

OFFICIAL MINUTES
POMONA HISTORIC PRESERVATION COMMISSION
OCTOBER 4, 2017

CALL TO ORDER: The Historic Preservation Commission meeting was called to order at 7:00 p.m. by Chair Gallivan.

FLAG SALUTE: Commissioner Kercheval led the Commission in the flag salute.

ROLL CALL: Roll was taken by Development Services Director Lazzaretto

COMMISSIONERS PRESENT: Chair Gallivan and Vice-Chair Martin; Commissioners Gomez, Kercheval, Tomkins and Tessier (arrived at 7:10 p.m.)

COMMISSIONERS ABSENT: Commissioner Garcia

STAFF PRESENT: Development Services Director Lazzaretto, Development Services Manager Johnson, Associate Planner Tam, Associate Planner Khan

ITEM D:
PUBLIC COMMENT:

None

ITEM E:
CONSENT CALENDAR:

Nothing to Present

PUBLIC HEARINGS:

ITEM F-1 PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 6888-2017) FOR THE DEMOLITION OF ONE SINGLE-FAMILY RESIDENCE ON A PROPERTY LOCATED 152 W. ARTESIA.

Development Services Director Lazzaretto requested to open the public hearing for the purposes of continuing to November 1, 2017. He reported that staff met with the owners of the site and they have decided to incorporate this site into the unit next door to use as extra parking, therefore, they will return with a set of plans and picture to make a full request from the Commission.

Commissioner Tomkins inquired if the applicant was going to withdrawal the current application and asked if they have a set date they must return by. She stated in reviewing the Historic

Preservation Ordinance she noted deadlines, such as 75 days to take action on a completed application and asked if that timeline get extended by continuances.

Development Services Director Lazzaretto responded the applicant is still working on the plan and will have it by November 1, 2017 and confirmed the application timeline is extended by continuance. He noted that The City is actively hearing the item and the owners have requested more time and are in agreement with the continuance.

Vice-Chair Martin inquired if a motion was need to open and close the public hearing.

Development Services Director Lazzaretto advised to leave the public hearing open and continue it to November 1, 2017.

Motion by Vice-Chair Martin, seconded by Commissioner Gomez carried by a unanimous vote of the members (5-0-0-2), opening the public hearing on Major Certificate of Appropriateness (MAJCOA 6888-2017) for the demolition of one single-family residence on property located at 152 W. Artesia and continue to November 1, 2017.

ITEM F-2

PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 7505-2017) TO ALLOW THE REMOVAL OF THREE (3) WASHINGTONIA ROBUSTA TREES LOCATED IN THE REAR YARD OF A PROPERTY LOCATED WITHIN THE LINCOLN PARK HISTORIC DISTRICT.

Vice-Chair Martin recused herself from this item due to the 500 foot rule conflict of interest rule.

Chair Gallivan also recused himself for being within 500 feet and stated now they don't have a quorum.

Development Services Director Lazzaretto advised that they can open public hearing now and continue to November 1, 2017 or move this item to later time pending the arrival of Commissioner Tessier.

Chair Gallivan requested to move this item further down the agenda.

Vice-Chair Martin inquired if Commissioner Tessier's absence was an unexcused absence since no one had spoken with him.

Development Services Director Lazzaretto requested to respond to Vice-Chair Martin's question during Director Comments.

Chair Gallivan reported that there is a scheduled speaker for this item.

Development Services Director Lazzaretto stated they cannot take public comment until they have a quorum.

Discussion resumed for this Item after Item F-3, due to the arrival of Commissioner Tessier.

Commissioner Gomez will be acting Chair for this item, per recusal of Chair Gallivan and Vice-Chair Martin.

Associate Planner Tam provided a staff report for the Major Certificate of Appropriateness for the removal of three (3) *Washingtonia robusta* trees located in the rear yard of a property located within the Lincoln Park Historic District. He stated this project was originally presented on September 6, 2017 and was continued to this meeting with direction to coordinate and discuss the results of a solar study. He gave a short summary of the original presentation; location, council district, zoning, historic district, site photos, architecture style and stated it was identified as a contributing structure in the historic survey. He provided the background history and timeline, noting that the building permit for the solar panels will expire on October 30, 2017. He reported that currently the palm trees cast a shadow on the proposed solar panels and provided an aerial photo demonstrating shadows cast by palm trees onto the roof. He reported that the trees are mature significant trees and therefore require a Major Certificate of Appropriateness for removal and that the City arborist conducted a visual inspection on August 10, 2017 determining the trees are in healthy condition and have no known safety issues. He noted that the subject trees are overgrown and have not been trimmed in some time and out of scale with that size building. He reported that staff has determined that removal the trees will not significantly impact the architectural style of the building or affect historical, cultural, and architectural or aesthetic features of the Lincoln Park Historic District. He also shared there are an abundance of existing trees on the site that will help minimize the impact of the trees being removed, therefore no trees being proposed for replacement and provided an aerial photo showing the existing tree canopy.

Associate Planner Tam reported Grid Alternatives provided a solar report measuring sun in the area and identified an annual TSRF of 84% coverage. He stated that Grid Alternatives is a government funded non-profit who provides solar panels at little or no cost to moderate and low income households and to maintain funding they must provide a minimum TSRF threshold of 85%.

Commissioner Tomkins pointed out that the resolution stated that the Lincoln Park Historic District was designated as such on August 2, 1999 which is an incorrect date.

Associate Planner Tam stated he will research and correct.

Commissioner Tomkins inquired if the 84% coverage was determined with the trees as they presently look, without skirt being pruned. She asked for a TSRF estimate if the trees were trimmed.

