



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: July 28, 2009

TO: Ordinance Committee

FROM: Parks and Recreation Department
City Attorney's Office

SUBJECT: Tree Preservation Policy Recommendations - American National Standards Institute (ANSI) Pruning Standards

RECOMMENDATION:

That the Ordinance Committee consider proposed amendments to Chapters 15.20 and 15.24 of the Municipal Code pertaining to tree preservation and the integration of the American National Standards Institute (ANSI) pruning standards in the City's tree preservation policies and enforcement procedures.

EXECUTIVE SUMMARY:

On April 21, 2009, staff presented the Ordinance Committee with draft revisions to Chapters 15.20 and 15.24 of the Municipal Code related to tree preservation policies and enforcement procedures. At the meeting, some members of the public called on the City to adopt the ANSI pruning standards as the City's standard for the maintenance of City trees and the City's enforcement procedures regarding front setback and parking lot trees on private property. Staff is returning to the Ordinance Committee with recommendations on how the City will incorporate the ANSI pruning standards into the City's maintenance practices. Consistent with the Street Tree Advisory Committee (STAC) and Parks and Commission recommendations, staff does not recommend adopting the ANSI pruning standards for tree preservation enforcement on private property.

DISCUSSION:

In early 2008, in response to several high-profile removals of trees on private property, the City Council directed staff to review the City's tree preservation policies and enforcement procedures and to prepare recommendations for improving the preservation of the urban forest. Staff presented its recommendations to the City Council in December 2008, and the Council referred the recommendations to the Ordinance Committee for further consideration. The Council also requested recommendations from the Street Tree Advisory Committee (STAC) and the Park and Recreation Commission regarding the use of the ANSI pruning standards and best management practices in the regulation of trees within the City.

Street Tree Advisory Committee and Park and Recreation Commission

On March 5, 2009, the STAC considered the role of the ANSI standards and best management practices. Four members of the public participated in this discussion. One member of the public argued against tree preservation enforcement in general as being an intrusion upon private property rights and a suppression of the artistic talent of arborists. The other three members of the public encouraged greater protection of trees, with two individuals encouraging the use of the ANSI standards as the City's enforcement standard. At the conclusion of the discussion, STAC concurred with the staff recommendation to not adopt the ANSI standards as the City's enforcement standard for private trees. However, STAC did recommend a partial integration of the ANSI standards into the City's policies and procedures by: (1) defining a significant alteration as a reduction of the tree crown by more than $\frac{1}{4}$ within one year, as opposed to the current City standard of a $\frac{1}{3}$ reduction; (2) requiring permitted work on City trees by private parties to comply with the ANSI standards and best management practices; and (3) requesting the addition of a new section to Chapter 15.24 of the Municipal Code informing property owners of the ANSI standards and best management practices and encouraging their use in the maintenance of trees on private property. On March 25, 2009, the Park and Recreation Commission considered the topic and concurred with the staff recommendations, as modified by STAC.

Ordinance Committee Review

On April 21, 2009, the Ordinance Committee was presented with the proposed amendments to Chapters 15.20 and 15.24 of the Municipal Code pertaining to tree preservation. During that meeting, some members of the public urged the City to adopt the ANSI pruning standards as the City's standard for the maintenance of City Trees and the City's enforcement standard for the preservation of trees on private property. The Ordinance Committee forwarded the proposed ordinance revisions to the City Council with the expectation that the ANSI standards would be incorporated in some fashion into the maintenance practices for City trees before the ordinance was presented to the City Council. The Ordinance Committee did not require the incorporation of the ANSI pruning standards in the City's tree preservation enforcement on private property. Staff is returning to the Ordinance Committee with recommendations regarding the ANSI standards in order to confirm staff's approach before proceeding to the City Council.

Maintenance of City Trees

The Parks and Recreation Department maintains approximately 37,000 City trees, and more than 5,000 City trees are pruned on an annual basis. These trees are located within public rights of way (streets and sidewalks), parks, City facilities, and other public areas.

Following the April 21, 2009, Ordinance Committee meeting, City staff reviewed the City's maintenance practices against the ANSI pruning standards. Staff found the City's current maintenance practices to be very similar to the ANSI standards. Therefore, staff recommends the adoption of the ANSI pruning standards (ANSI A300) as the performance

standards for the maintenance of City trees with two exceptions: first, staff recommends retaining the Parks and Recreation Director's discretion as to when and how maintenance operations are documented; second, staff recommends retaining the Parks and Recreation Director's discretion as to the appropriate amount of pruning based on the tree's species, age, health, site, and other relevant factors.

