



**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

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.

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 where 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

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.

- 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

X 
Pacifica Parks, Beaches & Commission
Chair Cindy Abbott