



# CITY OF POMONA

## HISTORIC PRESERVATION

## COMMISSION

**DATE:** December 04, 2019

**TO:** Historic Preservation Commission (HPC) test

**FROM:** Development Services Department, Planning Division

**SUBJECT:** **MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA-12513-2019):** Major Certificate of Appropriateness to permit the removal of one (1) Coast Live Oak Tree on an existing single-family property located at 251 Lincoln Avenue within the Lincoln Park Historic District.  
**(CONTINUED FROM NOVEMBER 6, 2019)**

### STAFF RECOMMENDATION

Staff recommends that the Historic Preservation Commission adopt the attached resolution (Attachment 1) approving Major Certificate of Appropriateness (MAJCOA 12513-2019) to allow the removal of one (1) Coast Live Oak tree on an existing single-family property located at 251 Lincoln Avenue within the Lincoln Park Historic District subject to findings and conditions of approval.

### PROPERTY & APPLICANT INFORMATION

<b>Address</b>	251 Lincoln Avenue
<b>Assessor's Parcel Number (APN)</b>	8339-016-017
<b>Lot Size</b>	8,640 sf (0.20 acres)
<b>General Plan Land Use Designation</b>	Residential Neighborhood
<b>Zoning District</b>	R-1-6,000 – Single Family Residential
<b>Historic District</b>	Lincoln Park Historic District
<b>Specific Plan</b>	N/A
<b>City Council District</b>	District 4
<b>Applicant</b>	Allison McCurdy, Kerry Dowling
<b>Property Owner</b>	Allison McCurdy, Kerry Dowling

### RELATED ACTIONS

<b>Historic Preservation Commission</b>	<b>09/01/2004:</b> Approval of MAJCOA-04-488 for the removal of a non-historic porch and its replacement with a new door and two windows.
<b>Code Enforcement</b>	Not applicable.
<b>Building &amp; Safety</b>	Not applicable.
<b>Planning</b>	<b>08/22/19:</b> Denial of EXOAK-012697-2019 for the removal of one Coast Live Oak due to existing and further potential damage to adjacent existing garage.

## PROJECT BACKGROUND AND DESCRIPTION

On August 8, 2019, the applicants requested an exemption to the Certificate of Appropriateness process for the removal of a Coast Live Oak Tree located at the northeast corner of the subject site, along the rear property line and adjacent to an existing alley. The applicants cited foundation damage to an existing garage and potential damage to an abutting electrical utility pole by the oak tree as justification for the exemption. Pursuant to Section 9 (Exempt Projects) of the City's Tree Preservation Program, the City Arborist determined that the oak tree did not pose an emergency situation that could eminently threaten lives, property or the provision of essential services. As such, a Certificate of Appropriateness is required to remove the oak tree.

On August 28, 2019, the City received a Major Certificate of Appropriateness application (MAJCOA 012513-2019) to remove the subject oak tree. The application included an arborist report prepared by California Arbor Care (Attachment 5), which reported in part the following:

“...one *Quercus Agrifolia*, (Coast Live Oak) tree located in the backyard along the north fence line. This tree is in good health, a multi trunk DBH (Diameter at Breast Height) of 18' and 21", and stands 40-45' tall with a canopy spread of 30-40'. The trunk of the tree is growing against an Edison wood power pole and it is less than 3 feet from the north/east corner of the garage.”

The arborist report concluded with a recommendation to remove the subject oak tree citing damage to the garage and the tree's growth into the Edison power pole.

In accordance with Section 5809-13(J) of the Historic Preservation Ordinance, “Duty to Keep in Good Repair”, the applicants undertook measures to mitigate damage caused by the subject oak tree in 2016. The applicants included documentation of their mitigation efforts with this application (Attachment 7), including adjustments to the anchor support slabs, pulling the structure back into place, installing beams and rafters to support the structure, and fastening the garage door to improve lateral strength. According to the applicants, the mitigation efforts were projected to delay damage for roughly ten years but have proven to be ineffective.

The subject property is currently developed with a 1,352 square-foot single-family residential unit and a garage with access from Lincoln Avenue only. A review of records from the Los Angeles County Assessor's Office and the City's Building & Safety Division indicate that the original residential unit was constructed in 1923.

The Lincoln Park Historic District survey identifies the architectural style of the original single-family residential unit as Craftsman Bungalow (Attachment 4). Additionally, The Pomona Historic Resources Survey conducted by Dianna Marsh in 1993 identifies the residence as “contributing” to the Lincoln Park Historic District. The property's landscaping includes a young Coast Live Oak tree in the front yard complemented by native shrubbery surrounding the front porch. Landscaping in the rear includes an Australian Willow tree near the residential unit, a Palo Verde tree in the northwest corner of the property, and a citrus, camellia, lime, and an edible fig tree adjacent to the westernmost property line.

On November 6, 2019, the Historic Preservation Commission (HPC) did not hear this item and continued it to the December 4, 2019 HPC meeting based on the fact that the public hearing notice included an incorrect hearing date. Since the meeting of November 6, staff re-noticed the item for the December 4 HPC meeting. The applicant also submitted a structural engineer report (Attachment 6) to determine the structural integrity of the detached garage since the November 6 meeting. The report concluded that the subject oak tree is still growing under the garage slab and is actively lifting the garage slab to the extent that the garage roof is being affected. The report recommends immediate action to remove the oak tree entirely to prevent further damage to the garage.