Associate Planner Tam stated they couldn't make a projection on how it would be if it was pruned only able to make a report based on actual conditions.

Commissioner Kercheval agrees with Commissioner Tomkins stated that with trims they should reach the minimum 85% threshold.

Development Services Director Lazzaretto suggested asking the expert.

Nick Boateng_Grid Alternatives representative, stated their mission is to provide the provide maximum electric bill savings for families. The goal is to minimize the cost; however continuing to trim is an expense. He stated with the trees removed entirely the resident can receive the full value without having to invest more money.

Commissioner Kercheval asked Mr. Boateng what the expected increase in output would be if the canopy was reduced by half.

Mr. Boateng responded that based on the shading analysis they could get it to the low to mid 90% range.

Commissioner Kercheval asked Mr. Boateng to clarify if this number was with the trees cut down or the canopy reduced by 50%.

Mr. Boateng responded that the issue is the tree growing back, repeated trimmings will bring a cost to the family, noting the savings is supposed to go towards other things in their life.

Commissioner Kercheval stated that last month they discussed the palm trees eventually growing to a height that they would be insignificant and out of range and asked Mr. Boateng for his thoughts on this.

Mr. Boateng stated they want to add the maximum value for the home owner and feel the removal of the palm trees removes any future stress for the resident.

Commissioner Tessier spoke about a 16% percent reduction in capacity with current trees and 8 panels on the roof and the addition of one panel may get 12.5% more efficiency. He inquired how many more panels would needed to be added if the trees stayed to cover 80-90% of her electric bill.

Mr. Boateng stated the issue with a panel addition is the cost. The California Department of Community Services and Development provides a budget per project and Grid Alternatives is responsible to maximize those dollars and by adding the panel takes the opportunity from another family.

Commissioner Tessier asked the cost of one panel.

Mr. Boateng stated it is not an issue of the hardware costs, but rather going through the permitting process and having to reapply for stated funding. He commented that it is more administrative burden. .

Commissioner Tessier asked if they have an estimate to remove the trees.

Mr. Boateng, replied yes \$1200 and noted the funding for the tree removal come from a fundraiser and cannot be combined with the State funds.

Commissioner Tessier commented that adding two panels would be half as much as the tree trimming, approximately \$400-600.

Mr. Boateng responded that this would be short term costs and explained that they are the State administrators but they work in partnership with other organizations, so it's not a monetary issue but rather the impact on their ability to administer the program long term.

Commissioner Tessier commented he doesn't quite understand Mr Boateng's response. He stated that he is fully supportive of solar and what their organization does. He spoke about having an easy solution to avoid taking down trees, by trimming and the need to work towards a solution. He noted that Commissioners are not usually supportive of taking down trees to avoid maintenance costs.

Commissioner Tomkins shared her experience with pruning the palm tree in her yard and commented that the trees in question look like they haven't been pruned for many years. She stated it would be more cost effective to trim the trees. She spoke in support of solar panels and about the determination in the Historic District that trees are important and add value to properties, therefore this should be factored when you speak about adding economic value for this resident.

Mr. Boateng responded that the resident, Iris Wilson, is in support of this tree removal.

Commissioner Tomkins stated the Commission is here to protect the entire District.

Commissioner Gomez requested that staff display the picture of the home with the trees.

Commissioner Tomkins commented about the buildup of palm fronds.

Iris Wilson, resident, stated the trees were trimmed 4 years ago and that it cost approximate \$200 per tree, which is a lot, because she lives on a very small budget.

Commissioner Tomkins asked if there is access for a truck to reach them.

Ms. Wilson stated she has an alley behind and a long driveway. She added that the fronds blow down and get stuck on the Edison cables.

Commissioner Gomez stated she has listened to the project and the financial goals for Ms. Wilson and commented on the downsides of having a palm tree in your yard. She spoke about the continual need for trimming to avoid overgrowth.

Dan McIntire, 357 E. Pasadena Street, stated he fully supports the solar panels and moving towards renewable resources, however, he also fully supports the Historic Districts as a founding member of Pomona Heritage. He spoke about trees as a valuable asset the impact of the removal of the three trees on the streetscape.

Commissioner Kercheval stated that the way forward is for the owner to trim the trees because that doesn't trigger a problem for the program and brings the output in accordance with the 85% or above. He noted a portion of the money saved in electrical costs could be budgeted to keep the trees trimmed until they grow out of the way.

Commissioner Tomkins commented that the Historic District has lost a lot of palms recently and inquired if a condition could be added to donate trees to another location to contribute to the tree canopy.

Development Services Director Lazzaretto responded yes, a condition of approval could be added to require replacement trees somewhere in the district.

Commissioner Tomkins spoke about enforcing the watering of trees.

Development Services Director Lazzaretto stated they could find a place in the District to replace trees.

Commissioner Tomkins commented that she doesn't want someone to not get solar panels, because of these palm trees, however, the City has huge costs with large trees that get into the sewer system and palm trees don't do that.

Commissioner Gomez stated she is hearing a consensus that the Commissioners do not want the trees removed. She spoke about the option to required replacement trees or to remove 2 and leave 1.

Commissioner Tomkins asked if the money raised for the tree removal could be used for replacement trees.

Mr. Boateng stated they are flexible to try and make this work.

Commissioner Gomez stated her recommendation would be that Ms. Wilson gets her solar, we remove only 2 palm trees, the tallest one remains and gets trimmed. The two trees removed are then replaced somewhere in the Lincoln Park area.

Commissioner Kercheval asked Commissioner Tessier for his thoughts. Commissioner Tessier asked staff for more information about placing conditions for replacement and the costs.

