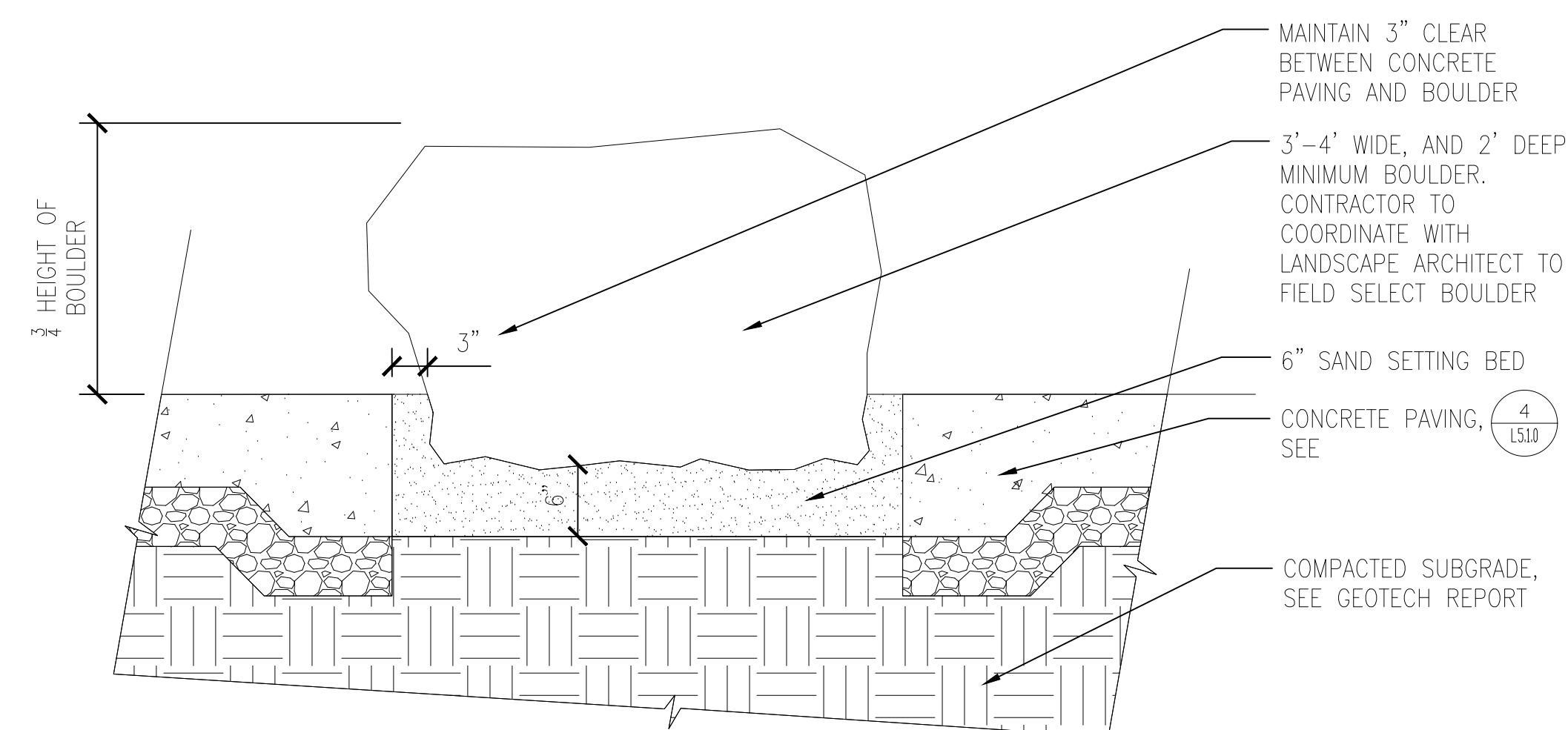
DRAWING

L 5.1.0