## **APPLICABLE CODE SECTIONS**

According to Pomona Zoning Ordinance (PZO) Section .5809-13(C1) – Historic Preservation, trees within historic districts are defined as historic resources and their cutting or removal is considered an alteration. Pursuant to the Pomona Historic Sites Tree Protection and Preservation Program (Resolution No. 2000-72), Section 2 (Certificate of Appropriateness Required) requires approval of a Certificate of Appropriateness for the alteration of character-defining landscaping, including mature significant trees which are defined as trees with trunks more than eight (8) inches in diameter for oak trees. Resolution No. 2000-72, Section 11 (Major Projects) requires a Major Certificate of Appropriateness to remove a mature significant tree, such as the subject Coast Live Oak Tree, subject to the provisions of the PZO Section .5809-13 (Historic Preservation).

## **ANALYSIS**

### **Site Visit**

On October 22, 2019, the City Arborist, Building Official, and Planning Staff conducted a site visit and confirmed the arborist's assessment of the Coast Live Oak tree trunk DBH (Diameter at Breast Height) to be 39 inches, with an overall height at 40 feet to 45 feet and a canopy spread ranging from 30 feet to 40 feet. Moreover, Staff made the following observations:

- The front yard is landscaped with grass, a young Coast Live Oak (less than 8 feet DBH), and native shrubbery surrounding the front porch
- The rear includes a small patio adjacent to the residential unit accompanied by a yard landscaped with native shrubbery, grass and additional trees. The City Arborist determined the presence of the following: one (1) Australian willow tree adjacent to the northeast corner of the residential unit, one (1) Camellia tree on the west perimeter of the patio, one (1) Palo Verde tree on the southwest corner of the property, and one (1) navel orange, one (1) lime, and one (1) edible fig tree along the west property line.
- The Oak has two large trunks - one growing westward, the other growing southeast. There is an additional large branch growing northwards across the alley, into the adjacent property.
- The Oak has grown into a pre-existing chain-link fence along the rear property line, enveloping portions of the fence posts and uprooting the rear wooden fence nearest to the tree.
- The trunk oriented in the southeast direction is growing toward the garage with the trunk

roughly 1” from the southern-facing eave.

- The Oak tree is impacting the north-east foundation of the garage; subsequently raising the foundation and altering the framing of all garage doors.
- The Edison power pole is adjacent to the centerline of the Oak; at about 5’ from the base of the tree, the trunks grow in separate directions (west, southeast).
- Branches are abutting large wiring (oriented east/west) connecting to the Edison pole.
- Several wires run through the Oak tree to the pole with two connecting to the residential unit on 251 Lincoln Ave. and another crossing through the rear yard to connect to the residential property to the west.

## **Compliance**

While PZO Section .5809-13 (Historic Preservation) and Resolution No. 2000-72 (Historic Sites Tree Protection and Preservation Program) provide a process for requests to remove mature significant trees, they do not include replacement measures for removed trees. Staff is working closely with the Tree Ad Hoc Committee, to update Resolution No. 2000-72 to include replacement measures, among other provisions. However, in the interim and given that the requested Major COA requires a discretionary action, staff recommends that the replacement measures of PZO Section .5809-23.H “Oak Tree Replacement and Mitigation,” which applies to oak trees outside of the City’s three historic districts, be applied to the subject oak tree. Section .5809-23.H requires a one-to-one replacement of the oak tree on-site with a minimum 24-inch box oak tree for residential properties. Given the property’s proximity to power lines running along the rear property line and towards the home, the presence of one (1) Coast Live Oak tree in the front yard and (6) additional trees on the property, Staff is recommending the planting of one 24-inch box replacement tree at an approved nearby location within the district as recommended by the City Arborist. A potential nearby location is Lincoln Park, located approximately 880 feet east of the subject site.

## **PUBLIC NOTICING**

On November 19, 2019, a public hearing notice was sent to the applicant and mailed to all owners of property located directly adjacent to and directly across the street from the subject site (Attachment 8). As of the writing of this report, no written comments have been received by staff.

## **ENVIRONMENTAL REVIEW**

Section 15304 of the California Environmental Quality Act guidelines exempts projects consisting of minor private or public alterations in the condition of land, water, and/or vegetation. Accordingly, the proposed oak tree removal, Major Certificate of Appropriateness (MAJCOA 12513-2019), may be classified as a Class 4 Categorical Exemption, pursuant to Section 15301(e)(1) of California Environmental Quality Act guidelines.

## **CONCLUSION**

The proposed project complies with PZO Section .5809-13 (Historic Preservation) and Resolution No. 2000-72 (Historic Sites Tree Protection and Preservation Program). Based on

staff's analysis of the subject oak tree, the submitted structural engineer report, including the damage caused by tree to detached garage and the Edison power pole, and the recommended conditions of approval, the removal of one (1) Coast Live Oak tree on an existing single-family property located at 251 Lincoln Avenue will not result in any negative impacts to the surrounding uses.

Respectfully submitted by:

Anita D. Gutierrez, AICP  
Development Services Director

Prepared by:

Carlos Molina  
Planning Technician

**ATTACHMENTS:**

Attachment 1 – Draft HPC Resolution  
Attachment 2 – Location Map & Aerial Photo  
Attachment 3 – Site Photographs  
Attachment 4 – Historic Resources Information Form, 1993  
Attachment 5 – Arborist Report  
Attachment 6 – Structural Engineer Report  
Attachment 7 – Mitigation Documentation  
Attachment 8 – Public Hearing Notice  
Attachment 9 – Site Plan

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