Development Services Director Lazzaretto stated the costs would be approximately \$200 per tree, paid to the City and the City would decide where those trees would go, in a park or a public right away somewhere within the District. The City would choose the species from the approved tree plan.

Commissioner Tessier asked if they could specify it had to the Lincoln Park Historic District or that specific street.

Development Services Director Lazzaretto stated that if they want to get that specific he would have to work with the Public Works staff to confirm a spot specifically on that street, he is comfortable stating replacement could happen someplace in the District.

Commissioner Tessier asked about the tree size.

Development Services Director Lazzaretto replied the standard 24" box.

Commissioner Kercheval stated he is uneasy about doing two trees, for aesthetic reasons and suggested keeping two. He provided an initial motion for this item.

Commissioner Tessier requested to ask the representative from Grid Alternatives if the motion to remove one tree and trimming the remaining two will get the efficiency needed to meet the minimum threshold of the solar program.

Mr. Boateng thanked the Commissioners for supporting solar and responded that ideally removal of two the trees would be better than one, however they are willing to comprise and accept one. He stated they will need to be selective of which tree and would return to do another analysis to select the best tree.

Commissioner Tessier stated the motion doesn't specify which tree, so the installer would have the choice.

Mr. Boateng clarified that part of the motion would be for Grid Alternatives and Ms. Wilson to pay a one-time fee for another tree. He stated that if this is the best case scenario then they will accept, pending analysis to ensure meets the 85% and Ms. Wilson's decision to proceed with solar based on these conditions.

Commissioner Tessier stated that if Grid Alternatives wanted to add another solar panel to maximize use, he stated Director Lazzaretto could commit to no additional fees and an over the counter plan check on a modified plan.

Development Services Director Lazzaretto confirmed he could waive the fees. He suggested asking the applicant if she would like another tree on site, as long as she is paying for it.

Ms. Wilson responded that she would like to have another tree on her property and she has an area down her driveway that is in need of shade.

Commissioner Tessier asked the going rate for an individual to purchase and plant a tree.

Development Services Director Lazzaretto stated that they would allow a smaller tree, 15 gallon and prices vary by species and range from \$100-\$200.

Commissioner Tomkins stated she prefers 15 gallon trees because they are generally safer to plant.

Commissioner Kercheval amended his motion to include that the applicant will plant a 15 gallon tree on the property.

Commissioner Tomkins requested to modify the motion to include a time line that the replacement tree be planted within 60 days of removal of the palm tree.

Commissioner Kercheval stated they haven't done that in the past, but agreed to add time limit to the motion.

Commissioner Tomkins stated Dan McIntire would like to speak again.

Commissioner Gomez reopened the public hearing.

Dan McIntire, commented that these trees will grow out of the conflict zone of the solar panels within a few years and suggested the trees remain and be trimmed for a couple years. He suggested forming a consortium of people who have similar trees to negotiate with a tree trimming service.

Commissioner Tomkins responded that the Commission is trying to get to the minimum 85% and taking out a tree is the way to do that and a replacement tree will help preserve the tree canopy in the district.

Commissioner Gomez permitted the applicant to speak.

Ms. Wilson stated one of the trees is very close to the garage and that is the one she would choose to be removed.

Development Services Director Lazzaretto clarified the specifics of the modified motion.

Motion by Commissioner Kercheval, seconded by Commissioner Tomkins, carried by a majority vote (4-0-2-1), Vice-Chair Martin and Chair Gallivan recused, approving the Major Certificate of Appropriateness (MAJCOA 7505-2017) with the condition to only remove one (1) Washingtonia robusta tree located in the rear yard of a property located within the Lincoln Park Historic District and the applicant must provide a replacement 15 gallon tree on site within 60 days of the removal of the Washingtonia robusta tree.

Development Services Director Lazzaretto stated the applicant has the ability to appeal the decision made tonight to City Council within 20 days.

ITEM F-3

PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 75167-2017) TO DEMOLISH ONE STRUCTURE LOCATED AT 703 EAST SEVENTH STREET.

Associate Planner Khan provided a staff report regarding the demolition of a structure located at 703 East Seventh Street. He elaborated on location, zoning districts, site plan, provided photos of the structure and surrounding unpermitted structures. He shared the structure was built in 1944, 250 square feet and per records was used as a storage shed. He noted the applicant plans to build a single family home in that location after demolition. Spoke about compliance with CEQA. He reported that in the historical analysis this structure was unidentified in a historical survey conducted in 1993 and there isn't any evidence of association with significant persons or events.

Vice-Chair Martin inquired about interior photos.

Associate Planner Khan stated interior photos have been provided in the packet, the structure is currently vacant with some storage shelving on the unpermitted addition..

Commissioner Gomez inquired about a mailbox pictured on the right side of the structure.

Associate Planner Khan stated that the building permit shows a storage shed and records for going back to 1951 given no indication of a residence.

Development Services Director Lazzaretto reported that Commissioner Tessier arrived at 7:10 p.m.

Development Services Director Lazzaretto asked Commissioner Tessier if he would like any of the staff report repeated. Commissioner Tessier responded no.

Chair Gallivan opened the public hearing

Jimmy Lee, the applicant, reported his application was filed in March 2017 with a design to the Planning Department that is approved. He thanked Planner Khan and state he was here to answer any questions.

Chair Gallivan inquired about the mailbox per Commissioner Gomez's comments.

Mr. Lee stated his client, the developer, purchased this property in June 2017, before that they understood it was vacant for a long time and has no information about what the mailbox.

Chair Gallivan closed public hearing.

