

HISTORIC TREE PROGRAM

On April 5, 2000, the Historic Preservation Commission (“HPC”) adopted Resolution No. 2000-06 recommending that the City Council adopt and implement a Tree Protection and Preservation Program for historic sites (hereafter the “Historic Tree Program” or “Program”).¹ Members of the Parks and Recreation Commission acting as the City Tree Committee met on April 13, 2000 to review the Historic Tree Program and expressed their support however no action could be taken because of lack of a quorum. The City Council adopted the Historic Tree Program by unanimous vote of the City Council members present as Resolution No. 2000-72 on May 1, 2000.²

This memo discusses the specific provisions of the Historic Tree Program in the order in which they are drafted. However, it is not a recommendation to keep the existing order of the sections. Understanding what we have been doing for the past eighteen years and what is working and what isn’t will better inform our decision-making as to what should be recommended.

The Historic Tree Program contains the following elements

1. Coordination with Southern California Edison on Line Clearing Activities: Annually SCE submits to the Parks Department a schedule of anticipated tree trimming in all City Historic Districts, identifying the contractors and locations and including identification of all palm trees that have the potential to encroach on power lines. All line clearance work on mature significant trees, specimen trees, or city street trees are required to be in compliance with utility pruning standards established by the International Society of Arboriculture and the Utility Arborists Association. Additionally, subparagraph d states that Historic Preservation

¹ The staff report presented to the HPC referenced an existing City of Pomona Tree Preservation Ordinance that “defines mature significant trees, requires maintenance and protection of the trees, establishes a permit process for their removal and creates penalties for violation of the ordinance.” The staff report noted that under the existing City of Pomona Tree Preservation Ordinance on private property in developed areas, like historic districts, three mature significant trees can be removed with a tree removal permit issued by the Parks, Recreation and Community Services Director and no findings for removal are required and no conditions can be imposed. The staff report noted that the Parks Division staff were working with the City Attorney’s Office to draft a revised ordinance to include stronger protections for trees on developed property. Although the staff report included an excerpt from the City of Pomona Tree Preservation Ordinance, it appears that such Ordinance was never adopted and there are not any permit requirements that currently apply to trees on private property Citywide other than the more recently adopted Oak Tree Ordinance. There are existing Codes regarding Street Trees that are not being enforced.

² The agenda package and adopted resolution as posted online does not include the 4th page of the Historic Tree Program, although it is attached as recommended by the HPC.

Commission Notification is required; however, there is no process specified, so it is unclear if notification is by SCE or the Parks Department. There don't appear to be any records of any notifications to HPC and it is unclear whether there is any oversight of the line clearing activities.

Recommendation: Update provision to specify that the Parks Department will notify the HPC/Planning within 10 days of receipt of the schedule from SCE.

2. Certificates of Appropriateness Required: The Program prohibits removal or trimming of "character-defining landscaping" on any historic site without a certificate of appropriateness unless there is an emergency situation that could threaten lives, property or essential services.

This section ties the Historic Tree Program to the language of the Historic Preservation Ordinance and sets forth a general description of the Historic Tree Program restrictions. However, it provides little clarity because other sections provide the appropriate definitions and exemptions. Sections 10 and 11 provide a clearer summary of which type of COA is required. Character defining landscape is defined in another section of the Program as mature trees, specimen trees and street trees. Paragraph 9 contains a number of exemptions to the COA requirement that have resulted in the loss of many trees without replacement. Any tree removals that don't fall within an exemption require a major COA which may be discouraging residents from maintaining their trees and planting new trees. Also, many residents are unaware of the requirement to obtain permits for tree trimming resulting in many Code Enforcement calls to stop pruning of trees. Code Enforcement has stopped the removal of at least one palm tree after the top was removed and allowed the trunk to remain for years in the front yard of one residence.

Recommendation: Update sections to reduce the number of permits required for tree trimming by only requiring permits for trimming not in compliance with City standards as publicly posted. Further define emergency situation and modify section 9 to require a minor COA for all currently exempt tree removals and implement a replacement program. Require a major COA for all removals of trees citywide that are 50 years or older or City designated specimen/heritage trees and a minor COA for those trees currently protected in the Program that are younger and/or are currently exempt under section 9.

3. Historic Sites are defined to include historic landmarks and contributing and non-contributing structures within historic districts. Structures legally exempted from the historic district are excluded from the Program, however, landscaping within the public right of way is included. This definition is consistent with the Historic Preservation Ordinance.

4. Character-Defining Landscaping: is defined to include mature significant trees, designated specimen trees and street trees. For Lincoln Park and Wilton Heights specimen trees include all the trees currently designated by the City. In other historic districts, the applicants are required to identify mature significant trees and specimen trees as part of the application process.

This provision is unclear because it suggests that applicants can designate specimen trees, however, City Council Resolutions designate specimen trees on recommendation from the Parks Commission acting as the City Tree Committee. Also, the City Council Resolutions define specimen trees as not including trees on private property.