Written Objectives and Specifications

The Parks and Recreation Department keeps detailed records of its maintenance activities regarding City trees. These records document the location, species size, condition, and other criteria, of every City Street Tree as well as trees planted at City facilities and in developed parks. These records are updated every time a tree is pruned, removed, or planted. Tree pruning information includes the date of pruning, type of pruning, and whether the pruning was completed by a City employee or a tree company under contract to the City. In many ways, the City's recordkeeping complies with the ANSI standards. However, staff is concerned that a strict application of ANSI pruning standard 6.1.2, which recommends written objectives and specifications for each pruning operation, would substantially increase staff paperwork and reduce program efficiency and effectiveness without adding additional benefit to the maintenance of the City's trees. Staff is confident in its ability to maintain the City's trees without preparing detailed specifications for each pruning operation. Written pruning objectives are prepared on an as needed basis. Therefore, staff recommends leaving the documentation of the City's maintenance operations to the discretion of the Parks and Recreation Director.

Amount of Pruning During a Growing Season

The other area where staff recommends the retention of the Director's discretion is in the determination of the appropriate amount of pruning. ANSI standard 6.1.4 recommends that "not more than 25 percent of the foliage should be removed within an annual growing season." This standard goes on to state that the "percentage and distribution of foliage to be removed shall be adjusted according to the plant's species, age, health, and site." Staff concurs with the recommendation and recognizes the flexibility built into the standard. However, there are occasions where legitimate public objectives require City staff to prune more than 25 percent of the foliage of a tree within a growing season. Public objectives that may warrant greater pruning are associated with safety considerations for large trees in small tree wells, required root pruning to repair or build sidewalks and other infrastructure, and height clearance for street sweeping, among others. Some may say such discretion already lies within the existing language of the standard, but staff recommends an explicit retention of the Parks and Recreation Director's discretion to determine the proper balance of the public objectives regarding the City's urban forest.

City Enforcement Procedures on Private Property

In addition to adopting the ANSI pruning standards as the maintenance standard for City trees, the members of the public who attended the April 21, 2009, Ordinance Committee meeting called for the City to require compliance with the ANSI standards for the maintenance of private trees subject to City regulation (designated Historic or Specimen Trees, trees located in front setbacks, or trees required as part of parking lot landscaping under the Zoning Ordinance). The pruning and removal of these trees are currently regulated under Chapter 15.24 of the Municipal Code.

Staff has reviewed how other California cities have incorporated the ANSI standards into their tree preservation enforcement procedures. While the type, size, and location of the trees subject to enforcement vary from jurisdiction to jurisdiction, each ordinance has a common element - a permit is required for any pruning operation that is subject to regulation. It is through the issuance of the permit that the cities get the opportunity to evaluate and approve the scope of the pruning operation before the work begins and to confirm compliance with the permit after completion based on written specifications prepared in compliance with the ANSI pruning standards. The adoption of such a regulatory posture would be a substantial departure from the City's current practices concerning private property, would require a significant dedication of time from staff and could involve a greater commitment of time from the volunteers on the Street Tree Advisory Committee and the Park and Recreation Commission.

Currently, property owners are free to prune their trees without a permit, even trees subject to regulation under Chapter 15.24. A permit is only required if a property owner wants to remove a regulated tree. However, if a property owner prunes too much of a regulated tree or prunes a tree in a manner that alters the natural character of the tree, the property owner is subject to a fine and may have to replace the tree if the damage cannot be reversed. Under this enforcement posture, the vast majority of pruning operations, even on regulated trees, do not involve the City. The implementation of the ANSI pruning standards for the regulation of private trees would require the issuance of a permit for each regulated pruning operation. Staff does not recommend adopting the ANSI standards for enforcement of private tree because the necessary permitting process requires a significant increase in the City's involvement in the maintenance of private property and will require a substantial dedication of staff and volunteer resources that the City simply cannot afford at this time.