Motion by Vice-Chair Martin, seconded by Commissioner Tomkins, carried by a unanimous vote of the members (6-0-0-1), approving the Major Certificate of Appropriateness (MAJCOA 75167-2017) to demolish one structure located at 703 East Seventh Street.

ITEM F-4

PUBLIC HEARING – MAJOR CERTIFICATE OF APPROPRIATENESS (MAJCOA 8049-2017) TO RETROACTIVELY LEGALIZE THE REMOVAL OF AN UNIDENTIFIED SPECIES OF TREE IN THE REAR YARD OF A PROPERTY LOCATED AT 701 N. GIBBS STREET.

Associate Planner Tam provided a staff report on the Major Certificate of Appropriateness to retroactively legalize the removal of an unidentified species of tree in the rear yard of a property located at 701 N. Gibbs within the Lincoln Park Historic District. He stated the structure was built in 1925, and was identified as a non contributing structure, due the addition of a false front. He reported that there were two administrative citations issued in August 15, 2016 and June 7, 2017 for tree removal and on July 11, 2017 the applicant submitted an application stated the tree was removed due to poor health and potential safety hazards. A visit on August 8, 2017 by the City arborist classified the tree as a mature significant tree in poor health. He provided site photos, including a picture of the approximate location of the property. He stated staff recommends adding a condition for one replacement tree minimum 24" box in a suitable location on the property.

Commission Tomkins asked if he provided a date for the tree removal.

Associate Planner Tam stated that it was in or around the time of first citation on August 15, 2016.

Chair Gallivan requested rulers be included in future pictures with stumps so the Commission can have a better understanding of the size. He inquired about the diameter of the stump.

Associate Planner Tam stated it was close to 24 inches.

Commissioner Tomkins asked if there are any pictures of the tree before it was removed.

Associate Planner Tam stated that staff was unable to locate a picture of the tree prior to the removal, as this structure was identified as non contributing and not photos were found in the survey.

Commissioner Tomkins stated she looked up the address in the Lincoln Park National Register Listing and this property is listed as contributing, therefore there should be photos. She reported that she compared the National Register listing and staff reports and found there were eleven properties that are listed as non-contributing that are listed as contributing with the National Park Service. She inquired which is determinate and noted that the ordinance states that a historic district includes any contributing property in the National Register Listing.

Development Services Director Lazzaretto stated as a matter of practice they have always used the listing in the staff report, but staff can do research to look into the discrepancy.

Commissioner Tomkins stated they may use different criteria in determining contributing and spoke about the importance of considering properties on the National Register as contributing because of the ordinance has separate standards for non-contributing properties. She commented that the applicant should know the variety and date of tree removal and stated a picture would have been useful.

Chair Gallivan commented that often the historic photos don't cover features like trees.

Commissioner Tessier stated that on the iLegislate app, there is a denial and approval resolution, and asked if it was standard practice to write up both.

Associate Planner Tam responded correct.

Development Services Director Lazzaretto elaborated that in instances of potentially controversial issues both are posted so staff doesn't have to come back in a month to bring back the denial or approval resolution.

Commissioner Tessier asked about the history of the Commission approving or denying retroactive removals.

Development Services Director Lazzaretto stated that in the 10 years he has been there, they have been approved every time with a very stern conversation with the applicant.

Commissioner Tessier inquired about fines or punishment.

Development Services Director Lazzaretto stated that is why Commissioner Tomkins wants to look at the ordinance to see what things can be added. They have penalties and fines for removal of structures but not of trees.

Commissioner Tessier asked if they were cited.

Development Services Director Lazzaretto stated they were cited, not fined, and given a correction notice to get a permit.

Commissioner Tessier inquired if the ordinance allows the Commission to issue a citation for the removal of a tree.

Development Services Director Lazzaretto stated, not that he is aware but can discuss with the City Attorney's office to see if that would be allowed.

Commissioner Tessier inquired what the incentive is to come in for a permit.

Development Services Director Lazzaretto stated that changes may need to be made to the ordinance.

Commissioner Tomkins stated that under the ordinance, per the Historic Tree Program, one is not required to get a permit if you are exempt and to be exempt you must have a certified arborist verify that a tree is dead or dying. She noted that the City will issue an exemption permit by having the City Arborist assess the tree, which is free.

Commissioner Tessier stated that in this case the applicant filed for this application, which is a \$500 fee so the incentive is if you get an exempt permit and then one would not pay a \$500 fee.

Development Services Director Lazzaretto confirmed in this case they would most likely have been able to get the exemption, which would have had no cost.

Commissioner Tomkins added that with an exemption there isn't a replacement obligation which is something she would like to review.

Development Services Director Lazzaretto clarified that staff doesn't issue exemptions easily and if there is ever any question about the health of the tree they bring it to the Commission.

Commissioner Tomkins expressed concern that the Historic Tree Program says that removal of dead or dying trees is on the list of project that do not require a Certificate of Appropriateness.

Commissioner Tessier asked if they could add a condition to a denial. He feels that going on record approving anything retroactively incentivizes people to not get permits, therefore he would like to deny with a condition for a replacement tree.

Development Services Director Lazzaretto stated he has not seen a denial resolution for a retroactive removal. He noted he does not know how to effectively deny because the tree is already removed and so the only option is to approve and require a replacement if that is what the

Commission wants. If the Commission wishes to deny with a condition, he suggests continuing this item one meeting, so he can work through the ramifications with the City Attorney's office.

Commissioner Tessier asked if there is a limit to the number of replacement trees they can require.

Development Services Director Lazzaretto stated he would have to look at that.