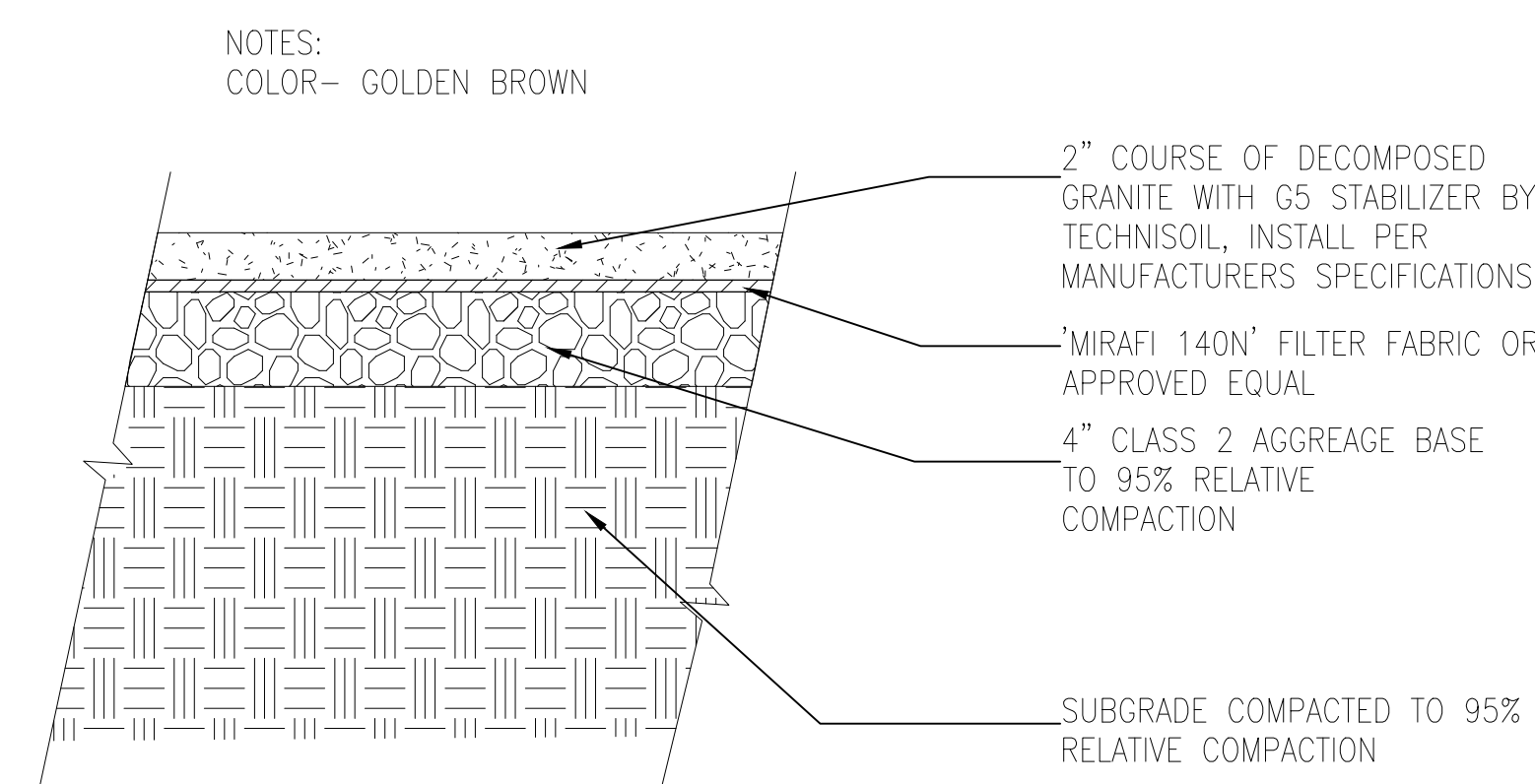
SHEET 27 OF 28



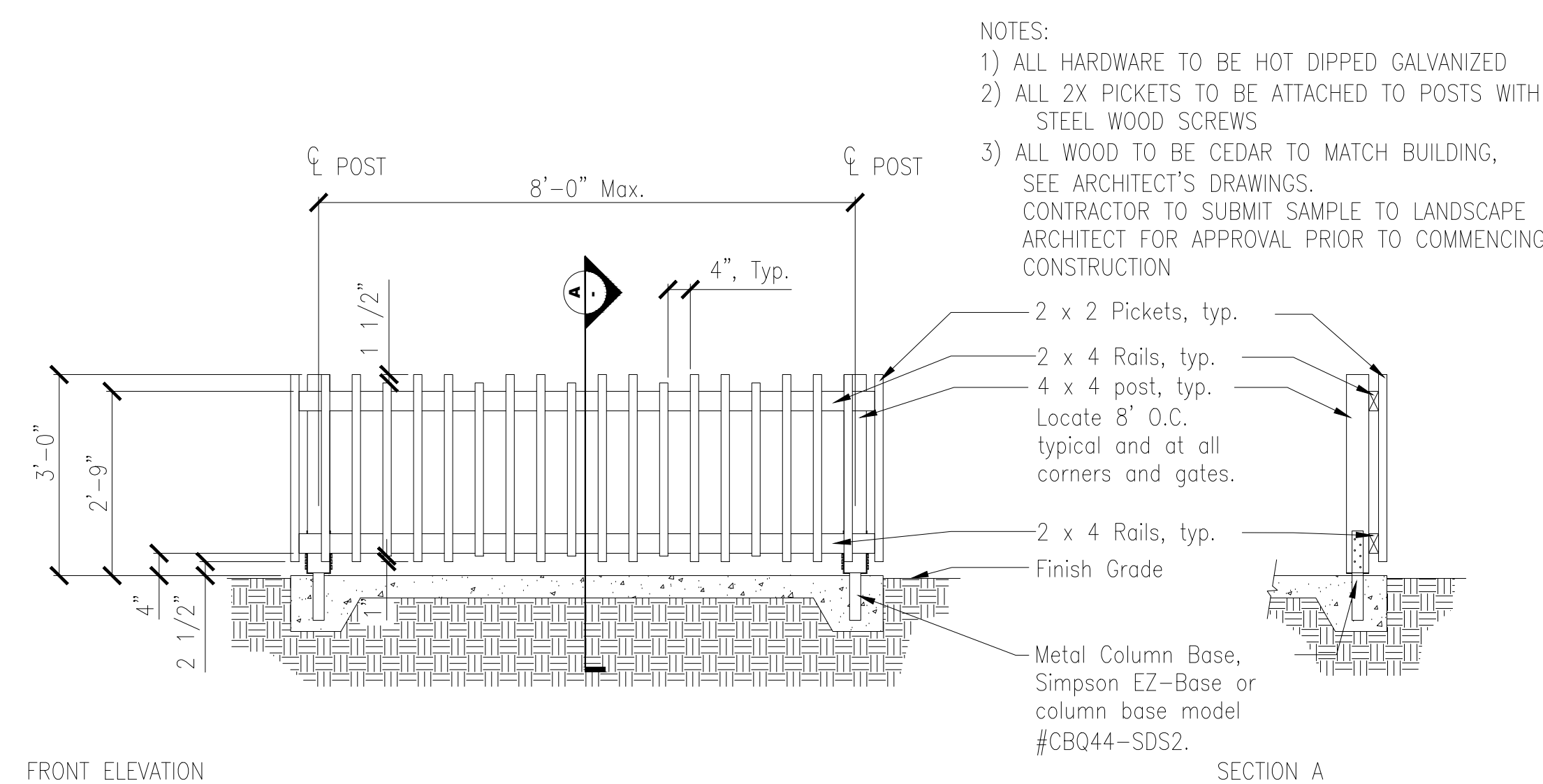
**1 CONCRETE PAVING WITH WELDED WIRE MESH**  
 SCALE: 1-1/2" = 1' - 0"