Even though staff does not recommend using the ANSI standards for tree preservation enforcement on private property, the proposed revisions to Chapter 15.24 encourage property owners to use the ANSI pruning standards in their maintenance practices and do incorporate some of the concepts from the ANSI pruning standards into the City's enforcement procedures such as: reducing the amount of pruning considered to be a significant alteration from 1/3 of the tree crown to 1/4 of the tree crown and introducing a 12-month period for the measurement of a tree's reduction in order to capture repeated pruning during the same growing cycle.

BUDGET/FINANCIAL INFORMATION:

As proposed by staff, the City's compliance with ANSI Standard Practices for Pruning will not result in a significant financial impact to City tree pruning operations. However, the implementation of the proposed municipal code changes, higher fine structure; enhanced web site and new educational programs will increase the workload for the Parks Division staff.

SUSTAINABILITY IMPACT:

Tree preservation policies are essential tools for the maintenance of a healthy urban forest and provide community aesthetic benefits. Updated policies will provide long-term protection for the City's urban forest which provides community energy conservation, water quality, air quality, and wildlife habitat benefits.

ATTACHMENT: Proposed Ordinance Revisions to Municipal Code Chapters 15.20 and 15.24

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Scott Vincent, Assistant City Attorney

SUBMITTED BY: Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office

ORDINANCE COMMITTEE DISCUSSION DRAFT 7/28/09
SHOWING CHANGES FROM EXISTING CODE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SANTA BARBARA AMENDING CHAPTERS 15.20 AND 15.24
OF THE SANTA BARBARA MUNICIPAL CODE RELATING
TO THE PRESERVATION OF TREES

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS
FOLLOWS:

SECTION ONE. Chapter 15.20 of Title 15 of the Santa Barbara Municipal Code is amended to read as follows:

15.20.010 Title.

Recognizing that the urban forest is a valuable asset to the City of Santa Barbara, this chapter shall be known as and may be cited and referred to as the "Street Tree Ordinance of the City of Santa Barbara."

15.20.020 Definitions.

For the purpose of this chapter, certain terms and words are hereby defined as follows:

A. **DIRECTOR.** The person having control and management of the Parks and Recreation Department of the City or the Director's designated representative.

B. **GROUND COVER.** Includes grass, turf or perennial plants that normally grow in a prostrate manner so as to conceal, or with the purpose of concealing, the ground surface, and that do not exceed eight inches in height, and that will tolerate light pedestrian traffic.

C. **HISTORIC TREE.** A tree which has been found by the Board of Park Commissioners, the Historic Landmarks Commission, or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree".

D. MAINTENANCE or MAINTAIN. Pruning, spraying, bracing, root pruning, staking, fertilizing, watering, treating for disease or injury, and other work performed to promote the health, beauty, or adaptability of trees and shrubs, but shall not include the watering of such trees in residential zones.

E. OFFICIAL TREE. A tree so designated by the Director because of its desirable characteristics of growth and beauty with reference to its crown, root structure, and adaptability to local climatic, soil and street conditions. The Director shall keep a list of official trees.

F. PARKWAY STRIP. Either (i) the area between the curb and sidewalk within a fully improved street right-of-way, or (ii) that area extending six feet from the curb towards the nearest right-of-way line in an area with no sidewalk, or (iii) any area within a street right-of-way in which an official or parkway tree is located.

G. PARKWAY TREE. A tree planted or caused to be planted by the City within a street right-of-way.

H. PUBLIC AREA. Parks, playgrounds, areas around public buildings and all other areas under the supervision and maintenance of the City not including any street right-of-way.

I. SHRUB. Woody vegetation or a woody plant having multiple stems and bearing foliage from the ground level up.

J. SPECIMEN TREE. A tree which has been found by the Board of Park Commissioners to be of high value because of its type and/or age and which has been ~~so~~ designated by resolution of the City Council as a “specimen tree”.

K. STREET. Shall have the meaning set forth in section 28.04.665 of this Code.

L. TREE. A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems.

M. TREE WELL. A planting area found in an otherwise paved street right-of-way.

15.20.030 Master Street Tree Plan.

All trees within a parkway strip shall be planted and maintained according to the Master Street Tree Plan adopted by the City Council. The Director shall administer the Master Street Tree Plan and, with the approval of the Board of Park Commissioners, shall have the authority to amend or add to the Master Street Tree Plan at any time that circumstances make such amendment or addition advisable.