Vice-Chair Martin provided a reminder about opening up for public hearing. She commented that the tree looked like it was diseased; therefore if the applicant would have gone through the proper process, she believes the City's arborist would have signed it off on an exemption with the cost of a \$500 permit or a required replacement. She supports approving this item, now that the applicant has completed the proper process and state she would rather see two 15 gallon trees planted versus one 24 inch.

Chair Gallivan opened the public hearing

Jehad Attiyah, applicant, commended the Commissioners for keeping the Lincoln Park Historic District and the City beautiful. He shared that he removed the tree because it was hollow and a hazard to neighbors, workers and contractors. He reported that it was a spur of the moment decision, after they called for service on their refrigeration units and were denied service because of the tree, a branch fell during a previous visit and the contractor was not willing to take the risk. He stated he didn't know the rules and did it so he could get his refrigeration up and running. He apologized for removing without a permit.

Commissioner Tomkins asked when was the tree taken down.

Mr. Attiyah stated about a year ago.

Commissioner Tomkins confirmed that it caused some sort of problem with his refrigeration contractor.

Mr. Attiyah stated yes, a limb dropped because the tree was totally dry.

Raymond Mendoza, commended the Commissioners for all their good work for the City. Spoke about three items: 1) The inconsistency of the staff report listing this property as a non contributing structure while the National Park Registry of Historical Places identifies the building as a contributing structure. 2) The staff report references two Cities initiated corrective actions however there was at least one call in 2008 about trees being removed on that property. He requested additional replacement trees for the ones taken down in 2008. 3) Offered support to the business owner from Pomona Heritage and spoke about opportunities for improvement to bring the store back to the store of childhood memories and about being conscience of the requirements of operating in a Historical Neighborhood and inclusive of the residents.

Dan McIntire, spoke about illegal tree removal and historically when a tree has been removed illegally without a permit the Commission asks for new large box trees. He added that the number has not been limited. He requested work towards a fee structure for illegal tree removals and questioned the purpose of the \$500 the applicant paid.

Chair Gallivan asked Director Lazzaretto to respond.

Development Services Director Lazzaretto reminded Chair Gallivan to finish public comment and then staff will reply.

Chair Gallivan closed Public hearing, seconded by Vice-Chair Martin.

Development Services Director Lazzaretto responded to Mr. McIntire that the \$500 fee is for the Certification of Appropriateness application he should have received in arrears, it was not a fine.

Commissioner Tomkins expressed concerns with penalizing someone for not getting a permit that they would not have been required to get because the evidence on the record from the arborist states the tree was dead or dying. She continued that the applicant is willing to plant another tree, so she supports approval.

Vice-Chair Martin commented that there is a group of residents trying to make this store a little diamond in the neighborhood, so recommending a 24 inch tree or even three 15 gallon trees that will grow to make it more of a park like setting would be beautiful. She initiated a motion to approve with a condition for three (3) 15 gallon trees to be planted on property. A second was given by Commissioner Gomez.

Commissioner Tessier commented that on Google images the store appears to be in disrepair and inquired if they could add a condition for exterior paint and chain link fence repairs.

Development Services Director Lazzaretto not out of the purview, but it would hard to link it to the tree, so you can provide direction to staff to work with the applicant. He shared that the picture on Google Earth is out of date and within the last month the applicant has taken care of those issues and taken down a majority of the banners..

Commissioner Tomkins confirmed the store was recently repainted and the fence was fixed, as she walks past it daily.

Commissioner Gomez also confirmed the improvements as she was there recently with Meals on Wheels.

Chair Gallivan requested a front picture, so they can assess how many trees would fit or ideal locations. He commented they want trees to fit into the overall landscape or streetscape more towards the front.

Vice-Chair Martin stated the important of the location and asked for the photo of the property to be displayed again from the PowerPoint.

Discussion ensued regarding the placement and variety of trees. Development Services Director Lazzaretto commented that the large side area would be best and provide more visual interest to the site.

Vice-Chair Martin amended her motion to have the three trees more forward on the property and planted so it looks like a landscape creation. She asked the Commissioners for their preferences to add to the motion.

Commissioner Kercheval stated he would prefer more Canopy then Fruit and spoke about opening up the Parkway and putting City Canopy Trees in front of the business.

Vice-Chair Martin commented that the open space is where everyone parks, so putting trees in that location will make it difficult for people to get into the store.

Discussion ensued about adding one parkway tree, owned and maintained by the City. There was a request for more photos of the property and the trees pictured on Google Earth were identified as Camphor Trees.

Development Services Director Lazzaretto stated the City no longer plants Camphor Trees in the Parkway because it does damage to the sidewalk, but there are trees that are approved in the District that are compatible.

Vice-Chair Martin inquired if he could plant Camphor on his property.

Development Services Director Lazzaretto replied yes.

Vice-Chair Martin amended her motion to add Camphor trees on the property and on the parkway one that matches the rest of the street.

Commissioner Tomkins inquired about the approved street tree for that street.

Vice-Chair Martin recommended a Crepe Myrtle in the Parkway and one Camphor Tree near the front of the property behind the fence and amended her motion.

Chair Gallivan not sure there is enough room. Discussion ensued about space and City Property.

Commissioner Tomkins stated she doesn't feel comfortable with requiring a Camphor Tree, because of how massive they become and the limited space between the market and the neighboring property.

Discussion took place about all the trees in the photos.

Vice-Chair Martin reopened public hearing.

Resident spoke in support of street trees and expressed concerns with the Camphor Tree due to their size, the limited space and the possibility that the roots will encroach on the building itself.

Vice-Chair Martin asked if the Commissioners had any other ideas before making final amendments to her motion.

