

COUNCIL INTRODUCTION DRAFT 12/8/09
SHOWING CHANGES FROM EXISTING CODE

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTERS 15.20 AND 15.24 AND TITLE 22 OF THE SANTA BARBARA MUNICIPAL CODE RELATING TO THE PRESERVATION OF TREES AND THE MAINTENANCE OF APPROVED LANDSCAPE PLANS.

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~~Parks and Recreation Commission, 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". For purposes of this definition, trees designated by the City Council as an "historic tree" or an "historic landmark tree" shall

be treated as ‘historic trees’.

D. MAINTENANCE or MAINTAIN. For purposes of this Chapter 15.20, maintenance or maintain shall mean the following: 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 Parks and Recreation Commission 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 Parks and Recreation Commission, 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; or (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 determine whether or not 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~~barriers.

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. PERMIT REQUIRED. Except for persons acting at the direction of the Director, a written permit shall be required for any person 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.

B. APPLICATION. Whenever a ~~property owner or occupant person~~ 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 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.

C. 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 barriers 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.

D. 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.

E. 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 where the Director finds 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 Parks and Recreation Commission 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 Parks and Recreation Commission 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. Parks and Recreation Commission. 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 Parks and Recreation Commission 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 Parks and Recreation Commission shall approve, conditionally approve, or deny the application.

When making its decision, the Parks and Recreation Commission 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. Any work authorized by a permit shall be done under the general supervision of the Director and in accordance with rules established by the Director. All costs incurred in maintaining or removing a tree as permitted pursuant to this Chapter 15.20 shall be borne by the permittee. When a tree is removed under permit, the Director or Parks and Recreation Commission 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 Approval for 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 all of 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 Parks and Recreation Commission 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 Parks and Recreation 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~~Parks and Recreation Commission at its next ~~regularly scheduled~~available meeting. The ~~Board of Park Commissioners~~Parks and Recreation Commission 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 Parks and Recreation Commission 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~~Parks and Recreation Commission 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:

15.24.001 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 care and maintenance 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~~Parks and Recreation Commission 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~~Parks and Recreation Commission, 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". For purposes of this definition, trees designated by the City Council as an "historic tree" or an "historic landmark tree" shall be treated as "historic trees";

~~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 situated in a planter required 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.

K. TREE ON AN APPROVED PLAN. A tree shown on an approved plan on record with the City for a lot developed with a commercial, multiple-family residential, or industrial use.

15.24.020 Prohibition.

~~It is unlawful to cut down or otherwise destroy or to authorize or allow the destruction or cutting down of any tree:~~

~~—A. 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 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.~~

Except as provided in Sections 15.24.030 and 15.24.035, it is unlawful for any person to remove or significantly alter or to authorize or allow the removal or significant

alteration of any of the following trees without a permit:

- A. A setback tree,
- B. A parking lot tree,
- C. A tree on an approved plan, or
- D. A tree designated as an historic or specimen tree by the City Council.

15.24.030 Lawful Removal of Trees Without a Permit Application.

~~Trees coming within the following exceptions may be removed lawfully without application to or permission from the Board of Park Commissioners or City Council~~

Notwithstanding the prohibition specified in Section 15.24.020, 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 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~~The main trunk of the tree is less than four inches (4") in diameter at a point 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; ~~provid~~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. ~~Frees~~The tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property;~~;~~ provided~~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 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;~~;~~ 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.

If the tree to be removed pursuant to this Section is located on a lot within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District and the removal of a tree will significantly affect the exterior visual qualities of the lot, the Park and Recreation Director or the Community Development Director may require the replacement of the tree with a tree approved by the Historic Landmarks Commission.

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

~~Any tree posing a potential danger to persons or property due to age, disease, storm, fire, or other injury 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:

Notwithstanding the prohibition specified in Section 15.24.020, 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. The tree poses a potential danger to persons or property due to age, disease, storm, fire, or other injury; provided:

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 Parks and Recreation Director.

15.24.040 Application to Remove a Setback 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 setback tree pursuant to this Chapter 15.24, the application for such permit shall be processed as follows (excluding trees on lots within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, which are processed pursuant to Section 15.24.055):

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 Parks and Recreation Director regarding the application and the Committee shall make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.080.

