



CITY OF POMONA COUNCIL REPORT

June 19, 2017

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mark Lazzaretto, Development Services Director

Subject: Public Hearing – Consideration of an appeal of the Historic Preservation Commission’s non-action on major certificate of appropriateness (MAJCOA 6988-2017) to allow the removal of a cedar deodar tree in the front yard of the residence located at 366 West Alvarado Street within the Wilton Heights Historic District

OVERVIEW

Recommendation –That the City Council open the public hearing and, after receiving testimony and public comment, close the public hearing and adopt the attached resolution denying the project.

Fiscal Impact – There are no anticipated short-term or long-term fiscal impacts associated with this action.

Public Noticing Requirements – Pursuant to Section .5809-13.G. there is no public noticing requirements for appeals on major certificates of appropriateness. The appeal shall be scheduled for the earliest regular meeting of the hearing body, not less than 15 days or more than 45 days after the date of filing an appeal.

Previous Related Action – On May 3, 2017, the Historic Preservation Commission reviewed this application for Major Certificate of Appropriateness (MAJCOA 6988-2017). The Historic Preservation Commission motion and vote resulted in a non-action due to a split vote of three commissioners in favor of the motion and three opposed.

Environmental Determination - Upon submittal of the project, staff reviewed the proposed project in accordance with the California Environmental Quality Act (CEQA) guidelines. After examining the proposed project, staff has determined that the proposed

project meets the criteria for a Class 4 Categorical Exemption, Section 15304 – Minor Alterations to Land.

EXECUTIVE SUMMARY

The applicant is proposing to remove an existing large cedar deodar tree located within the front yard of a single family residential property that is located in the R1-7200 Single Family zoning district and located within the Wilton Heights Historic District. The Historic Preservation Commission voted 3-3-0-0 which resulted in a non-action on the application request. The property owner, Christian Irias, has filed an appeal on the lack of decision of the Historic Preservation Commission.

DISCUSSION

The existing single family home located at 366 W. Alvarado Street is a minimal traditional home built in 1947. The building sits on a 8,470 square-foot lot in the R-1-7200 (Single-family Residential) zone within the Wilton Heights Historic District. A 1995 Wilton Heights Historic District Survey identifies the residence as a Minimal Traditional structure that is in very good condition with no alterations.

The applicant is requesting a Major Certificate of Appropriateness to remove one cedar deodar evergreen tree that is located in the front yard of the subject property. The existing tree is 26.5 inches in diameter and the tree stands approximately 70 feet in height. The property owner hired a tree removal contractor who removed a large limb at the lowest point of the branch growth area before City staff requested the homeowner to cease work on the tree removal. The property owner had been issued a Tree Removal Exemption Permit to begin work, however staff later determined that the permit was issued in error and rescinded the approval. The City has now requested that the property owner obtain a Major Certificate of Appropriateness before any further removal work is conducted on the tree.

The property owner was unaware that a permit had been issued in error and is dissatisfied with the actions of the City to date. The property owner still desires to remove the tree based on concerns that the sewer lateral is being damaged and could require a costly sewer line replacement in the future. Although the symmetry of the existing tree has been compromised by the trimming activities that occurred last summer, the tree appears to currently be in a healthy condition and does not appear to pose a danger to the existing home or adjacent properties.

APPLICABLE CODE SECTIONS

Pursuant to Zoning Ordinance Section .5809-13. F. requires application for a major certificate of appropriateness to be considered by the Historic Preservation Commission for requests for alterations of properties that are located within a historic district, including tree removals.

ISSUES ANALYSIS

The property owner is requesting removal of the tree located in the front yard setback area due to issues related to the private sewer line located near the tree, below the surface of the yard. The applicant/property owner has described that tree roots invade the sewer line which requires continual root clearing for the waste lines to properly function. It is staff's opinion that there are alternative methods to reduce the need for sewer line clearance rather than simply removing a large tree. Replacement trees as suggested by the property owner may ultimately create similar issues and/or other trees in the vicinity may be the cause of the sewer line blockage. This is a common issue in older neighborhoods and is a trade-off for positive attributes that mature trees bring to a neighborhood.

CONCLUSION

Staff is recommending that the City Council adopt the attached resolution denying the project. Alternatively, if the City Council finds that there is adequate evidence to support the request or finds that removal of the tree is best for the neighborhood aesthetics and will not harm the property, neighborhood or district as a whole, the City Council could find that the removal of the tree is appropriate and approve the request for a Major Certificate of Appropriateness for the tree removal. A resolution approving the Certificate is also attached.

- Attachments –
- A. Draft City Council Resolution for denial of MAJCOA 6988-2017
 - B. Draft City Council Resolution for approval of MAJCOA 6988-2017
 - C. Site Photographs
 - D. Historic Preservation Commission Meeting Staff Report and excerpt from draft minutes dated May 3, 2017
 - E. Appeal form filed by property owner dated, May 22, 2017
 - F. Letter submitted to the City by property owner, dated May 6, 2017
 - G. Letter submitted to the City by property owner, dated June 12, 2017