Commissioner Gomez stated she likes the idea of a Crepe Myrtle, between the property and the market and spoke about adding fruit trees and the ability for the market to sell.

Vice-Chair Martin amended her motion to add three (3) Crepe Myrtles to the Parkway add a full size fruit tree towards the front of the store, starting as a 15 gallon.

Mr. Attiyah, the applicant, spoke about the City approaching him to remove the fence due to the homeless issue. He stated they wanted to replace with a 4 foot fence but he felt that would defeat the purpose and the homeless would just jump into the backyard, so after two years of negotiating, the City allowed him to recently repair the fence. He confirmed they recently painted and repaired lighting along with the fence at a cost of approximately \$4,000. He commented he would love to plant citrus trees along the side between the market and the City and would like to show the Commissioners a rendering from his architects of the future plans for the market.

Vice-Chair Martin asked how far back does the property owner have to go to have a six foot fence according to the fence ordinance.

Development Services Director Lazzaretto stated an open fence is different a wood fence; a wood fence on the front side would need to be 25 feet back and an open fence, like rod iron would be allowed on the property line.

Associate Planner Tam stated the max fence height along the front property line in four feet for an open type fence. If it's a solid six foot it would need to match the front setback of 25 feet.

Commissioner Tomkins commented that in the Historic District the City shouldn't be imposing new setbacks that make him look out of character with the other properties.

Development Services Director Lazzaretto responded they are answering the questions per the code, however, if somebody doesn't want to follow the code, for historical reasons, they can apply for a variance.

Vice-Chair Martin commented on the difficult to enhance the curb appeal of this property because he can't have a six foot fence.

Development Services Director Lazzaretto stated that staff has spoken to the property owner about using his side yard, and not enclosing it in, for takeout with chair & tables. He commented that the neighborhood would embrace that.

Vice-Chair Martin stated that the rendering shown by the applicant is beautiful.

Mr. Attiyah stated the architect suggested climbing vines along the existing fence.

Vice-Chair Martin commented she likes the idea of making it more welcoming and appreciates the investment in the drawing. She asked for any other comments from Commissioners before they vote.

Commissioner Kercheval requested staff restate the motion with the amendments.

Development Services Director Lazaretto stated the last motion was to approve the staff recommendation of the approval resolution with three (3) 15 gallon crepe myrtles instead of the 24 inch box with one of those crepe myrtles to be planted in the Parkway.

Vice-Chair Martin corrected the three crepe myrtles will be in the Parkway.

Commissioner Kercheval spoke about the requirement of the owners to care for parkway trees and reducing to one tree in the parkway near in his property.

Vice-Chair Martin agreed there is only room for the one on his property; however, he was willing to donate plants off site so she recommended three. She commented that when the City of Pomona puts trees down the sidewalk they do not get permission from the residents.

Commissioner Kercheval suggested amending so that the two City tree locations will be decided by the City and staff could approach the owner next door.

Chair Gallivan commented he would like to see the trees there and make it fit into the neighborhood treescape.

Commissioner Tomkins stated the applicant's new design has trees and suggested the condition letting the applicant decide on the location of the three 15 gallon trees.

Chair Gallivan and Vice-Chair Martin feel it needs to be more specific.

Raymond Mendoza, lives next to Art's market, commented there used to be a canopy there, now he can see right through to Emerson and it is not as attractive as it used to be.

Vice-Chair Martin requested to have the picture.

Commissioner Kercheval clarified the location of Mr. Mendoza's home.

Mr. Mendoza stated behind and to the West, down Pearl with the Hedge.

Vice-Chair Martin rescinded all her amendments. She restated the motion to add three (3), 15 gallon, Crepe Myrtles on the Parkway, if the resident next door agrees to care for the other two and three (3), 15 gallon, semi-dwarf fruit trees on the side yard, to fits into the new illustrated design.

Chair Gallivan asked if the trees could be larger

Vice-Chair Martin suggested semi-dwarf to leave room for benches for residents to use. She commented that a semi-dwarf tree is still big when full grown.

Mr. Attiyah stated his plans are a rough draft and subject to City approval. He shared he has formed a small committee to calculate the cost of adding food service. He noted this could determine a different outcome.

Commissioner Kercheval encouraged the applicant to approach Pomona Heritage to help with the architectural plans and get input. He commented that having their backing will make the whole process easier when returning to the City with architectural drawings.

Mr. Attiyah stated he will do that, and met Dan McIntire six months ago.

Commissioner Kercheval commented the Dan McIntire wants to see the business succeed and noted the property is a prime spot to become part of the fabric of the neighborhood.

Mr. Attiyah shared he was unaware the storefront had windows, until Mr. McIntire showed him a picture of what the store looked like 30 years ago. He noted he is in the process of removing those wood panels on the front and restoring what the store looked like in the 1960's. He stated he has owned the property for 14 years, but I just started taking care of it hands on a little less than a year ago.

Commissioner Tomkins commented that 15 gallon trees will be the best option because it provides flexibility and they can plan themselves.

Commissioner Kercheval expressed concerns with the semi-dwarf constraint.

Vice-Chair Martin shared a story of neighbors overgrown full size citrus trees and stated the new design requires some open space for benches. She amended her motion to read "no dwarf" citrus trees planted on the side yard.

Commissioner Tomkins expressed concerns with the three (3) Crepe Myrtles and inquired if this was the approved street tree.

Vice-Chair Martin responded that Crepe Myrtle is one of the approved Historic Districts trees.

Commissioner Tomkins asked for clarification on the location of the crepe myrtles.

