#### **RESOLUTION NO.**

#### A RESOLUTION OF THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF POMONA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL AMEND THE HISTORIC SITES TREE PROTECTION AND PRESERVATION PROGRAM

# THE HISTORIC PRESERVATION COMMISSION OF THE CITY OF POMONA DOES RESOLVE AS FOLLOWS:

**WHEREAS**, the Historic Preservation Commission believes that mature trees represent a resource in our community and on historic sites that is worth preserving;

**WHEREAS**, City Council Resolution 73-68 protects specimen, or heritage, trees by prohibiting removal of specimen trees, unless the tree becomes infected or infested beyond control, detrimental or hazardous to the public health, safety or welfare;

**WHEREAS**, on May 1, 2000, the City Council adopted Resolution No. 2000-72 adopting the Historic Sites Tree Protection and Preservation Program, thereby providing a mechanism for preserving matures trees within the City's Historic Districts;

**WHEREAS**, the Historic Preservation Commission raised several concerns with the loss of mature trees with the City's Historic Districts;

**WHEREAS**, the Historic Preservation Commission recommended the formation of the Tree Ad Hoc Committee comprised of Historic Preservation Commissioners Debra Martin, James Gallivan, and Ann Tomkins to review the Historic Sites Tree Protection and Preservation Program and make recommendations to improve the program to further protect and preserve the City's urban forestry within Historic Districts;

**WHEREAS**, staff worked with the Tree Ad Hoc Committee over the course of a year to review the Historic Sites Tree Protection and Preservation Program, and formulate and refine a set of recommended amendments to the Historic Sites Tree Protection and Preservation Program;

**WHEREAS**, on January 15, 2020, staff presented the Historic Preservation Commission a set of amendments to the Historic Sites Tree Protection and Preservation Program based on the recommendations of the Tree Ad Hoc Committee; and

**WHEREAS**, the goal is to improve the Historic Sites Tree Protection and Preservation Program to further protect and preserve the City's urban forestry within Historic Districts in a manner that disincentives the removal of mature trees and does not endanger lives, or create hazards that could threaten critical infrastructure; HPC Resolution No. Historic Sites Tree Protection and Preservation Program Amendment Page 2 of 16

NOW THEREFORE, BE IT HEREBY RESOLVED:

**SECTION 1**. The Historic Preservation Commission hereby recommends amendment of the Tree Protection and Preservation Program as outlined below.

#### 1) Definitions.

- a) "ANSI A300 Pruning Standards." Industry-developed, national consensus standards for the practice of tree care such as reasons to prune a tree may include, but are not limited to, reducing risk, managing tree health and structure, improve aesthetics, or achieving other specific objectives. Intended for use by federal, state, municipal, private entities including arborists, property owners, property managers, and utilities.
- b) "Character-Defining Landscaping." Character-defining landscaping shall include all the trees currently designated on the City's "Protected Species List" and located in the Lincoln Park and Wilton Heights Historic Districts.
- c) "Circumference measured at breast height." The measurement around the tree trunk that is measured at four and one-half (4½) feet above ground level. Trees that split into multi-trunks below four and one-half (4½) feet shall use the sum of each individual trunk measured at four and one-half (4½) feet above ground level to determine the circumferences.
- d) "Diameter at breast height (dbh)." A form of measurement of an existing tree trunk. Diameter is measured at four and one-half (4½) feet above ground level. Trees that split into multi trunks below four and one-half (4½) feet shall use the sum of each individual trunk measured four and one-half (4½) feet above the natural grade to determine the diameter.
- e) "Drip line." A line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.
- f) "Hazard or hazardous condition." Any condition in a tree that poses a significant and imminent threat of serious injury or harm to the public or catastrophic damage to real property.
- g) "Historic Sites." Historic sites shall include historic landmarks and contributing and noncontributing structures within historic districts. Structures legally exempted from the historic district shall not be subject to the private property restrictions of this program. Landscaping within the public right-of-way adjacent to an exempted structure shall be subject to this program.
- h) "ISA." The International Society of Arboriculture ("ISA") which is a professional association of arborists and tree workers that is recognized internally as one of the

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leading agencies in the research and establishment of high standards for all aspects of tree care.