C. DECISION ON APPLICATION. The application shall be presented to the Parks and Recreation Commission at the first available meeting of the Commission 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 Parks and

Recreation Director, the Parks and Recreation Commission shall approve, conditionally approve, or deny the application. When making its decision, the Parks and Recreation Commission shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090.

15.24.050 Application to Remove a Parking Lot Tree or a Tree on an Approved Plan.

When a permit is required for the removal of a parking lot tree or a tree on an approved plan pursuant to this Chapter 15.24, the application for such permit shall be processed as follows (excluding trees on lots within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, which are processed pursuant to Section 15.24.055):

A. APPLICATION. An application shall be filed with the Community Development Department on forms provided for such purpose. The application shall show 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. DECISION ON APPLICATION. The application shall be presented to the Architectural Board of Review at the first available meeting of the Board. After receiving a report from the Community Development Director, the Architectural Board of Review shall approve, conditionally approve, or deny the application. When making its decision, the Architectural Board of Review shall consider the factors listed in Section

15.24.080 and make one or more of the findings specified in Section 15.24.090.

15.24.055 Application to Remove a Tree Located in El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District.

When a permit is required for the removal of a tree pursuant to this Chapter 15.24 and the tree is located on a lot within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District (except historic or specimen trees, which are processed pursuant to Section 15.24.060), the application for such permit shall be processed as follows:

A. APPLICATION. An application shall be filed with the Community Development Department on forms provided for such purpose. The application shall show 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. DECISION ON APPLICATION. The application shall be presented to the Historic Landmarks Commission at the first available meeting of the Commission. After receiving a report from the Community Development Director, the Historic Landmarks Commission shall approve, conditionally approve, or deny the application. When making its decision, the Historic Landmarks Commission shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090.

15.24.060 Application to Remove an Historic or Specimen Tree.

When a permit is required for the removal of an historic or specimen 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 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 Parks and Recreation Director regarding the application and the Committee shall make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.080.

C. DECISION ON APPLICATION. The application shall be presented to the Parks and Recreation Commission at the first available meeting of the Commission 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 Parks and Recreation Director, the Parks and Recreation Commission shall approve, conditionally approve, or deny the application. When making its decision, the Parks and Recreation Commission shall consider the factors listed in Section 15.24.080 and make one or more

of the findings specified in Section 15.24.090.

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.~~

15.24.070 Action on Permit Application.

As provided in Sections 15.24.040 through 15.24.060 above, the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review (as applicable) 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. A failure to vote to approve, conditionally approve, or deny the application within sixty (60) days shall be deemed an approval of the application without condition. When a decision is made by the appropriate Board or Commission, the City Department processing the application shall notify the applicant in writing of the decision.

15.24.060080 Considerations for Removal.

The following considerations shall be taken into account by the ~~Board of Park Commissioners~~Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review, as applicable, 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.

15.24.070090 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 Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review, as applicable, 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.

15.24.080100 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 Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review 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.~~

15.24.110 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. Chapter 22.11 “Maintenance of Approved Landscape Plans”~~
- ~~F. Section 22.22.130 “Approval for Construction, Demolition, Moving or~~

Exterior Alteration” (El Pueblo Viejo Landmark District & Brinkerhoff Avenue
Landmark District)

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

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

I. Chapter 22.76 “View Dispute Resolution Process”

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

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

L. Section 28.90.050 “Landscaping and Lighting” (Parking Lot Design
Standards)

SECTION THREE. Title 22 of the Santa Barbara Municipal Code is amended to add Chapter 22.11 to read as follows:

22.11.010 General Provisions.

The provisions of this Chapter shall apply as follows:

A. SCOPE OF APPLICATION. The provisions of this Chapter shall apply to the
following lots within the City:

1. Any lot developed with a multiple-family residential, commercial, or industrial
use; or

2. Any lot developed solely with a single-family residence or a duplex
residential unit, where the conditions of approval for the development on the lot require
the installation and maintenance of specific trees or landscape elements.

B. RELATIONSHIP TO CITY TREE PRESERVATION ORDINANCE. If a tree is

protected under both Chapter 15.24 and this Chapter 22.11, the alteration or removal of such a tree shall be processed and regulated in accordance with the provisions of Chapter 15.24. Otherwise, any tree shown on an approved landscape plan for a lot subject to this Chapter shall be maintained in accordance with the approved landscape plan and the provisions of this Chapter.