Vice-Chair Martin restated on the parkway near his property to beautify the streetscape coming and going from his market and the two others are subject to neighbor's approval.

Mr. Attiyah asked who to check with about the trees when the approval is done.

Commissioner Kercheval responded the City will initiate with the neighbor and inform you.

Development Services Director Lazzaretto confirmed they will speak to the neighbor and spoke about being hesitant to plant a street tree in that area because they don't get watered, so it would be an agreement for the neighbor to water, not permission for the tree.

Commissioner Tomkins commented that the Park Commission has the authority to post notices on trees and the City to water and bill the resident, but it hasn't been done for years and the City has lost a lot of street trees.

Vice-Chair Martin commented the 15 gallon trees shouldn't be a financial hardship for the business owner and she feels they will enhance his property and the neighborhood. She restated her motion;

three (3) Crepe Myrtles on the Parkway, one (1) in front of the business and two (2) directly north, and three (3) citrus fruit trees for the side patio, no dwarf size.

Chair Gallivan inquired about the inclusion of canopy trees.

Vice-Chair Martin clarified they are not recommending canopy. She encouraged the applicant to work with the architect or Dan McIntire on the placement of the trees.

Motion by Vice-Chair Martin, seconded by Commissioner Kercheval, carried by a unanimous vote (6-0-0-1), approving Major Certificate of Appropriateness (MAJCOA 8049-2017) to retroactively legalize the removal of an unidentified species of tree in the rear yard of a property located at 701 N. Gibbs Street, with the condition to add three (3) Citrus Trees of Semi-Dwarf or larger to the side patio, one (1) Crepe Myrtle in the Parkway in front of the property and two (2) Crepe Myrtle trees in the Parkway directly north, subject to that property owners approval.

ITEM G:
NEW BUSINESS:

Commissioner Tomkins requested to add discussion about the process for designating a historic landmark within the City to an upcoming agenda.

Commissioner Kercheval commended Associate Planner Ata Khan's presentation, stating his PowerPoint was very organized and the photographs with aerial view helped to understand the zoning and provide context. He suggested other planners adopt his template. Chair Gallivan agreed.

ITEM H:
DISCUSSION:

1. Discuss the modifications to planters located at City of Pomona – Civic Center.

Vice-Chair Martin shared the history and her role in the demolition of the planters located at the Civic Center. She spoke about a unanimous vote in 2015 for \$100,000 to use government bonds money to revitalize the Civic Center and that at the same time the Council unknowingly approved \$760,000 in trade for the \$100,000. She stated Council gave ideas of what to do with the \$100K and not one spoke about demolishing planters that were built by Wilton Beckett. She stated the plants were listed on another agenda to be repaired but Council was not verbally informed they would be demoed and replaced with straight walls. Upon getting calls from residents she reached out to historical society, Pomona Heritage, and the new Council. She was informed that on June 5, 2017 this Council voted in the contractor and the planters were merged in with the Norvell project. She expressed concerns about how items are going on agendas and the fact that there wasn't a design process for the planters. She requested to discuss the future of Civic Plaza, those planters and preservation. She commented that she is devastated that she voted for something she didn't know she voted for.

Commissioner Tessier confirmed that the Civic Center is not designated.

Vice-Chair Martin confirmed they are not. Chair Gallivan stated it is complicated and more information can be provided by Director Lazzaretto.

Vice-Chair Martin added that members of the community requested a temporary stop on demolition, after just one of the planters was demolished, so that the original design of the planters could be reviewed or redesigned to match. The City responded they would continue work now it's all done.

Commissioner Tessier stated all we can do is advocate to list the Civic Center Plaza and buildings as landmark.

Chair Gallivan responded that this is something the Commissioner cannot discuss at this time. He stated that an application has been submitted that has to go before City Council, as the landowners, for them to decide what they want to do and the Historic Preservation Commission is not to interfere with that process.

Commissioner Tessier stated if the application is successful it addresses our concerns about future work around the Plaza, because then any future modification would come to this Commission.

Chair Gallivan explained that once the City Council gives their approval, the Historic Preservation Commission can give a recommendation to the City Council.

Vice-Chair Martin expressed concerns that this application is going to City Council without the Historic Commissioners recommendation.

Commissioner Tessier responded that nothing says they had to go to the Commissions, no obligation for them to take it to any Commission unless something changes.

Commissioner Tomkins stated the planters should have gone to the Parks Commission as they have oversight over physical structure changes to any Park.

Vice-Chair Martin conformed that the space is a public park.

Commissioner Tessier inquired if the Parks Commission reviews and approves all capital improvements.

Vice-Chair Martin and Commissioner Tomkins responded that the Parks Commission has been bypassed the last few years and they are trying to get more engaged.

Commissioner Tomkins added that the Parks Commission initially approved the building of every park in the City, however, recently meetings were being cancelled due to no agenda items. She noted that at the last Parks Commission meeting they requested staff report on such projects and she anticipates they will be more active in the future.

Commission Tomkins asked for clarification of the process for the Historic Preservation Commission to designate historic landmarks. She stated that once an application gets filed, they must notify the owner within a certain period of time and then the owner has the ability to object,

without public hearing. She asked if the application goes directly to City Council is it just consent to hold a public hearing.

Development Services Lazzaretto clarified why the Commission is currently not permitted to speak about this specific application and provided an example. He stated if the Commission wished to designate the fire house, they would complete an application and recommend it to the City Council for approval, predetermining the outcome before hearing evidence or testimony from the public and discussion would take place without the public in attendance for an agenda item. Whereas, when someone else submits a historic property application, the Historic Commission becomes the judiciary body deciding whether or not to approve. He also clarified the process using the Mission Family restaurant as an example. An application was filed, not by the property owner, to designate it as a historic landmark. The property owner opposed, therefore it moves to the City Council for a 5/7 vote and the Council would have to overrule the property owner's objection in order to allow the application to come to the Historic Planning Commission for consideration and then it would go back to the City Council again for final approval.