- i) "Landmark tree." A tree designated as a landmark under Chapter 17.62 of this code as a tree of historic or cultural significance and of importance to the community due to any of the following factors: It is one of the largest or oldest trees of the species located in the city; it has historical significance due to an association with a historic building, site, street, person or event; or it is a defining landmark or significant outstanding feature of a neighborhood.
- j) "Landmark-eligible tree." A tree which meets the criteria for designation as a landmark tree, as determined by the review authority.
- k) "Maintain or maintenance." The act of routinely pruning, trimming, spraying, fertilizing, watering, treating for disease or injury or any other similar act which promotes growth, health, beauty, and life of trees.
- "Multi-trunk." Any tree with multiple trunks attributed to a single tree. Each trunk shall be measured at a height of four and one-half (4<sup>1</sup>/<sub>2</sub>) feet above ground level, and the combined circumference of the trunks shall be used to determine the tree's size for purposes of this chapter.
- m) "Protected Species List." The City's comprehensive list of all protected trees, including specimen (heritage) trees as defined by City Council Resolution No. 73- 68, and trees located on public and private property within the Lincoln Park and Wilton Heights Historic Districts. The list includes Pomona-area native species and other species based on the diameter at breast height (dbh) and overall height.
- n) "Pruning." Pruning, trimming, or thinning means to reduce the size of a tree using industry accepted standards, as established by the International Society of Arboriculture and/or the American National Standards Institute (ANSI) A300 Standards-Pruning, to control the height and spread of the tree, preserve its health and natural appearance, produce fuller branching and shaping, or make adjustments which will increase its longevity in an urban environment.
- o) "Removal/remove." Removal or remove means the uprooting, cutting or severing of the main trunk, or major branches of a tree or any act which causes, or maybe reasonably expected to cause a tree to die, including but not limited to the following; inflicting damage upon the root system of a tree by machinery, storage of materials, or soil compaction; substantially changing the grade above the root system or trunk of the tree and excessively or severely pruning or root pruning.
- p) "Serious harm." With regard to any tree, any act or activity that causes damage to a tree thereby leaving the tree in a physical state that, in the judgment of the City Arborist or any other Certified Arborist retained by the city, (i) makes the death of the tree

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reasonably eminent; (ii) significantly shortens the normal life expectancy of the tree; or (iii) makes it impossible or reasonably unlikely that the tree can be fully restored to a condition of good health and/or normal appearance within thirty (30) calendar days of such harm having been inflicted.

- q) "Severely prune" means pruning the tree that deviates from industry standards by "topping," "lion's tailing," removal of more than twenty-five (25) percent of the foliage or leaving stubs.
- r) "Street Trees." Any tree planted by the city on a city easement, parkway and or dedicated land. Trees or landscaping planted in the public right-of-way by adjacent property owners are not considered street trees, unless such tree is required as a condition of approval from the Historic Preservation Commission or City Council.
- s) "Topping," also known as "heading back," "stubbing," and or "pollarding" means a severe type of trimming which results in the indiscriminate cutting back of large diameter branches to stubs. Such severe practices disfigures the tree and is generally hazardous to the overall health and stability of a tree.

#### 2) Coordination with Southern California Edison on Line Clearing Activities.

- a) *Annual Line Clearing Schedule Notification*. Annually, Southern California Edison shall submit to the Public Works Department a schedule of anticipated tree trimming in all City Historic Districts. The schedule shall identify contractors and locations.
- b) *Palm Tree Identification*. Annual notification shall include identification of all palm trees in Historic Districts that have the potential to encroach on power lines.
- c) *Line Clearing Standards*. All line clearance work on mature significant trees, specimen (heritage) trees, or city street trees shall be in compliance with the utility pruning standards established by the International Society of Arboriculture and the Utility Arborists Association, A summary of the standards is presented in Exhibit A.
- d) *Historic Preservation Commission Notification*. All notifications provided to the Public Works Department shall be sent to the Historic Preservation Commission within ten (10) days of a scheduled tree trimming within all City Historic Districts.