22.11.020 Definitions.

As used in this Chapter, the following terms shall have the indicated meanings:

A. **ALTERATION.** An alteration shall include, but not be limited to, the addition, placement, replacement, cutting, or removal of trees, plants, or other improvements on an approved landscape (excluding the replacement of trees, plants, or other improvements with trees, plants, or other improvements of substantially similar design, character, and coverage at maturity).

B. **APPROVED LANDSCAPE PLAN.** Any approved plan on record with the City that shows landscaping or tree improvements on the lot.

C. **MAINTENANCE.** Maintenance of an approved landscape plan consists of all of the following:

1. Regular watering, pruning, fertilizing, and clearing of debris and weeds in a manner that promotes and maintains the health and natural growing conditions of the trees and plants shown to remain or to be installed on the approved landscape plan.

2. Timely and regular removal of dead trees or plants shown to remain or to be installed on the approved landscape plan and the immediate replacement of such dead

trees or plants with new trees or plants of substantially similar design, character, and coverage at maturity as the trees or plants shown to remain or to be installed on the approved landscape plan. Removal of dead trees may require prior notice to and approval from the Parks and Recreation Director pursuant to Section 15.24.030.

3. Installation, maintenance, repair, and replacement (as necessary) of irrigation systems as specified on the approved landscape plan.

4. Compliance with any additional directions or specifications regarding the maintenance of trees and plants shown to remain or to be installed on the approved landscape plan and the irrigation systems indicated on an approved landscape plan for the lot.

22.11.030 Maintenance Required.

It is unlawful for an owner of a lot subject to the provisions of this Chapter to not maintain the trees, plants, irrigation system, and other improvements shown on an approved landscape plan in accordance with the approved landscape plan and the provisions of this Chapter. If the lot is developed solely with a single-family residence or a duplex residential unit, only the specific trees or landscape elements required by the conditions of approval must be maintained in accordance with this Section.

22.11.040 No Alteration of Approved Landscape Plan without a Permit.

It is unlawful for any person to alter or to authorize or allow the alteration of an

approved landscape plan for a lot subject to the provisions of this Chapter without the permit required pursuant to Section 22.11.050.

22.11.050 Alterations to Approved Landscape Plans.

Alterations to approved landscape plans for lots subject to the provisions of this Chapter are subject to the following regulations:

A. PERMIT REQUIRED. Except as provided in Subsections C and D of this Section, any alteration to the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan shall require a permit issued by the Community Development Department.

B. REVIEW AND APPROVAL. An application for a permit to alter an approved landscape plan shall require prior approval from the Historic Landmarks Commission, the Architectural Board of Review, or the Single Family Design Board, depending upon which body approved the landscape plan or which body is responsible for reviewing the development on the lot.

C. SIGNIFICANT ALTERATION OR REMOVAL OF TREES. Any significant alteration or removal of a tree shown on an approved landscape plan for a lot subject to this Chapter shall require compliance with Chapter 15.24 of this Code. For purposes of this subsection C, the significant alteration or removal of a tree is defined as specified in Section 15.24.020 of this Code.

D. EXCEPTIONS.

1. Notwithstanding Subsection A above, a permit is not required for minor

alterations, as specified in the administrative procedures for the Historic Landmarks Commission, the Architectural Board of Review, or the Single Family Design Board, as approved by a resolution of the City Council. Minor alterations to approved landscape plans may be approved as a ministerial action by the Community Development Director (or the Director's designee) without review by the Historic Landmarks Commission, the Architectural Board of Review, or the Single Family Design Board. The Community Development Director or the Director's designee shall have the authority and discretion to refer any minor alteration to the Historic Landmarks Commission, the Architectural Board of Review, or the Single Family Design Board if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the integrity of the landscape plan.

2. Any alteration to an approved landscape plan for a lot located within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District shall be reviewed and approved pursuant to Section 22.22.130 of this Code.

SECTION FOUR. Sections 22.22.080, 22.22.130, 22.22.132, and 22.22.140 of Chapter 22.22 of Title 22 of the Santa Barbara Municipal Code are amended to read as follows:

22.22.080 Demolition, Relocation, or Alteration of a Landmark.

A. ALTERATIONS TO A CITY LANDMARK – REQUIRED FINDINGS. No City Landmark shall be altered on the exterior, relocated, or demolished, except where the Historic Landmarks Commission has determined that one or more of the following findings are applicable to the proposed alteration, relocation, or demolition:

1. The exterior alterations are being made primarily for the purposes of restoring the Landmark to its original appearance or in order to substantially aid in the preservation or enhancement of the Landmark.
2. The relocation of the Landmark will substantially aid its long-term

preservation or enhancement.