15.20.040 Other Plantings or Improvements in Parkway Strips.

It is unlawful to install or plant in a Parkway Strip any of the following without a written permit from the Director: (i) any tree not designated an official tree in the Master Street Tree Plan; (ii) any other plant whose ultimate growing height is over eight inches; (iii) any other non-living ground cover, ~~without a written permit from the Director.~~ The Parks and Recreation Department shall maintain a list of plant materials which comply with the height requirements of this Title.

15.20.050 Director Authority and Responsibility.

The Director is hereby made responsible for inspection, maintenance, removal and replacement of all trees planted in public areas, parkway strips, and tree wells.

The Director shall have authority to remove or replace any tree or other planted improvements within a parkway strip which does not conform to the "Master Street Tree Plan" or this Title.

The Director shall comply with the pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the

International Society of Arboriculture in the inspection, maintenance, removal, and replacement of all trees planted in public areas, parkway strips, and tree wells with the following exceptions: (1) the Director has the discretion to prepare written objectives or specifications for pruning activities; and (2) the Director has the discretion to determine the appropriate amount of pruning based on a tree's species, age, health, site, or other factors.

15.20.060 Development Activity - Tree Plans.

The applicant for any activity for which approval by the Architectural Board of Review, the Historic Landmarks Commission, the Single Family Design Board, or the Planning Commission is required by City law shall, concurrently with processing of such application, submit to the Director and the appropriate review body plans for the planting of official trees within any parkway strip on or adjacent to the lot, parcel or building site. The Director may designate the species, kind, number, spacing, and method of planting of such trees and may require the inclusion of root inhibiting planters.

15.20.070 New Subdivisions - Conformity with Master Street Tree Plan.

No subdivision shall be approved unless it is found to include planting of official trees within the parkway strips in conformity with the "Master Street Tree Plan" and under the Director's supervision. Any such approval shall assure that the costs of planting and first two years maintenance, including irrigation, for all official trees are borne by the subdivider. ~~Posting of a faithful performance bond may be accepted by the Director as a means of complying with this requirement.~~ The Director may require the posting of a performance bond to secure faithful performance of the planting, maintenance, and irrigation obligations in a manner consistent with the security provisions of the Subdivision Map Act (Government Code section 66499 et seq.).

15.20.080 Street Improvements - Integration of Plans.

Any proposed change in the direction or width of a public street right-of-way or any proposed street improvement shall, where feasible, incorporate plans for installation of parkway strips. Plans and specifications for planting such areas shall be integrated into the general plan of improvements and it shall be the duty of the City Engineer to coordinate the design of such improvements with the Parks and Recreation Department prior to completion of final overall plans.

In order to provide for coordinating the multiple use of all street improvements, plans and specifications for street planting proposed by the Parks and Recreation Department shall be submitted to the City Engineer, Traffic Engineer and City Planner for their recommendations.

15.20.090 Maintenance Responsibility of Property Owner.

An owner of property adjoining a street right-of-way is responsible for maintaining all trees and other vegetation planted between the edge of the pavement nearest said property and the right of way line separating the property from the street, except those trees to be maintained by the Director pursuant to section 15.20.050. This maintenance obligation shall include keeping such area free from weeds or any obstructions inimical to public safety and or contrary to the Master Street Tree Plan. The placing of tar paper, plastic or other material over the ground, or the use of materials or chemicals intended to permanently sterilize the soil in these areas, is prohibited.

Nothing in this chapter shall be deemed to relieve the owner of any property from the duty to keep the property, including any adjacent sidewalks and parkway strip in front thereof, in a safe condition and so as not to be hazardous to public travel. For purposes hereof, "owner" shall include any occupant of property.

15.20.100 Abatement of Dangerous Conditions - Authority of Director.

The Director may remove a limb from any tree, regardless of the location of such tree, if in the Director's opinion such removal is necessary to maintain the safety of the public right of way. In the event such tree is on private property, the Director shall notify the property owner of the intent to remove a limb by written notice at least ten (10) days prior to such removal and, where possible, obtain the owner's consent for entry upon the property, except in the case of manifest public danger and immediate necessity.

15.20.110 Permit Required for Planting, Maintaining, or Removing any Tree Growing Within a Street Right-of-Way or Public Area.

A. APPLICATION. Whenever a property owner or occupant desires to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right of way, an ~~application shall be filed with the Parks and Recreation Department for a permit for such actions.~~ application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show clearly, by diagram or plot plan and photograph(s), the location and identity of the tree or trees sought to be planted, maintained or removed; the name and address of the applicant; and such other information as indicated on the form provided.