#### 3) Removal of Character-Defining Landscaping.

- *a) Permitted Removals.* Removal of Character-Defining Landscaping shall be permitted if one of the following criteria is met, subject to approval of a Minor Certificate of Appropriateness.
  - i. *Imminent Danger to Public Welfare*. A Minor Certificate of Appropriateness shall be submitted prior to removal of any and all character-defining landscaping within the Lincoln Park and Wilton Heights Historic Districts that is clearly an imminent danger to the public welfare, including trees that are in immediate danger of toppling, blocking traffic visibility and cannot be trimmed to allow a clear line of sight, damaging structures that threaten lives, and/or damaging infrastructure that provide essential services such as electrical power or communications that could threaten lives or the provision of essential services such as electrical power or

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> communications. The City Building Official, City Engineer, and/or City Arborist shall assess all potential imminent danger situations, determine the severity of the situation and provide a recommendation to the Planning Manager. This does not include damage to sewer and water lines that disrupt service to private property unless an imminent danger to the public welfare is present. The Minor Certificate of Appropriateness may be approved after removal of any character-defining landscaping so as not to delay removal of an imminent danger to the public welfare.

- ii. *Dead or Diseased Trees*. A Minor Certificate of Appropriateness shall be obtained prior to removal of any dead or diseased trees within the Lincoln Park and Wilton Heights Historic Districts that are not likely to recover and/or have the potential to infect other nearby trees. The City Arborist shall assess all dead or diseased trees and provide a recommendation to the Planning Manager.
- b) *Unpermitted Removal*. A retroactive Minor Certificate of Appropriateness shall be obtained for all unpermitted removal of any and all character-defining landscaping within the Lincoln Park and Wilton Heights Historic Districts.
- 4) Pruning and Trimming. All trees listed on the City's Protected Species List pruned or trimmed in conformance with the most current guidelines of International Society of Arboriculture and the American National Standards Institute (ANSI) A300-Pruning Standards shall not require a permit. Pruning or trimming that deviates from these guidelines shall require a Minor Certificate of Appropriateness.

a)

- 5) **Replacement**. The removals of any and all character-defining landscaping within the Lincoln Park and Wilton Heights Historic Districts shall be subject to replacement as defined below.
  - a) *Permitted Removals*. Permitted removal of any and all character-defining landscaping subject to a Minor Certificate of Appropriateness shall be replaced based on a ratio that replaces the benefit loss of the removed tree(s) using an objective methodology acceptable to the City Arborist. The replacement trees shall be planted with suitable species selected from the City's recommended tree palette and with the approval from the City Arborist. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in-lieu fee may be paid into the City's tree mitigation and planting fund, which shall be used to plant trees within the historic district where the tree(s) were removed. The tree replacement requirements must be satisfied within one year of the granting of a Minor Certificate of Appropriateness for tree removals.
  - b) Unpermitted Removals. Unpermitted removal of any and all character-defining landscaping subject to a retroactive Minor Certificate of Appropriateness shall be replaced based on a ratio that replaces the benefit loss of the removed tree(s) multiplied by two (2) using an objective methodology acceptable to the City Arborist. The replacement trees shall be planted with suitable species selected from the City's recommended tree palette and with the approval from the City Arborist. If any trees cannot be planted on the subject property, or the immediate public right-of-way, an in-

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lieu fee may be paid into the City's tree mitigation and planting fund, which shall be used to plant trees within the historic district where the tree(s) were removed. The tree replacement requirements must be satisfied within one year of the granting of a Minor Certificate of Appropriateness for tree removals. This section shall not apply to the removal of character-defining landscaping that is an imminent danger to the public welfare.

- c) Unpermitted removals during Construction Activities. If a tree removal occurs in the course of any construction activities authorized pursuant to a conditional use permit, variance, design review, tentative map or other discretionary land use approval or any city-issued grading permit, building permit, excavation permit or temporary certificate of occupancy, the City, in addition to all other remedies available to it under this chapter, may issue a stop-work order suspending and prohibiting further activity on the property until a mitigation plan has been filed with and approved by the Development Services Director, agreed to in writing by the property owner(s) and either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for the protection of any remaining Protected Trees.
- 6) Appeals. In accordance with the following provisions, any applicant or other interested person dissatisfied with any decision on the application for a Minor Certificate of Appropriateness may appeal such decision.
  - a) Decisions of the Planning Manager or designee may be appealed to the Historic Preservation Commission. Decisions of the Historic Preservation Commission may be appealed to the City Council.
  - b) All appeals shall be made in writing stating the reason(s) for appeal. Such appeals shall be filed with the Planning Division within twenty (20) days of the decision on the application for a Certificate of Appropriateness. The receipt of a written appeal shall stay all actions, or put in abeyance all permits or other discretionary approvals which may have been granted, pending the effective date of the decision on the appeal.
  - c) Appeals shall be scheduled for the earliest regular meeting of the hearing body, not less than fifteen (15) days or more than forty-five (45) days after the date of filing an appeal, consistent with the agenda preparation procedures and scheduling of the Historic Preservation Commission and City Council meetings as the case may be.

