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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 12724-2019):** A Major Oak Tree Permit to request approval for the unpermitted removal of an oak tree on a residential property located at 2088 Pinehurst Place in the R-1-7,200 (Single Family Residential) 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 12724-2019) approving the request for the unpermitted removal of an oak tree on a residential property located at 2088 Pinehurst Place in the R-1-7,200 (Single Family Residential) Zoning District, subject to findings and conditions.

### PROJECT/APPLICANT INFORMATION

<b>Address</b>	<b>2088 Pinehurst Place</b>
<b>Assessor's Parcel Number (APN)</b>	8331-004-042
<b>Lot Size</b>	7,717 sf (0.18 acres)
<b>General Plan Land Use Designation</b>	Residential Neighborhood
<b>Zoning District</b>	R-1-7,200 (Single Family Residential)
<b>Historic District</b>	N/A
<b>Specific Plan</b>	N/A
<b>City Council District</b>	District 3
<b>Applicant</b>	Alejandro Gaspar
<b>Property Owner</b>	Alejandro Gaspar

### RELATED ACTIONS

<b>Historic Preservation Commission</b>	None
<b>Code Enforcement</b>	<b>12/10/2018:</b> Open administrative citation for the unpermitted removal of an Oak Tree.
<b>Planning</b>	<b>12/22/1966:</b> Approved a Variance to reduce the required side yard setback.

## **PROJECT BACKGROUND AND DESCRIPTION**

On December 10, 2018 the Code Compliance Division responded to a call of a possible City oak tree removal in the front yard of a residential lot. Upon arrival, the responding Code Compliance Inspector observed a contracted tree removal company removing and excavating the remaining roots of the possible oak tree (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 was issued as were instructions on how to retroactively obtain a permit.

It was first initially believed that the tree was both a City tree and within the public right-of-way. However, after further review by staff and the City Arborist it was determined that the tree was a City tree planted with “monumental placement,” which occurs when no parkway is existing and is an area within the front yard of a property and the side walk. Therefore, the subject tree was determined to be a City oak tree that was maintained and documented as a City tree. The City Arborist determined that the removed tree was a Holly Oak tree (*species: Quercus ilex*), which was one of several that was planted in the neighborhood by the City.

On March 20, 2019, Planning staff received an Exemption Verification Form for Oak Tree Trimming, Relocation, or Removal (EXOAK 11612-2019) for the removal of a City oak tree. The City Arborist determined that the project described was not exempt from the requirements of the Oak Tree Permit process per City of Pomona Ordinance No. 4076, as it was determined that the tree was not “dangerous or hazardous and did not pose an immediate threat to the public health, safety, and welfare.” The property owner provided photos demonstrating that the oak tree was removed due to the roots disrupting the property’s sewer and water laterals. However, the City Arborist determined that sewer and water lateral disruptions only occur when the existing system already shows signs of damage. Therefore, the Exemption Verification Form for Oak Tree Trimming, Relocation, or Removal was not approved and it was determined that a retroactive approval of a Major Oak Tree Permit application was the appropriate process to implement the replacement measures of the Oak Tree Preservation Ordinance and remedy the loss of the oak tree.

On September 25, 2019, Planning staff received a Major Oak Tree Permit Application (MAJTOP 12724-2019) for the unpermitted removal of a City oak tree at the property located at 2088 Pinehurst Place. The property is developed with a residential dwelling in the R-1-7,200 (Single Family Residential) Zoning District. The 7,717 square-foot lot is currently developed with a 1,119 square-foot single-family dwelling with an attached garage (Attachment 3). A defining characteristic of the streetscape along Pinehurst Place is the presence of oak trees within the open front yard landscapes.

On October 23, 2019, the Planning Commission did not hear 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. Since the meeting of October 23, staff met with the applicant to discuss the recommendations, which included the

replacement of the removed oak tree with two new oak trees, one to be planted on-site and the other at a nearby off-site location. However, the applicant provided additional photos showing the open trench work to repair the sewer lateral line (Attachment 2). Staff also reviewed City records to determine the location of all on-site underground utilities and determined that on-site sewer and water lateral lines limit where a new on-site tree could be planted. Further, the subject property currently contains one existing oak tree in the front yard, consistent with all other neighboring properties on Pinehurst Place. Based on this new information, staff is now recommending that the two new replacement trees be planted off-site within the district as recommended by the City Arborist.

### **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 the tree has been completely removed. 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, east, and west of the subject site are all developed with single-family residential dwellings. The properties adjacent to the south are the Philadelphia Elementary School and Philadelphia Park. The zoning, General Plan and existing land use designations for the surrounding properties are delineated in the following table:

**Table 1. Land Use Summary**

	<b>Existing Land Use</b>	<b>Zoning Designation</b>	<b>General Plan Designation</b>
<b>Subject Site</b>	Single Family Dwelling	R-1-7,200 (Single Family)	Residential Neighborhood
<b>North</b>	Single Family Dwelling	R-1-7,200 (Single Family)	Residential Neighborhood
<b>South</b>	Elementary School and Philadelphia Park	O – (Publicly Owned Land)	Residential Neighborhood and Open Space
<b>East</b>	Single Family Dwelling	R-1-7,200 (Single Family)	Residential Neighborhood
<b>West</b>	Single Family Dwelling	R-1-7,200 (Single Family)	Residential Neighborhood

## **ISSUES ANALYSIS**

### **Issue 1: Zoning Ordinance Compliance**

Staff has determined that due to the complete removal of the oak tree, required findings, and the recommendations from the City Arborist, the application for approval of the unpermitted removal of an oak tree meets the requirements of the Oak Tree Preservation Ordinance through the recommended replacement conditions. 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 24-inch box oak tree for residential 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, the City ownership of the 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:

1. **Two-to-one replacement:** The property owner shall provide two new oak trees to replace the loss of the subject oak tree. Due to the location of existing on-site water and sewer utility lines and the fact that one other verified oak tree exists on the property already, both replacement oak trees shall be planted off-site on locations approved by the City Arborist. Staff recommends the planting of both oak trees at nearby locations within the district as recommended by the City Arborist. A potential nearby location is Philadelphia Park, located directly across the subject site.
2. **Size of replacement trees:** It was determined through staff and City Arborist review that the sizes of the replacement trees shall be a minimum of 24-inch-box trees, in accordance with Section .5809-23.H, “Oak Tree Replacement and Mitigation,” of the Oak Tree Preservation Ordinance.

## **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 4). 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 removed 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  
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**PC ATTACHMENTS:**

- 1) Draft PC Resolution for MAJOTP 12699-2019
- 2) Site Photographs
- 3) Vicinity Map and Aerial Photograph
- 4) 400-foot Radius Map & Public Hearing Notice

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