B. PLANTING. When an application proposes the planting of a tree in a parkway strip, tree well, public area or street right of way, the Director shall consider whether the proposed planting conforms to the Master Street Tree Plan. The Director may designate the species, kind, number, spacing, and method of planting of such trees and may require the inclusion of root inhibiting

planters as necessary to conform to the Master Street Tree Plan. The Director may approve, conditionally approve, or deny the application. If the application does not conform to the Master Street Tree Plan or the applicant does not agree to the Director's conditions of approval, the Director shall deny the application.

C. MAINTENANCE. When an application is submitted for maintenance of a tree planted in a parkway strip, tree well, public area or street right of way, the Director shall consider whether the proposed maintenance will benefit the state of the urban forest and may approve, conditionally approve, or deny the application on the basis of that consideration in the sole discretion of the Director. The Director may require written specifications for the work proposed as part of the permit application.

D. REMOVAL. When an application is submitted for the removal of a tree planted in a parkway strip, tree well, public area or street right of way, the application shall be processed in accordance with the following procedures:

1. Notice. Any tree for which a removal permit has been requested must be posted with notice of the permit request by the Parks and Recreation Department for at least ten (10) days prior to issuing a permit for removal.

2. Administrative Review. The application shall first be reviewed by the Director to consider whether the removal would benefit the state of the urban forest considering the factors specified in paragraphs 3 and 4 below. If the Director finds that the removal is either: (i) beneficial to the state of the urban forest, or (ii) necessary for public safety, the Director may issue the permit. If the Director finds that the removal will not benefit the state of the urban forest and is not necessary for safety, the Director may deny the application. The Director may also refer the application to the Street Tree Advisory Committee for further review consistent

with this Section. Except in cases of where the Director finds that removal is necessary for public safety, the applicant or any interested person may request review of the application by the Street Tree Advisory Committee and the Board of Park Commissioners as provided in this Section.

3. Street Tree Advisory Committee. If the application is referred to the Street Tree Advisory Committee by the Director or at the request of the applicant or any interested person, the application shall be presented to the Street Tree Advisory Committee at the next available meeting of the Committee. The Street Tree Advisory Committee shall consider the application and make a recommendation to the Board of Park Commissioners to approve, conditionally approve, or deny the application. When making its recommendation, the Street Tree Advisory Committee shall consider the following factors:

- a. Whether such tree is designated as an historic or specimen tree;
- b. Whether the tree species and placement conforms to the “Master Street Tree Plan;”
- c. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy;
- d. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and
- e. Any beneficial effects upon adjacent trees to be expected from the proposed removal.

4. Board of Park Commissioners. Once the Street Tree Advisory Committee has made its recommendation, the application and the Street Tree Advisory Committee’s recommendation shall be presented to the Board of Park Commissioners at the next available meeting of the

Commission. After receiving the recommendation of the Street Tree Advisory Committee and a recommendation from the Director, the Board of Park Commissioners shall approve, conditionally approve, or deny the application. When making its decision, the Board of Park Commissioners shall consider the following factors:

- a. Whether such tree is designated as an historic or specimen tree;
- b. Whether the tree species and placement conforms to the “Master Street Tree Plan;”
- c. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy;
- d. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and
- e. Any beneficial effects upon adjacent trees to be expected from the proposed removal.

~~If the Director finds that such maintenance is to the advantage of the tree, or that removal is imperative due to safety considerations, then a permit may be issued. The Director may waive the permit requirement for minor pruning activities such as the removal of palm fronds.~~

~~—B.— All costs incurred in maintaining or removing a tree as permitted by the Director shall be borne by the permittee. Where a tree is removed under permit, the Director may require a replacement tree to be planted, and all costs related to the replacement tree shall be borne by the permittee.~~

15.20.115 Work Without a Permit - Unlawful Acts.

It is unlawful for any person, except a person acting at the direction of the Director, to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right of way without the permit required pursuant to Section 15.20.110 of this Code.

15.20.120 Permit for Maintenance or Removal - Time Limit.

Any tree for which a removal permit has been requested must be posted with notice of the permit request by the Parks and Recreation Department for at least ten (10) days prior to issuing a permit for removal. Any work authorized by a permit shall be done within sixty (60) days of issuance thereof, under the general supervision of the Director, and in accordance with rules established by the Director. A permit shall be void after the expiration of the sixty day period.