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## EXHIBIT A

DRAFT PROTECTED SPECIES LIST Pomona-area Native Protected			
Acer	macrophyllum	Bigleaf maple	8"
Aesculus	californica	California buckeye	8"
Alnus	rhombifolia	White alder	8"
Arctostaphylos	glauca	Bigberry manzanita	8"
Cercocarpus	betuloides	Mountain ironwood	8"
Frangula	californica	Coffeeberry	8"
Fraxinus	velutina	Velvet ash	8"
Heteromeles	arbutifolia	Toyon	8"
Juglans	californica	Southern California black walnut	8"
Juglans	hindsii	Northern California black walnut	8"
Juniperus	californica	California juniper	8"
Malosma	laurina	Laurel sumac	8"
Platanus	racemosa	California sycamore	8"
Populus	fremontii	Fremont cottonwood	8"
Populus	trichocarpa	Black cottonwood	8"
Prosopis	glandulosa	Honey mesquite	8"
Prunus	ilicifolia	Hollyleaf cherry	8"
Pseudotsuga	macrocarpa	Bigcone Douglas fir	8"
Quercus	agrifolia	Coast live oak	8"
Quercus	berberidifolia	Scrub oak	8"
Quercus	chrysolepis	Canyon live oak	8"
Quercus	durata	Leather oak	8"
Quercus	engelmannii	Engelmann oak	8"
Quercus	lobata	Valley oak	8"

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Quercus	wislizeni	Interior live oak	8"
Rhamnus	ilicifolia	Hollyleaf redberry	8"
Rhus	integrifolia	Lemonade berry	8"
Rhus	ovata	Sugar bush	8"
Salix	exigua	Sandbar willow	8"
Salix	goodingii	Gooding's willow	8"
Salix	laevigata	Red willow	8"
Salix	lasiandra	Pacific willow	8"
Salix	lasiolepis	Arroyo willow	8"
Sambucus	nigra	Blue elderberry	8"
Umbellularia	californica	California laurel	8"
		Other DBH Protected	
Genus	Species	Common Name	Protection Size (DBH)
Acer	buergerianum	Trident maple	10"
Acer	palmatum	Japanese maple	10"
Acer	saccharinum	Silver Maple	16"
Aesculus	x carnea	Red horsechestnut	10"
Aesculus	hippocastamum	Common horsechestnut	10"
Afrocarpus	falcatus	African fern pine	16"
Agonis	flexuosa	Peppermint tree	10"
Ailanthus	altissima	Tree of heaven	16"
Albizia	julibrissin	Silk tree	16"
Angophora	costata	Rose gum	18"
Araucaria	araucana	Monkey puzzle tree	12"
Araucaria	columnaris	Cook pine	16"
Araucaria	heterophylla	Norfolk Island pine	12"
Arbutus	menziesii	Madrone	10"
Arbutus	unedo	Strawberry madrone	10"