3. The landmark has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible and specific measures have been imposed as pre-conditions on the demolition, which measures mitigate the loss of the Landmark to a less than significant level or which measures are deemed sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

B. ISSUANCE OF AN APPROVAL FOR THE RELOCATION, DEMOLITION, OR ALTERATION OF A CITY LANDMARK. In issuing an approval for the alteration of a City Landmark pursuant to this Section, the Commission shall make one or more of the findings required by Subsection (A) hereof in addition to imposing mitigation measures as conditions of approval consistent with such findings.

C. ALTERATIONS TO A PROPOSED LANDMARK. No structure, natural feature, or site recommended for designation as a Landmark pursuant to Section 22.22.050 hereof shall be altered on the exterior, relocated, or demolished after adoption by the Commission of a resolution of intention for such designation, except pursuant to the requirements of this Section.

D. APPEALS TO THE CITY COUNCIL. A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act.

E. SIGNIFICANT PRUNING OR REMOVAL OF AN HISTORIC TREE. The significant pruning or removal of an historic tree is processed and regulated in accordance with Chapter 15.24 of this Code.

22.22.130 El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District.

A. APPROVAL FOR CONSTRUCTION, DEMOLITION, MOVING OR EXTERIOR ALTERATION. No structure or real property in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District shall be constructed, demolished, moved or altered on its exterior without the approval of the Commission or City Council upon appeal. Minor alterations specified in the Historic Landmarks Commission Rules and Procedures, adopted from time to time by resolution, may be allowed subject to the review of the Community Development Director or his/her representative.

B. PROCEDURE. Any application for an approval or permit to construct, demolish, move or alter the exterior of any structure or real property located within El

Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District, together with plans, elevations and site plans therefore, shall be referred to the Commission for review. A permit shall not be issued without the prior written approval of the Commission or City Council upon appeal. Any change of the exterior color or the outdoor lighting of any structure shall be referred to the Commission for review. If a building permit is not required, there shall not be any exterior alteration or change of exterior color unless there has been a final written approval of the Commission, where required, or the City Council upon appeal. The Commission or City Council on appeal shall not approve issuance of such permit unless the plans conform to the provisions of this Chapter. Any application shall be considered and either approved or disapproved by the Commission at its next regularly scheduled meeting for which an agenda has not been finalized after completion of any required environmental assessment, but may be continued to the next regular meeting. In the absence of timely oral or written objection by the applicant, the Commission may continue consideration of an application to subsequent meetings. In the event an applicant objects to continuance by the Commission and if the Commission takes no action on the application, then the application shall be deemed approved.

C. **SIGN PERMITS.** Signs which have been approved by the Sign Committee or the Commission or City Council upon appeal and for which a valid permit has been issued by the City shall not require a permit or approval under this section. Applications for permits for signs to be erected or altered within El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District shall be considered by the Commission only upon an appeal filed pursuant to Section 22.70.050.I.

D. PLACEMENT, ALTERATION, OR REMOVAL OF NATURAL FEATURES (INCLUDING TREES) ON PRIVATE PROPERTY. No natural feature affecting the exterior visual qualities of private property located in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District (excluding trees listed in Section 15.24.020 of this Code, which are processed pursuant to Chapter 15.24) shall be placed, altered, or removed without the approval of the Commission or City Council upon appeal. Minor alterations specified in the Historic Landmarks Commission Rules and Procedures, adopted from time to time by resolution, may be allowed subject to the review of the Community Development Director or his or her representative.

22.22.132 Historic Landmarks Commission Notice and Hearing.

A. PROJECTS THAT REQUIRE PUBLIC HEARING. Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings, or nonresidential buildings,
2. The addition of over 500 square feet of net floor area to a single residential unit or residential duplex,
3. An addition of a new story or an addition to an existing second or higher story of a single residential unit or residential duplex,
4. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential unit,
5. Small non-residential additions as defined in Section 28.87.300,
6. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint), ~~or~~
7. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels. ~~or~~
8. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property.