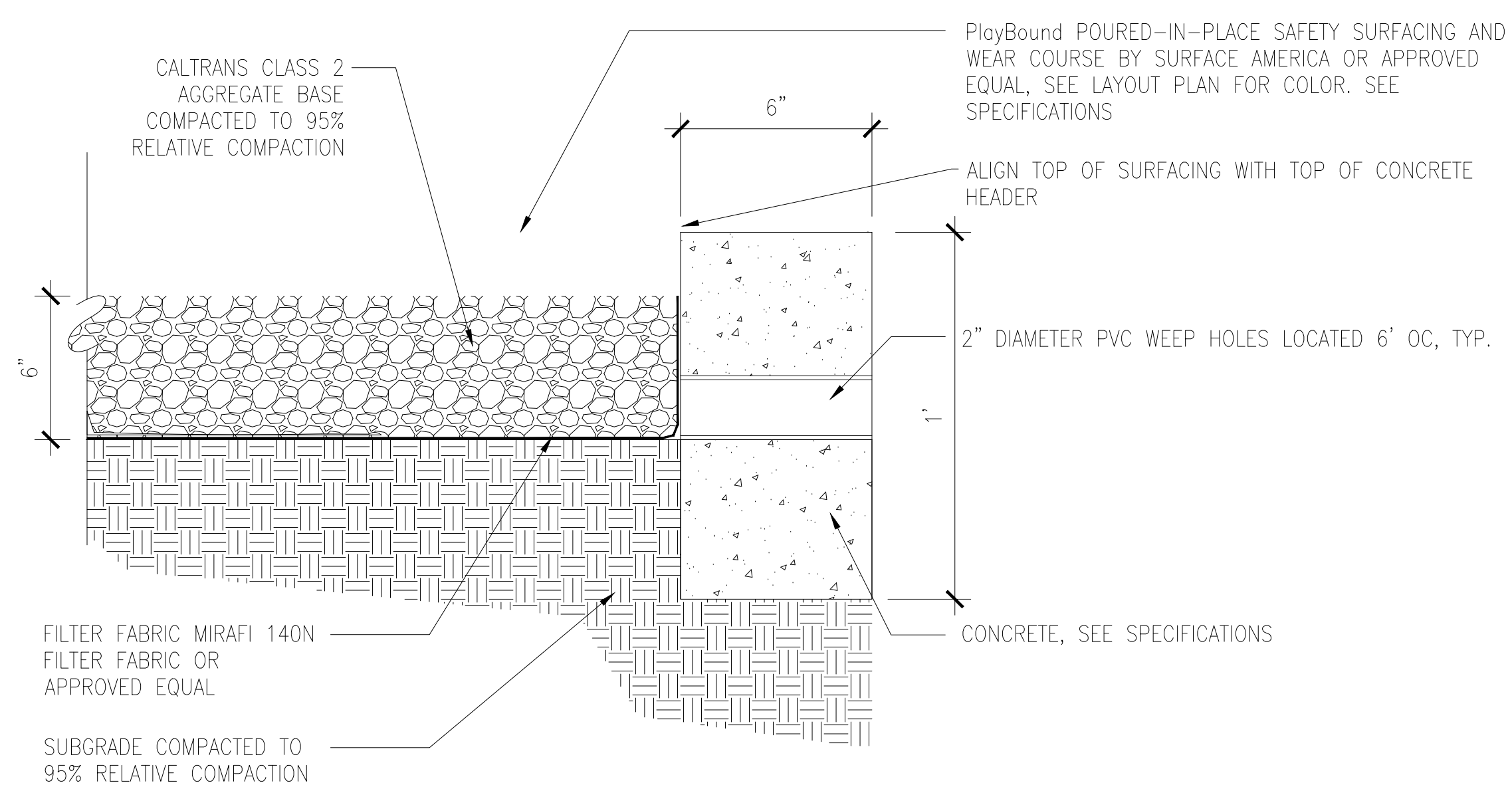
**4 BOULDER**  
 SCALE: 1" = 1' - 0"



**2 DECOMPOSED GRANITE PAVING**  
 SCALE: 1/8" = 1' - 0"



**5 WOODEN FENCE WITH PICKETS**  
 SCALE: 1/2" = 1' - 0"



**3 SAFETY SURFACING**  
 SCALE: 3" = 1' - 0"