

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA DENYING THE APPEAL OF THE MONTECITO ASSOCIATION AND UPHOLDING THE DECISION OF THE PARKS AND RECREATION COMMISSION TO APPROVE THE REMOVAL OF TWO CANARY ISLAND PINE TREES LOCATED IN THE FRONT SETBACK AT 1187 COAST VILLAGE ROAD, PURSUANT TO COUNCIL'S DIRECTION OF OCTOBER, 2015.

WHEREAS, on July 10, 2015, the Parks and Recreation Department received a tree removal application from Heidi Jones of Susan Elledge Planning and Permitting Services on behalf of H&R Investments for three Canary Island Pines located at 1187 Coast Village Road. The property at 1187 Coast Village Road is zoned C-1 with a front setback of 10 feet. The basis for the applicant's tree removal request was to allow the owner to make improvements to the property, including repairs to the driveway and retaining walls, relocation of a stairway, and construction of dining decks within the front setback. The applicant initially proposed to plant three 36" box replacement trees; and

WHEREAS, on August 6 & 12, 2015, the Street Tree Advisory Committee (STAC) reviewed the tree removal application. The STAC determined the tree on the west end of the property could be preserved through alternate designs for the proposed stairs adjacent to the tree. When reviewing the information for the two trees at the east end of the project, the STAC determined the tree closest to the driveway would be destabilized by the proposed driveway improvements. The STAC further determined that although the second tree has a known defect, it could be preserved a while longer through cabling the two trunks together and trimming. The STAC recommended that the Parks and Recreation Commission (Commission) approve removal of the tree closest to the driveway on the east end, and deny the removal of the pine farthest from the driveway on the east end and the west end pine tree; and

WHEREAS, on August 26, 2015, the Commission considered the application and the STAC and staff recommendations at its regular meeting. Staff recommended that the tree farthest from the driveway on the east end be removed due the necessary root pruning on three sides of the tree, a defect in the tree, and exposure the tree would experience once the tree closest to the driveway is removed. Staff recommended that the Commission approve the removal of both trees at the east end and deny the removal of the tree on the west end. The Commission discussed the principals of good forest management, the reasonable development of the property and the character of the neighborhood considerations as outlined in SBMC 15.24.090 as well as amount of root pruning, the damage to the building, the unsafe condition of the existing trees and the

proposed replacement trees. The Commission voted to approve two of the removals and deny the third on the condition one *Brachychiton* Tree is planted; and

WHEREAS, the Montecito Association timely appealed to the City Council; and

WHEREAS, on October 20, 2015, the City Council conducted a duly noticed public hearing to consider the appeal. The City Council in the appeal hearing considered the entire record of proceedings, including without limitation the following evidence relied upon by the Council:

1. A detailed written report and staff presentation, including a Council Agenda Report prepared by City staff discussing the appeal issues and a PowerPoint presentation.
2. The testimony, written material and slide presentations of representatives of the appellant and the applicant, as well as members of the public, the STAC and Commission.

All of the above evidence and the entire record of proceedings is incorporated by reference into this Resolution, which is based upon the entirety of the record of proceedings; and

WHEREAS, after consideration of all of the evidence presented, and after deliberation by the Council members, the City Council voted unanimously to direct the preparation of written findings which, consistent with the oral findings made by Council, would deny the appeal and conditionally grant the tree removal permit subject to additional conditions requiring installation of two median trees near the subject property.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct and are incorporated into these findings.

SECTION 2. All written, graphic and oral materials and information submitted to the STAC, Commission, and the City Council by City staff, the public and the parties are hereby accepted as part of the record of proceedings.

SECTION 3. The Council has carefully reviewed the evidence it obtained during the site visit and public hearing as described above and from the record of proceedings, and based upon that evidence denies the appeal and upholds the decision of the Commission with the addition of one condition of approval, making the findings and determinations set forth below as required by Santa Barbara Municipal Code section 15.24.090:

- A. That a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought because the trees' location within the front yard setback unreasonably hinders reuse and redevelopment of the property, including regarding of the driveway for safety reasons.
- B. That regard for the safety of persons or property dictates the removal of the trees because the dual trunked tree is in imminent danger of collapse and its removal will destabilize the other tree.

SECTION 4. The Council's action is conditioned on the performance of all conditions of approval previously specified by staff, particularly the requirement that one *Brachychiton* Tree be planted on the subject property. In addition, the tree removal is conditioned on the installation and maintenance of two street median trees as provided below:

Prior to removal of any trees, the applicant shall at its own expense and risk supply and install two 36 inch box *Eucalyptus deglupta*, Rainbow Gum Trees or *Eucalyptus leucoxylon*, White Ironbark Trees, preferably the Rainbow Gum, at locations to be determined by the City Arborist in the Coast Village Road median within close proximity of 1187 Coast Village Road. If, due to circumstances beyond the applicant's control, these species are not reasonably available in 36 inch box size, the City Arborist shall specify an alternate species of similar cost. These trees shall be inspected and approved by the City of Santa Barbara City Arborist prior to installation. The applicant shall also enter into an agreement in a form specified by the city attorney to irrigate and maintain the trees for a period of three (3) years from the date of installation, ("maintenance period") and shall provide a performance bond in the amount of \$10,000.00 to assure performance of the irrigation and maintenance. If during the maintenance period the trees are vandalized or damaged, the trees shall be replaced in kind by the applicant at its own expense. No later than sixty (60) days before the end of the three (3) year maintenance period, the applicant shall request and the City Arborist will inspect the condition of the trees to determine whether the applicant has faithfully honored the requirements of the maintenance period. The City Arborist shall accept the trees upon completion of the maintenance period if the trees are in good health, and upon acceptance of the trees the City will release the applicant's performance bond. If at the end of the maintenance period the City Arborist determines the trees are not established, or are otherwise not in acceptable condition, the City may at the discretion of the City Arborist extend the maintenance period and bonding requirement up to two additional years and/or require replacement trees.