B. MAILED NOTICE. Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing

to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. ADDITIONAL NOTICING METHODS. In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the twenty (20) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council.

22.22.140 Publicly Owned Property.

A. PUBLICLY OWNED BUILDINGS GENERALLY. Except as provided in Subsections (B) and (C) below, any structure, natural feature, site or area owned or leased by any public entity other than the City of Santa Barbara and designated as a Landmark or Structure of Merit, or located within any landmark district, shall not be subject to the provisions of Sections 22.22.070, 22.22.080, 22.22.104, 22.22.114, 22.22.130, and 22.22.170 of this Chapter.

B. EXCEPTION FOR CITY FACILITIES. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City and designated as a Landmark or Structure of Merit, or located within any landmark district, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.

C. EXCEPTION FOR IMPROVEMENTS WITHIN THE HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY DESIGN DISTRICT. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by

a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, which requires a Coastal Development Permit pursuant to Municipal Code Chapter 28.44 and which is designated as a Landmark or Structure of Merit, or which is located within any landmark district shall be reviewed by the Commission.

D. EXCEPTION FOR STREET TREES, CITY TREES, HISTORIC TREES AND SPECIMEN TREES. Notwithstanding Subsection B above, the placement, alteration, or removal of the following trees shall be processed and regulated as follows:

1. Any tree planted in a parkway strip, tree well, public area, or street right of way owned or maintained by the City is processed and regulated pursuant to Chapter 15.20 of this Code.

2. Any tree designated by a resolution of the City Council as an “historic tree”, an “historic landmark tree” or a “specimen tree” is processed and regulated pursuant to Chapter 15.24.

SECTION FIVE. Section 22.68.020 of Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

22.68.020 Design Review – Non-Residential and Multi-Family Residential Buildings.

A. APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT. No building permit or grading permit, the application for which is subject to design review by the Architectural Board of Review in accordance with the requirements of this Chapter 22.68, shall be issued without the approval of the Board or the City Council, on appeal.

B. BUILDING PERMITS - NONRESIDENTIAL, MULTIPLE RESIDENTIAL, DUPLEX, TWO OR MORE DETACHED RESIDENTIAL UNITS AND MIXED USE. Any application for a building permit to construct, alter, or add to the exterior of a non-residential, multi-family residential, residential duplex or mixed use (residential and non-residential) building or a related accessory structure, or any application which will result in two or more detached residential units on one lot in any zone (other than the Single Family Zones listed in Chapter 28.15 of this Code), shall be referred to the Architectural Board of Review for design review in accordance with the

requirements of this Chapter.

C. **SUBDIVISION GRADING PLANS.** All subdivision grading plans involving grading on a lot or lots located in any zone (other than the Single Family Zones listed in Chapter 28.15 of this Code) shall be referred to the Architectural Board of Review for a review of the proposed grading.

D. **GRADING PERMITS.** Any application for a grading permit that proposes grading on any lot (other than a lot located in the Single Family Zones listed in Chapter 28.15 of this Code or a lot that is developed exclusively with a single family residence in any zone) and which application is not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot shall be referred to the Architectural Board of Review for a review of the proposed grading.

E. **EXTERIOR COLOR.**

1. **New Buildings.** The Architectural Board of Review shall review the exterior color of any new building or structure that is subject to design review by the Architectural Board of Review.

2. **Alterations.** If a change of the exterior color of a building or structure is proposed in connection with another alteration to a building or structure that is subject to design review by the Architectural Board of Review, the Architectural Board of Review shall review the proposed change of color in the course of the design review of the other alteration(s).

3. **Non-Residential Buildings or Structures.** The Architectural Board of Review shall review any change to the exterior color of a non-residential building or related accessory structure whether or not the change of color is proposed in connection with another alteration of the building or structure that is subject to design review by the Architectural Board of Review.

F. **HIGHWAY 101 IMPROVEMENTS.** Improvements to U.S. Highway 101 or appurtenant highway structures which require a Coastal Development Permit pursuant to the City's Certified Local Coastal Program, and which are located within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, shall be referred to the Architectural Board of Review for design review, except for improvements to those portions of U.S. Highway 101 and its appurtenant structures that are located within the El Pueblo Viejo Landmark District, which are subject to review by the Historic Landmarks Commission pursuant to SBMC §22.22.140.B.

G. SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE PLANS FOR LOTS DEVELOPED WITH NONRESIDENTIAL OR MULTI-FAMILY RESIDENTIAL USES.