All costs incurred in maintaining or removing a tree as permitted pursuant to this Chapter 15.20 shall be borne by the permittee. Where a tree is removed under permit, the Director or Board of Park Commissioners may require a replacement tree to be planted, and all costs related to the replacement tree shall be borne by the permittee.

15.20.130 ~~Liability Insurance Required for Tree Removal Businesses~~ Conditions of Maintenance or Removal.

Any person, ~~firm~~business, or corporation ~~engaged in the business of pruning or removing trees and which engages in such activity as to~~who receives a permit to maintain or remove an official or parkway trees shall comply with the following conditions:

A. ~~e~~ Carry public liability and property damage insurance in an amount to be determined by the City Council and maintain a current certificate of such insurance ~~shall be~~ on file with the City Clerk.

B. Conduct all maintenance activities in compliance with the current pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the International Society of Arboriculture. The Director or the Board of Park Commissioners may require written specifications for the work proposed as a condition of the permit.

C. ~~The Director may require the posting of Post~~ a performance bond in the amount equal to the cost of a proposed job, if required by the Director.

15.20.140 Interference with Work Prohibited.

No person shall interfere, or cause any person to interfere with, any work being done under provisions of this chapter by any employee of the City or any person or firm doing work for the City on bid, hire or assignment.

15.20.150 Injuring Trees - Unlawful Acts.

It is unlawful for any person to injure or destroy any tree growing within a City street right-of-way or in public areas by any means, including, but not limited to the following:

A. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to substantially shut off air, light or water from its roots;

B. Piling building equipment, material or any other substance around any tree so as to cause injury;

C. Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk;

D. Posting any sign, poster, notice or otherwise on any tree, tree stake or guard, or fastening any guy wire, cable, rope, nails, screws or other device to any tree, tree stake or guard without having first obtained a permit from the Director;

E. Causing any wire charged with electricity to come in contact with any tree without having first obtained a permit from the Director;

F. Causing any fire or burning near or around any tree.

15.20.160 Appeals to Park Commission.

Any ~~resident of the City~~ applicant or interested person may appeal a decision of the Director regarding a permit required for ~~the planting, or maintaining or removal of~~ a tree in a street right-of-way or public area by filing a written notice thereof with the Parks and Recreation Department within ten days after such decision is made. Implementation of the decision shall be stayed during the pendency of the appeal. The notice shall clearly specify the reasons for the appeal. The appeal shall be placed on the agenda of the Board of Park Commissioners at its next ~~regularly scheduled~~ available meeting. The Board of Park Commissioners shall make a ruling based on the evidence presented, and may sustain, modify or reverse the decision of the Director.

15.20.170 Appeals to City Council.

~~—An appeal to the City Council from any ruling of the Board of Park Commissioners may be made pursuant to the provisions of Section 1.30.050 of this Code.~~ Any action of the Board of Park Commissioners made pursuant to this Chapter 15.20 may be appealed to the City Council pursuant to the provisions of Section 1.30.050 of this Code.

15.20.180 Designation of "Specimen" and "Historic" Trees.

Any recommendation by the Board of Park Commissioners or the Historic Landmarks Commission to City Council for the designation of a "Specimen" or "Historic" tree shall be preceded by two public hearings, which shall be at least 30 days apart.

SECTION TWO. Chapter 15.24 of Title 15 of the Santa Barbara Municipal Code is amended to read as follows:

15.20.001 Title.

Recognizing that trees on private property can make valuable contributions to the urban forest of the City of Santa Barbara, this chapter shall be known as and may be cited and referred to as the "Tree Preservation Ordinance of the City of Santa Barbara."

15.24.002 Use of American National Standards Institute Pruning Standards.

The City follows the pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the International Society of Arboriculture in the care and maintenance of City trees. The City encourages residents to utilize and follow the current standards and best management practices in the management of their trees.