Recommendation: Consider clarifying this language to eliminate the specimen tree definition and instead define all trees over 50 years of age as heritage trees. Those trees identified as specimen trees in existing districts would be classified as heritage trees and future districts would need to identify them as part of the application process.

5. Mature Significant Trees: This section specifies that mature significant trees shall be defined as trees located on either public or private property and shall be consistent with the City of Pomona Tree Preservation Ordinance and include: (a) Oak trees with trunks over 8 inches, and (b) Other trees with trunks more than 10 inches, or (c) Multi-trunk trees with a total circumference of 38 inches or more. The diameter or circumference is measured at breast height.

Recommendations: clarify that breast height is 4.5 feet high, specify how to calculate the circumference of a multi-trunk tree and remove the reference to the City of Pomona Tree Preservation Ordinance.

6. Specimen (Heritage) Trees: This section specifies that specimen trees shall be defined consistent with City Council Resolution No. 73-68 and may be located on either public or private property.

This section is unclear because the City's Specimen Tree Protection Policy is set forth in City Council Resolutions 62-65 and 73-68. Resolution 73-68 modified 62-65 and the City's Specimen Tree Protection Policy protects outstanding trees that are designated by the City Council based on the recommendation of the City Parks and Recreation Commission sitting as the Tree Advisory Committee and only protects trees on public property.

Recommendation: As stated above revise the definition to eliminate the reference to Specimen trees under City Council resolutions and instead define Heritage Trees as over 50 years of age. Applicants could establish the age of the tree based on records/photos or historical mapping or age estimation software, or the age could be determined by the City based upon the variety of the tree and the size of the trunk. If in dispute, the burden would be on the applicant to show that the tree was less than 50 years old.

7. Street Trees: This section defines street trees as those planted by the City on the parkway, easement, or dedicated land and excludes those trees planted in the public right of way by adjacent property owners.

Recommendation: Consider amending this section to clarify that it includes parkway trees planted as a condition of approval in any HPC or City Council resolution.

8. Compliance with City Street Tree Trimming Standards: This section requires that all street trees, mature significant trees and specimen trees on historic sites be pruned consistent with the adopted trimming policies outlined in the City of Pomona Street Tree Policy Manual and professionally accepted tree trimming standards which include standards established by the International Society of Arboriculturists, National Arborists Association, and American National Standards Institute. A section of the Street Tree Policy Manual is attached to the program.

Residents have complained that the excerpt from the Policy Manual that is given out with the permits is unclear regarding acceptable pruning.

Recommendation: Require that the City Street Tree Trimming Standards be posted on the City website, and provide that heritage trees shall be pruned in the most conservative manner to preserve the health of the tree. Any changes in style of pruning trees in historic districts and on historic properties shall be approved in advance by the HPC.

9. Exempt Projects: This section sets forth a list of projects that do not require a COA.

(a) Trimming or removal of trees that could threaten life, property or the provision of essential services such as electrical power or communications.

(b) Trimming of trees or landscaping that block visibility.

(c) Removal of any dead or dying trees, as determined by an ISA certified arborist.

(d) Removal of any tree or landscaping that blocks visibility, and cannot be trimmed to allow clear sight lines.

(e) Removal of any tree or landscaping in the public right-of-way or public property that is not a designated street tree.

(f) Trimming-Street trees in a manner consistent with tree trimming policies adopted in the City of Pomona Street Tree Policy Manual and with professionally accepted standards.

(g) Routine park maintenance.

(h) Removal of volunteer palms with trunk height less than ten feet measure from grade to top of trunk excluding fronds.

Recommendation: eliminate the exemptions. Allow removal of mature trees with a minor COA and adequate replacement of the canopy and like for like appearance if same variety of tree cannot be used and require a major COA for removal of any heritage tree defined as a tree over 50 years of age subject to conditions imposed by the HPC. Only require a permit for tree trimming that does not conform to the City Street Tree Trimming Standards.

10. Minor Projects. The following are considered minor projects and subject to administrative review under the provisions of the Historic Preservation Ordinance:

- (a) Trimming – Mature significant trees
- (b) Trimming – Specimen (heritage) trees
- (c) Trimming – Street Trees in a manner **not** in compliance with tree trimming policies adopted in the City of Pomona Street Tree Policy Manual and/or **not** consistent with professionally accepted standards.
- (d) Planting or Relocating – New trees and landscaping in a park or on other public property within a historic district.

Recommendation: Delete (a) and (b). Modify (c) to include all Mature, Heritage and Street Trees. Add new sections for Removing Mature significant trees and Street trees.

11. Major Projects. The following are considered major projects and subject to administrative review under the provisions of the Historic Preservation Ordinance.

- (a) Removing –Mature significant trees
- (b) Removing – Specimen (heritage) trees
- (c) Removing – Street trees

Recommendation: Delete (a) and (c) and move to section 10 for minor COA. Change (b) to Heritage rather than Specimen.