Director Lazzaretto stated the Commissioners are here tonight about the Civic Center in general and not about the application and he is comfortable with where discussion has stayed thus far.

Commissioner Tomkins commented that it is odd to be applying that rule when the City owns the property.

Development Services Director Lazzaretto stated yes the City owns the Civic Center and that in this instance it is the same situation as the Mission Restaurant where there is a group requesting the City's property be designated as historic, including the Court House which is not under City Ownership.

Chair Gallivan stated the Court House was excluded in the revision because it's owned by a corporation of various people.

Commissioner Tomkins asked her fellow Commissioners if they want to submit an application for the entire Civic Center and all of the buildings built at the same time to be designated together.

Development Services Director Lazzaretto responded the current application includes the Civic Center as a whole and the City Council has to decide whether they want to allow the property to be designated.

Commissioner Tomkins suggested they request City Council to allow the Historic Preservation Commission the opportunity to look at this and hold public hearings.

Development Services Director Lazzaretto suggested each Commissioner speak to their Councilmember and give them that information.

Commissioner Tomkins expressed concerns about the City Council authority to designate.

Development Services Director Lazzaretto stated that if the City Council doesn't want to designate then why would this Commission go through the steps of having public hearing.

Commissioner Tomkins commented that they shouldn't decide until they have heard recommendations and evidence.

Development Services Director Lazaretto stated they will have an agenda item with that information and that this is the process we must follow process.

Commissioner Tomkins reported that the Historic ordinance does not specifically address the City owning property and part of the Historic Commissioners job is to look at this ordinance, see how it works and recommend changes.

Vice-Chair Martin inquired about the general process for the Historic Commission to designate a property.

Development Services Director Lazaretto responded that the City could object and not allow the application to go forward. He agreed with Commission Tomkins that this portion of ordinance needs to be clarified and specifically address the process for City Owned Property.

Commissioner Gomez requested to have a work session to discuss areas of concern in the ordinance. She commented that this Commission needs to look at getting specific properties made historical within the City before they get demolished.

Vice-Chair Martin stated they need to change the pre 1945 rule, because the historic ordinance is 50 years and older and 1945 was established in 1997-1998, so they are starting to lose some mid century houses to new vinyl windows. She spoke about the importance of this discussion, as a City that wants to preserve its history.

Chair Gallivan inquired if there is any action that they would like to make with respect to the planters.

Commissioner Tomkins suggested sending a letter to the City Council requesting that no planters are removed until there is an opportunity for the Historic Preservation Commission to review.

Vice-Chair Martin agreed with sending a letter to the City Council and suggested sending another letter to the Park Commission regarding their concerns about the process.

Commissioner Tomkins shared she spoke with the Parks Commission at their last meeting and learned that trees had caused damage to the planters and they were having issues with the homeless using the planters as seating. She expressed frustration with a lack of discussion about this issue while participating on the Homeless Advisory Committee. She commented that she was part of the process to come up with a plan and if they wanted to eliminate the seating in the Civic Center it should have been in the plan. She noted that this seating is used during large City events and it was removed without discussion with any of the commissions, residents or the Council.

Chair Gallivan asked if there is anything specific they would like included in the letter.

Vice-Chair Martin spoke about using the Cultural Arts Commission 1% fee collected through developers, totaling approximately \$700,000 dollars to have the planters be put back to their original design. She reiterated that the Parks Commission should have been involved and apologized for voting on this.

Commissioner Tomkins stated they have had so many turnovers in staff that Commissioners may be more knowledgeable about some of the architecture than staff.

Vice-Chair Martin commented that Development Services Director Lazaretto and Development Services Manager Johnson were not aware of demolition as it didn't go through planning and went straight to engineering.

Commissioner Tomkins commented that many people in her neighborhood are upset and want to see it restored to the way it originally was. She noted then why they have an effective homeless plan, then maybe they can look to restoration.

Vice-Chair Martin is in agreement with Commissioner Tomkins and requested Chair Gallivan draft a letter for review at the next meeting.

Commissioner Tessier left at 10:19 p.m.

ITEM I:

HISTORIC PRESERVATION COMMISSION COMMUNICATIONS:

Commissioner Tomkins spoke about having a Tree Committee meeting next Wednesday, October 11, 2017 at 9:00 a.m. Development Services Director Lazaretto stated he would be happy to attend and provide information.

Chair Gallivan thanked everyone to their contributions to the SPECTRA presentation and requested that a formal thank you be provided.

Vice-Chair Martin spoke about SPECTRA's presentation, and commented on the number of famous buildings they restored.

Commissioner Tomkins requested to add a continuing agenda item for a Tree Committee report.

ITEM J:

DEVELOPMENT SERVICES DIRECTOR COMMUNICATIONS:

Development Services Director Lazaretto asked if there were attendance policy questions, per the conversation earlier in the meeting. Commissioners responded not at this time.

ADJOURNMENT:

Chair Gallivan adjourned the meeting at 10:26 pm to the next regularly scheduled meeting of the Historic Preservation

Commission on November 1, 2017, in the City Council
Chambers.

for 
Brad Johnson
Development Services Manager

Jessica Thorndike, Transcriber

The minutes of this meeting are filed in the Planning Division of City Hall, located 505 South Garey Avenue, Pomona, CA, 91766.