15.24.010 Definitions.

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

A. TREE. A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems;

B. PALM TREE. Any tree from the Palmae plant family;

C. SPECIMEN TREE. Any tree which has been found by the Board of Park Commissioners to be of high value because of its type and/or age and which has been designated by resolution of the City Council as a "specimen tree";

D. HISTORIC TREE. A tree which has been found by the Board of Park Commissioners, the Historic Landmarks Commission or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an "historic tree";

~~E. CUT DOWN OR OTHERWISE DESTROY. To cut a tree down or to prune a tree in such a way that its natural character is significantly altered or its overall size is reduced by more than one-third.~~

~~E. DIRECTOR. The Director of the City's Parks and Recreation Department or the Director's designated representative.~~

~~F. REMOVE A TREE. To cut a tree down or to otherwise remove a tree from its location by any means.~~

~~G. SETBACK TREE. A tree located in the front setback of any lot as the term front setback is defined and specified in Title 28 of this Code, the Zoning Ordinance. A tree is a setback tree if more than 50% of the tree trunk, measured at the highest natural grade adjacent to the trunk, is within the front setback.~~

~~H. PARKING LOT TREE. A tree located in the area of any lot required to be landscaped pursuant to Section 28.90.050 of this Code.~~

~~I. SIGNIFICANTLY ALTER A TREE. To prune a tree in such a way that either (i) its natural character is significantly altered, or (ii) the height and/or spread of the tree crown is reduced by more than one-quarter within any twelve month period.~~

J. TREE CROWN. The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

15.24.020 Prohibition.

~~Except as provided in Sections 15.24.030 and 15.24.035, it is unlawful to cut down or otherwise destroy~~remove or significantly alter or to authorize or allow the ~~destruction or cutting down~~removal or significant alteration of any tree without a permit if the tree is:

A. ~~A setback tree or a parking lot tree, or Situated in the front setback of any lot or situated in the area of any lot required to be landscaped pursuant to Section 28.90.050 of this Code, except as provided in Sections 15.24.030 and 15.24.035 of this chapter, without the express permission of the Board of Park Commissioners, or City Council, on appeal;~~

B. ~~That has been d~~Designated as an historic or specimen tree by the City Council ~~as defined herein, anywhere it may occur on a lot, parcel or building site.~~

15.24.030 Lawful Removal of Trees Without a PermitApplication.

~~Trees coming within the following exceptions may be removed lawfully without application to or permission from the Board of Park Commissioners or City Council~~ A tree that is subject to the prohibition specified in Section 15.24.020 may be lawfully removed without a permit if the tree satisfies any one of the following definitions:

A. ~~Trees whose~~The tree's main trunk is less than four inches (4") in diameter at a point twelve inches (12") above the ground ~~or palm trees with a trunk less than three feet (3') in height~~four feet six inches (4'6") above the highest natural grade adjacent to the trunk;

B. ~~Diseased trees whose~~The tree is diseased and the tree's condition is a source of present danger to healthy trees in the immediate vicinity; provided~~ed,ing~~ a certificate attesting such condition has been filed with the ~~Parks and Recreation~~ Director by a member of the American Society of Consulting Arborists, an arborist certified by the International Society of Arboriculture, or by an authorized employee of the City Parks and Recreation Department at least forty-eight (48) hours prior to the removal of the tree;

C. ~~Trees~~The tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property; provided~~ed,ing~~ prior written notice of such condition has been given to the ~~Parks and Recreation~~ Director at least forty-eight (48) hours prior to the removal of the tree or shorter period if approved by the ~~Parks and Recreation~~ Director;

D. ~~Dead trees~~The tree is dead, provided prior written notice of such condition has been given to the Director at least forty-eight (48) hours prior to the removal of the tree or shorter period if approved by the Director; or

E. The Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.

15.24.035 Lawful ~~Reduction~~Significant Alteration of Trees Without a Application Permit.

A tree that is subject to the prohibition specified in Section 15.24.020 may be significantly altered without a permit if the tree satisfies either of the following definitions:

A. Any~~The~~ tree posing a potential danger to persons or property due to age, disease, storm, fire, or other injury; ~~provided: may be lawfully pruned in such a way that the natural character of the tree is significantly altered or the overall size of the tree is reduced by more than one third without application to or permission from the Board of Park Commissioners or City Council if:~~

~~A1.~~ A written report prepared by a member of the American Society of Consulting Arborists or an arborist certified by the International Society of Arboriculture specifying the reason(s) for the reduction and the extent of the proposed work is filed with the ~~Parks and Recreation~~ Director; and

~~2.B.~~ An authorized employee of the City Parks and Recreation Department assesses the condition of the tree and approves the proposed work as comporting with sound arboricultural practices as specified in the American National Standards Institute tree pruning standards [ANSI A300].