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Bauhinia	variegata	Purple orchid tree	14"
Bauhinia	x blakeana	Hong Kong orchid tree	14"
Brachychiton	acerifolius	Flame tree	18"
Brachychiton	discolor	Queensland lacebark	18"
Brachychiton	populneus	Kurrajong	18"
Callistemon	citrinus	Lemon bottlebrush	16"
Calocedrus	decurrens	Incense cedar	10"
Calodendrum	capense	Cape chestnut	10"
Camellia	sp.	Camellia	10"
Carya	illinoinensis	Pecan	16"
Casimiroa	edulis	White sapote	10"
Casuarina	cunninghamiana	River she-oak	18"
Cassia	fistula	Golden shower	10"
Castanospermum	australe	Moreton Bay chestnut	16"
Catalpa	speciosa	Northern catalpa	12"
Cedrus	atlantica	Atlas cedar	16"
Cedrus	deodora	Deodar cedar	16"
Ceiba	insignis	White floss silk tree	18"
Ceiba	speciosa	Floss silk tree	18"
Ceratonia	siliqua	Carob tree	10"
Cercis	canadensis	Eastern redbud	10"
Cercis	occidentalis	Western redbud	10"
Chilopsis	linearis	Desert willow	10"
Chionanthus	retusus	Chinese fringe tree	10"
x Chitalpa	tashkentensis	Chitalpa	10"
Cinnamomum	camphora	Camphor tree	14"
Citrus	limon	Lemon	10"
Citrus	paradisi	Grapefruit	10"

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Citrus	sinensis	Orange	10"
Corymbia	citriodora	Lemon-scented gum	18"
Corymbia	ficifolia	Red flowering gum	18"
Cupaniopsis	anacardioides	Carrot Wood	10"
Cupressus	sempervirens	Italian cypress	10"
Diospyros	kaki	Japanese persimmon	10"
Dombeya	wallichii	Pink-ball	16"
Dracaena	draco	Dragon tree	10"
Eriobotrya	deflexa	Bronze loquat	10"
Eriobotrya	japonica	Japanese loquat	10"
Erythrina	x bidwillii	Shrub coral tree	10"
Erythrina	caffra	South African coral tree	14"
Erythrina	coralloides	Naked coral tree	14"
Erythrina	crista-galli	Cockspur coral tree	10"
Eucalyptus	cladocalyx	Sugar gum	18"
Eucalyptus	deglupta	Rainbow eucalyptus	16"
Eucalyptus	leucoxylon	White ironbark	18"
Eucalyptus	nicholii	Nichol's willow-leafed peppermint	16"
Eucalyptus	parvula	Small-leaved gum	18"
Eucalyptus	polyanthemos	Silver dollar gum	16"
Eucalyptus	sideroxylon	Red ironbark	16"
Ficus	benjamina	Weeping fig	18"
Ficus	carica	Edible fig	10"
Ficus	macrophylla	Moreton Bay fig	18"
Ficus	microcarpa 'Nitida'	Indian laurel fig	18"
Fraxinus	angustifolia 'Raywood'	Raywood ash	18"
Fraxinus	uhdei	Evergreen ash	18"
Fremontodendron	californicum	Common flannel bush	10"

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Geijera	parviflora	Australian willow	10"
Ginkgo	biloba	Maidenhair tree	14"
Grevillea	robusta	Silk oak tree	16"
Grevillea	striata	Beefwood	18"
Handroanthus	chrysotrichus	Golden trumpet tree	10"
Handroanthus	heptaphyllus	Pink trumpet tree	10"
llex	aquifolium	English holly	10"
Jacaranda	mimosifolia	Jacaranda	10"
Juglans	nigra	Black walnut	18"
Juglans	regia	English walnut	18"
Koelreuteria	bipinnata	Chinese flame tree	12"
Lagerstroemia	indica	Crape myrtle	10"
Laurus	nobilis	Sweet bay	10"
Leptospermum	laevigatum	Australian tea tree	10"
Leucaena	leucocephala	White popinac	10"
Ligustrum	japonica	Japanese privet	10"
Ligustrum	lucidum	Glossy privet	10"
Liquidambar	styraciflua	American sweet gum	16"
Liriodendron	tulipifera	Tulip tree	12"
Lophostemon	confertus	Brisbane box	16"
Macadeamia	integrifolia	Smooth-shell macadamia	10"
Magnolia	grandiflora	Southern magnolia	16"
Melaleuca	linariifolia	Flaxleaf paperbark	18"
Melaleuca	quinquenervia	Cajeput tree	18"
Melia	azedarach	Chinaberry	14"
Metrosideros	excelsa	New Zealand Christmas tree	10"
Michelia	doltsopa	Sweet michelia	10"
Morus	alba	White mulberry	10"

