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# CITY OF POMONA

## PLANNING COMMISSION REPORT

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**DATE:** November 13, 2019

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Planning Division

**SUBJECT:** **MAJOR OAK TREE PERMIT (MAJOTP 12699-2019):** A Major Oak Tree Permit to request approval for the unpermitted removal of an oak tree on a residential property located at 1598 S. Reservoir Street in the M-1 (Light Industrial) Zoning District.  
**(CONTINUED FROM OCTOBER 23, 2019)**

### STAFF RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached PC Resolution (Attachment 1) recommending approval of Major Oak Tree Permit (MAJOTP 12699-2019) approving the request for the unpermitted removal of an oak tree on a residential property located at 1598 S. Reservoir Street in the M-1 (Light Industrial) Zoning District, subject to findings and conditions.

### PROJECT/APPLICANT INFORMATION

<b>Address</b>	<b>1598 S. Reservoir Street</b>
<b>Assessor's Parcel Number (APN)</b>	8328-011-013
<b>Lot Size</b>	12,236 sf (0.28 acres)
<b>General Plan Land Use Designation</b>	Workplace District Edge
<b>Zoning District</b>	M-1 (Light Industrial)
<b>Historic District</b>	N/A
<b>Specific Plan</b>	N/A
<b>City Council District</b>	District 3
<b>Applicant</b>	Albert Caballero
<b>Property Owner</b>	Chris Yi

### RELATED ACTIONS

<b>Historic Preservation Commission</b>	None
<b>Code Enforcement</b>	<b>9/10/2019:</b> Open administrative citation for the unpermitted removal of an Oak Tree.
<b>Planning</b>	None

## **PROJECT BACKGROUND AND DESCRIPTION**

On September 10, 2019 the Code Compliance Division responded to a call of a possible oak tree removal in the rear yard of a residential lot. Upon inspection, the responding Code Compliance Inspector observed a contracted tree trimming company with several workers, removing the remaining tree limbs and trunk of a possible oak tree with only a stump with a height of 50 inches remaining (Attachment 2). The responding Code Compliance Inspector spoke to the property owner and the tree trimming company about the permit requirements for removal of an oak tree. It was verified that the oak tree was removed without the benefit of a Major Oak Tree Permit and an administrative citation for the unpermitted removal of the oak tree was issued, which instructed the property owner to obtain a permit. After inspection by the Code Compliance Inspector and the City Arborist, it was determined, through the remaining leaves of the tree, that the tree was a Cork Oak Tree (*species: Quercus suber*) with a trunk diameter of approximately 38 inches. Based on this diameter the oak tree would be classified as a mature and healthy tree, requiring a Major Oak Tree Permit prior to removal or relocation. Upon consultation with Planning staff, it was determined that a retroactive approval of a Major Oak Tree Permit application is the appropriate process to implement the replacement measures of the Oak Tree Preservation Ordinance and remedy the loss of the oak tree.

On September 24, 2019, Planning staff received a Major Oak Tree Permit Application (MAJOTP 12699-2019) for the unpermitted removal of an oak tree at the property located at 1598 S. Reservoir Street (Attachment 2). The property is a legal non-conforming residential lot in the M-1 (Light Industrial) Zoning District. The 12,236 square-foot lot is currently developed with a 1,280 square-foot single-family dwelling with a 360 square-foot attached garage. The applicant has stated that the tree was removed as the property is anticipated to be developed in the near future with an industrial facility subject to the development standards of the M-1 (Light Industrial) zoning district.

On October 23, 2019, the Planning Commission did not hearing this item and continued it to the November 13, 2019 Planning Commission meeting based on the fact that the applicant did not receive the staff report and attachments prior to the meeting on October 23.

### **Applicable Code Sections**

Pursuant to Pomona Zoning Ordinance (PZO) Section .5809-23, the approval of a Major Oak Tree Permit by the Planning Commission is required for the removal/relocation of an Oak Tree within the City of Pomona.

Pursuant to section .5809-23.D.6 of the PZO, a Major Oak Tree Permit for relocation or removal may only be approved after the Planning Commission has made the following findings:

- a. The proposed relocation or removal of the Oak tree(s) will not result in soil erosion through the diversion or increased flow of surface waters which cannot be satisfactorily mitigated;

- b. The proposed relocation or removal of the Oak tree(s) is necessary as continued existence at the present location impedes the planned improvement or proposed use of the subject property to such an extent that:
  - I.) Alternative development plans cannot achieve the same permitted density or the cost of such alternative would be prohibitive, or
  - II.) Placement of the Oak tree(s) precludes the reasonable and efficient use of such property for a use otherwise authorized;
- c. The proposed trimming, cutting and pruning will be limited to the minimum necessary to promote the health of the tree and protect the public safety, and whenever possible trees should remain in place or be moved only the minimum distance necessary to preserve the health of the tree and protect the public safety;
- d. The Oak tree(s) proposed for relocation or removal interferes with utility services or streets and highways, either within or outside of the subject property, and no reasonable alternative to such interference exists other than the relocation or removal of the Oak tree(s);
- e. The condition of the Oak tree(s) proposed for removal with reference to seriously debilitating disease or danger of falling is such that it cannot be remedied through reasonable preservation procedures and practices; and
- f. The proposed relocation or removal of the Oak tree(s) will not be contrary to or in substantial conflict with the purpose and intent of the Oak Tree Permit process.