B. The City Fire Department has ordered the pruning of the tree in order to maintain required defensible space or to comply with the City's Wildland Fire Plan; provided, the scope of the pruning allowed pursuant to this section is limited to extent of the pruning specified in the Fire Department order that is filed with the Director.

15.24.040 Application to Remove a Tree.

~~An application for authority to remove a tree when permission is required shall be~~When a permit is required for the removal of a tree pursuant to this Chapter 15.24, the application for such permit shall be processed as follows:

A. APPLICATION. An application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show ~~clearly by diagram, plot plan or photograph,~~ the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. STREET TREE ADVISORY COMMITTEE RECOMMENDATION. The application shall be presented to the Street Tree Advisory Committee at the first available meeting of the Committee following receipt of the application. The Street Tree Advisory Committee may receive a report from the Director regarding the application and the Committee shall make a recommendation to the Board of Park Commissioners to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.060.

C. DECISION ON APPLICATION. The application shall be presented to the Board of Park Commissioners at the first available meeting of the Board of Park Commissioners after the Street Tree Advisory Committee has made its recommendation. After receiving the recommendation of the Street Tree Advisory Committee and a report from the Director, the Board of Park Commissioners shall approve, conditionally approve, or deny the application. When making its decision, the Board of Park Commissioners shall consider the factors listed in Section 15.24.060 and make one or more of the findings specified in Section 15.24.070.

15.24.050 Board of Park Commissioners Action.

The Board of Park Commissioners shall vote upon the application within sixty (60) days after it is filed. A majority vote of the members present shall be required to approve a tree removal. Failure of the Board of Park Commissioners to vote upon the application within sixty (60) days shall be deemed approval thereof. The Parks and Recreation Department shall notify the applicant in writing of the decision of the Board of Park Commissioners.

15.24.060 Considerations for Removal.

The following considerations shall be taken into account by the Board of Park Commissioners in acting upon a tree removal request made pursuant to this chapter:

- A. Whether such tree is designated as an historic or specimen tree;
- B. The potential size of the tree in relation to the size of the lot or building site and the size of the proposed or existing improvements;
- C. The number and size of other trees which would remain upon the building site after the requested removal;
- D. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property;
- E. Any beneficial effects upon adjacent trees to be expected from the proposed removal;
- F. Whether the tree sought to be removed was planted by or with the permission of the applicant or the applicant's co-tenant at the time such tree was planted.
- G. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy.

15.24.070 Findings for Removal.

~~As a prerequisite to granting a tree removal request, the Board of Park Commissioners may impose conditions and~~ Before approving or conditionally approving an application for the removal of a tree pursuant to this Chapter 15.24, the Board of Park Commissioners shall make

one (1) or more of the following findings:

- A. That principles of good forest management will best be served by the proposed removal;
- B. 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;

C. That the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;

D. That topography of the building site renders removal desirable;

E. That regard for the safety of persons or property dictates the removal.

15.24.080 Appeals to City Council.

~~An appeal of the action of the Board of Park Commissioners may be filed by the applicant or any interested person pursuant to the provisions of Section 1.30.050 of this Code. Any action of the Board of Park Commissioners made pursuant to this Chapter 15.24 may be appealed to the City Council pursuant to the provisions of Section 1.30.050 of this Code.~~

15.24.090 Other City Regulations Related to Trees and Landscaping.

~~For purposes of reference, the following provisions of this Code also concern the maintenance of trees and plants within the City of Santa Barbara:~~

~~A. Section 8.04.020.G.5 & 6 Fire Code Vegetation Management and Defensible Space Requirements~~

~~B. Chapter 8.20 “Vegetation Obstructing Public Places”~~

~~C. Chapter 15.20 “Tree Planting and Maintenance”~~

~~D. Chapter 22.10 “Vegetation Removal”~~

~~E. Section 22.22.130 “Approval for Construction, Demolition, Moving or Exterior Alteration” (El Pueblo Viejo Landmark District & Brinkerhoff Avenue Landmark District)~~

~~F. Chapter 22.68 “Architectural Board of Review” (Landscape Plans)~~

~~G. Chapter 22.69 “Single Family Design Board” (Landscape Plans)~~

H. Chapter 22.76 “View Dispute Resolution Process”

I. Section 28.87.170 “Fences, Walls, Screens and Hedges”

J. Section 28.87.200 “Landscape or Planting Plan Approvals - Standards”