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Olea	europaea	Olive	12"
Paraserianthes	lopantha	Plume albizia	10"
Parkinsonia	florida	Blue Palo Verde	12"
Parkinsonia	microphylla	Little leaf palo verde	10"
Persea	americana	Mexican avocado	10"
Pinus	canariensis	Canary Island pine	18"
Pinus	coulteri	Coulter pine	16"
Pinus	eldarica	Mondell Pine	16"
Pinus	halepensis	Aleppo pine	16"
Pinus	pinea	Italian stone pine	18"
Pinus	ponderosa	Ponderosa pine	18"
Pinus	radiata	Monterey pine	16"
Pinus	torreyana	Torrey pine	18"
Pittosporum	rhombifolium	Queensland pittosporum	12"
Pittosporum	tobira	Japanese cheesewood	12"
Pittosporum	undulatum	Victorian box	12"
Platanus	x hispanica	London plane tree	12"
Platanus	occidentalis	American sycamore	12"
Prunus	avium	Sweet cherry	10"
Prunus	cerasifera	Purple-leaf plum	10"
Prunus	dulcis	Almond	10"
Prunus	persica	Peach	10"
Pseudotsuga	menziesii	Douglas fir	18"
Punica	granatum	Pomegranate	10"
Pyrus	calleryana	Ornamental pear	10"
Quercus	douglasii	Blue oak	10"
Quercus	ilex	Holly oak	10"
Quercus	kelloggii	California black oak	10"

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Quercus	macrocarpa	Bur oak	10"
Quercus	robur	English oak	10"
Quercus	rubra	Red oak	10"
Quercus	suber	Cork oak	10"
Quercus	virginiana	Southern live oak	10"
Robinia	pseudoacacia	Black locust	10"
Sambucus	canadensis	American elderberry	12"
Schinus	molle	Peruvian pepper tree	18"
Schinus	terebinthofolius	Brazilian pepper tree	18"
Sequoia	sempervirens	Coast redwood	18"
Stenocarpus	sinuatus	Firewheel tree	10"
Syzygium	australe	Brush cherry	10"
Syzygium	paniculatum	Australian bush cherry	10"
Tipuana	tipu	Tipu tree	10"
Ulmus	americana	American elm	16"
Ulmus	parvifolia	Chinese elm	16"
Ulmus	pumila	Siberian elm	16"
Xylosma	congestum	Shiny xylosma	10"
Zelkova	serrata	Sawleaf zelkova	12"
		Other Height Protected	
Genus	Species	Common Name	Protection Size (Height)
Archontophoenix	cunninghamiana	King palm	12'
Brahea	armata	Mexican blue palm	8'
Brahea	edulis	Guadalupe palm	8'
Butia	capitata	Pindo palm	8'
Chamaerops	humilis	Mediterranean fan palm	8'
Livistona	australis	Australian cabbage palm	10'
Livistona	chinensis	Chinese fountain palm	10'

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Phoenix	canariensis	Canary Island date palm	12'
Phoenix	dactylifera	Date palm	12'
Phoenix	reclinata	Senegal date palm	10'
Phoenix	roebelenii	Pygmy date palm	8'
Strelitzia	nicolai	Giant bird of paradise	10'
Syagrus	romanzoffianum	Queen palm	10'
Trachycarpus	fortunei	Windmill palm	10'
Washingtonia	filifera	California fan palm	12'
Washingtonia	robusta	Mexican fan palm	15'
Үисса	gloriosa	Spanish dagger yucca	8'

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**SECTION 2.** The Secretary shall certify to the adoption of this Resolution and forward the original to the City Clerk.

## APPROVED AND PASSED THIS 5<sup>th</sup> DAY OF FEBRUARY, 2020.

ALICE R. GOMEZ HISTORIC PRESERVATION COMMISSION CHAIRPERSON

ATTEST:

ANITA D. GUTIERREZ, AICP HISTORIC PRESERVATION COMMISSION SECRETARY

(STATE OF CALIFORNIA) (COUNTY OF LOS ANGELES) (CITY OF POMONA)

> AYES: NOES: ABSTAIN: ABSENT:

Pursuant to Resolution No. 76-258 of the City of Pomona, the time in which judicial review of this action must be sought is governed by California Code of Civil Procedure Section 1094.6.