The attached draft resolution provides a detailed analysis of these findings, as it relates to current and existing condition of the oak tree as only the tree stump remains on-site. Additional staff recommendations are discussed in the “Issues Analysis” section below, referencing the replacement measures for the removal of oak trees found in the Oak Tree Preservation Ordinance.

### **Surrounding Land Uses**

The properties adjacent to the north and west of the subject site are developed with residential dwellings. To the east and south of the subject lot are properties developed with industrial facilities. The zoning, General Plan, and existing land use designations for the surrounding properties are delineated in the following table:

**Table 1. Land Use Summary**

	Existing Land Use	Zoning Designation	General Plan Designation
<b>Subject Site</b>	Legal Non-Conforming Single Family Dwelling	M-1 (Light Industrial)	Workplace District Edge
<b>North</b>	Legal Non-Conforming Single Family Dwelling	M-1 (Light Industrial)	Workplace District Edge
<b>South</b>	Industrial Facility	M-1 (Light Industrial)	Workplace District Edge
<b>East</b>	Industrial Facility	M-2 (General Industrial)	Workplace District Edge
<b>West</b>	Multi-Family Dwellings	R-2 (Low Density Multi-Family)	Residential Neighborhood

## ISSUES ANALYSIS

### **Issue 1: General Plan Conformity**

The General Plan designation of the subject site is located within the Workplace District Edge place type. The Workplace District Edge type consists primarily of moderately intense office light industrial/flex, and other work place uses. General Plan goal (6F.P11) reads as follows:

*“Minimize the visual impact of industrial uses along the edges of industrial properties facing Reservoir street to separate industrial development from residential uses, through measures such as street trees. ,”*

The approval for the unpermitted removal of an oak tree would directly relate to the General Plan Goal of minimizing the visual impact of industrial uses across from residential, through a required condition of approval that requires the planting of a replacement oak tree as a street tree with the guidance and direction from the City Arborist, in addition to the required replacement of an on-site oak tree.

### **Issue 2: Zoning Ordinance Compliance**

Staff has determined that with the current state of the oak tree, required findings, and the expert opinion of the City Arborist, the remaining tree stump is no longer viable and meets the requirements of the Oak Tree Preservation Ordinance to be removed. The applicant has also included their own Certified Arborist report, arriving to the same conclusion, and confirming that the removal of the stump is recommended due to safety concerns (Attachment 4).

Section .5809-23.H “Oak Tree Replacement and Mitigation,” of the PZO requires a one-to-one replacement of the oak tree on-site with a minimum 36-inch box oak tree for industrial

properties. However, Section .5809-23.H also stipulates that additional or larger trees along with other vegetation may be required as conditions of permit approval, if they are determined to be necessary to compensate for the loss of the original oak tree. Based on the size of the subject oak tree and the fact that the property owner removed the tree without the proper permits, staff in conjunction with the City Arborist is recommending the following conditions of approval to protect the environment from the effects of the oak tree removal:

1. Two-to-one replacement: The property owner shall provide two new oak trees to replace the loss of the subject oak tree. One oak tree is to be planted on-site with consideration of any future development plans in accordance with the development standards of the M-1 zone. Staff recommends the planting of second oak tree along Reservoir Street at an approved nearby location as recommended by the City Arborist, in accordance with the General Plan goal as described above. Additionally, the Oak Tree Preservation Ordinance also allows the replacement trees to be donated to the City or their monetary value paid to the City to the satisfaction of the City Arborist in cases where an appropriate location does not exist on-site.
2. Size of replacement trees: Staff recommends that the box size in inches of the replacement trees be the diameter in inches of the removed tree or greater. In this case, the diameter of the removed tree is 38 inches. As such, the sizes of the replacement trees shall be a minimum of 36-inch-box based on the available tree sizes. Standard available box tree sizes within range of acceptable replacement include 36-inch-box trees and 48-inch-box trees; it was determined through staff and City Arborist review that a 36-inch-box tree was most appropriate after rounding to the closer box size.

## **ENVIRONMENTAL ANALYSIS/DETERMINATION**

In accordance with the California Environmental Quality Act (CEQA) guidelines, the proposed project, under the Major Oak Tree Permit request would be categorically exempt under Article 19, Section 15304 (Class 4 – Minor Alterations to Land), because the proposed project consists of minor alterations to vegetation on private land.

## **PUBLIC COMMUNICATIONS**

A copy of the public hearing notice was published on October 11, 2019 in the Inland Valley Daily Bulletin and was sent to the owners and occupants of properties within a 400-foot radius of the subject site on October 9, 2019 (Attachment 5). As of the date of this report, staff has not received any comments in support or in opposition to the proposed project.

## **CONCLUSION**

The project is consistent with the minimum Oak Tree replacement and mitigation requirements as set forth in Section .5809-23 “Oak Tree Preservation,” of the PZO. Based on staff’s analysis of the current state of the oak tree and the recommended conditions of approval, the proposed

project will add to the aesthetic value of the district and will not result in any negative impacts to the surrounding uses.

Respectfully Submitted:

Prepared By:

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Gustavo N. Gonzalez, AICP  
Planning Manager

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Alan Fortune  
Planning Technician

**PC ATTACHMENTS:**

- 1) Draft PC Resolution for MAJOTP 12699-2019
- 2) Site Photographs
- 3) Vicinity Map and Aerial Photograph
- 4) Arborist Report (Provided by Applicant)
- 5) 400-foot Radius Map & Public Hearing Notice

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