The Architectural Board of Review shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements

specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with a multiple residential unit, a mixed use development, or a building that is occupied by a nonresidential use whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Architectural Board of Review. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Architectural Board of Review guidelines.

GH. ARCHITECTURAL BOARD OF REVIEW SUBMITTAL REQUIREMENTS. Applications for review by the Architectural Board of Review shall be made in writing in such form as is approved by the Community Development Director. No application required to be referred to the Architectural Board of Review shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

H. ADMINISTRATIVE REVIEW AND APPROVAL. Minor design alterations, as specified in the Architectural Board of Review Design Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director (or the Director's designee) without review by the Architectural Board of Review. The Community Development Director or the Director's designee shall have the authority and discretion to refer any minor design alteration to the Architectural Board of Review if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property.

SECTION SIX. Section 22.69.020 of Chapter 22.69 of Title 22 of the Santa Barbara Municipal Code is amended to read as follows:

22.69.020 Neighborhood Preservation - Single Family Residential Unit Design Review.

A. **APPROVAL REQUIRED BEFORE ISSUANCE OF PERMIT.** No building permit, grading permit, vegetation removal permit, or subdivision grading plan, the application for which is subject to the review of the Single Family Design Board pursuant to this Chapter 22.69, shall be issued without the approval of the Board or the City Council, on appeal.

B. **BUILDING PERMITS - SPECIAL DESIGN DISTRICTS.**

1. **Mission Area Special Design District and Lower Riviera Survey Area - Bungalow District.** Applications for building permits to construct, alter,

or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Mission Area Special Design District or the Lower Riviera Survey Area - Bungalow District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines.

2. **Hillside Design District.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on a lot or lots within the Hillside Design District identified in Section 22.68.060 shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines if either:

- a. The average slope of the lot or the building site is 20% or more as calculated pursuant to Section 28.15.080 of this Code; or
- b. The application involves a structural alteration to the roof form or the replacement of the roof covering of a building on the lot.

C. **BUILDING PERMITS - SINGLE FAMILY RESIDENTIAL UNITS.** Applications for building permits to construct, alter, or add to the exterior of a single family residential unit or a related accessory structure on any lot shall be referred to the Single Family Design Board for design review in accordance with the requirements of this Chapter and the Single Family Design Board Guidelines if the project for which the building permit is sought involves any of the following:

1. The construction of a new building or structure where any portion of the proposed construction is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 1, building height shall be measured from natural grade or finished grade, whichever is lower), or
2. An alteration to an existing building or structure where any portion of the proposed alteration either: (i) alters the second or higher story of the building or structure, or (ii) alters a point on the existing building or structure that is seventeen feet (17') or higher in building height (for purposes of this paragraph 2, building height shall be measured from natural grade or finished grade, whichever is lower), or
3. An addition to an existing building or structure where any part of the proposed addition is either: (i) two or more stories tall, or (ii) seventeen feet (17') or taller in building height (for purposes of this paragraph 3, building height shall be measured from natural grade or finished grade, whichever is lower), or
4. The net floor area of all floors of all existing and new buildings on the lot will exceed four thousand (4,000) square feet as calculated pursuant to Section 28.15.083 of this Code, or
5. The project requires a net floor area modification pursuant to Section 28.92.110.A.6 of this Code, or
6. The construction, alteration, or addition of a deck on the second or higher floor (including roof decks) or a balcony on the second or higher floor of any building that will extend perpendicularly more than three feet (3') from the adjacent exterior wall or will be more than seven feet (7') in length in the dimension parallel to the adjacent exterior wall, or
7. The construction, alteration, or addition of a retaining wall that is six feet (6') or greater in height, or

8. The construction, alteration, or addition of a wall, fence or gate in the front yard of the lot that is six feet (6') or greater in height, excluding walls, fences, or gates that are constructed along the interior lot lines of the lot, shall be referred to the Single Family Design Board for a review of the proposed wall, fence or gate, or

9. The installation of a manufactured home, mobile home or factory-built home (as those terms are defined in the California Health and Safety Code), subject to the limitations on review specified in Government Code section 65852.3 et seq., or

10. The installation of a single family residential unit that was, as a whole or in part, previously located on another lot, or

11. Grading outside the footprint of the main building on the lot that exceeds either: (i) fifty (50) cubic yards on a lot within the Hillside Design District identified in Section 22.68.060, or (ii) two hundred fifty (250) cubic yards on a lot that is not within the Hillside Design District. For purposes of this paragraph 11, soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the main building footprint.

D. **SUBDIVISION GRADING PLANS.** All subdivision grading plans involving grading on a lot or lots located in any of the single family zones listed in Chapter 28.15 of this Code shall be referred to the Single Family Design Board for a review of the proposed grading.

E. **GRADING PERMITS.** Applications for grading permits that propose grading on a vacant lot or lots located within a single family zone listed in Chapter 28.15 of this Code or on any lot that is developed exclusively with a single family residence and related accessory buildings, and which are not submitted in connection with an application for a building permit for the construction or alteration of a building or structure on the same lot or lots, shall be referred to the Single Family Design Board for a review of the proposed grading.

F. **VEGETATION REMOVAL PERMITS.** Applications for vegetation removal permits pursuant to Chapter 22.10 of this Code on a lot or lots located within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for a review of the proposed vegetation removal.

G. **RETAINING WALLS.** The following types of retaining wall improvements, if located on a lot or lots within a single family zone listed in Chapter 28.15 of this Code, or on any lot that is developed exclusively with a single family residence and related accessory buildings, shall be referred to the Single Family Design Board for design review of the proposed retaining walls in accordance with the requirements of this Chapter and the approved Single Family Design Board Guidelines:

1. The construction of a retaining wall on a lot or a building site with an average slope of 15% or more (as calculated pursuant to Section 28.15.080 of this Code), or

2. The construction of a retaining wall on a lot that is adjacent to or contains an ocean bluff, or

3. The construction of multiple terracing retaining walls that are not separated by a building or a horizontal distance of more than ten feet (10') where the combined height of the walls exceeds six feet (6').

H. SUBSTANTIAL ALTERATIONS TO APPROVED LANDSCAPE

PLANS.

The Single Family Design Board shall review any substantial alteration or deviation from the design, character, plant coverage at maturity, or other improvements specified on an approved landscape plan for any lot within the City of Santa Barbara that is developed with a single-family residence where the conditions of approval for the development on the lot require the installation and maintenance of trees or landscaping in accordance with an approved landscape plan whether or not such alteration or deviation to the landscape plan is proposed in connection with an alteration to a building or structure on the lot that is subject to design review by the Single Family Design Board. Whether a proposed alteration or deviation is substantial shall be determined in accordance with the Single Family Design guidelines.

HI. SUBMITTAL REQUIREMENTS. Applications for review by the Single Family Design Board shall be made in writing in such form as is approved by the Director of Community Development. No application shall be considered complete unless accompanied by the application fee in the amount established by resolution of the City Council.

IJ. ADMINISTRATIVE APPROVAL. Minor design alterations, as specified in the Single Family Design Guidelines or the Single Family Design Board Guidelines approved by a resolution of the City Council, may be approved as a ministerial action by the Community Development Director or the Director's designee without review by the Single Family Design Board. The Community Development Director (or the Director's designee) shall have the authority and discretion to refer any minor design alteration to the Single Family Design Board if, in the opinion of the Community Development Director, the alteration has the potential to have an adverse effect on the architectural or landscape integrity of the building, structure or surrounding property.

JK. PRESUMPTION REGARDING PRIOR GRADING, TREE REMOVAL, AND CONSTRUCTION. There shall be a presumption that any grading, removal of trees, or construction that occurred on the lot within two years prior to the

submittal of an application for a building permit to construct, alter, or add to a single family residential unit or a related accessory structure was done in anticipation of such application, and said activities will be included in determining whether the project is subject to review by the Single Family Design Board pursuant to this Chapter. For purposes of this presumption, if the prior work required a permit from the City, the prior work shall not be considered complete unless a final inspection has occurred or a certificate of occupancy has been issued. An applicant has the burden to rebut this presumption with substantial evidence sufficient to convince the Single Family Design Board that such work was not done in an effort to avoid review of the entirety of the project by the Single Family Design Board.

KL. SINGLE FAMILY DESIGN GUIDELINES. The Single Family Design Guidelines adopted by resolution of the City Council shall provide direction and appropriate guidance to decision makers and City staff in connection with applications reviewed pursuant to this Chapter.