



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: December 8, 2009

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department
Administration Division, Parks and Recreation Department

SUBJECT: Tree Preservation And Landscape Plan Policy Recommendations

RECOMMENDATION: That Council:

- A. Introduce and subsequently adopt, by reading of title only, 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; and
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Establishing Administrative Penalties for Tree Removal, Excessive Pruning and Landscape Plan Maintenance Violations of Chapters 15.20, 15.24, and 22.11 of the Santa Barbara Municipal Code.

EXECUTIVE SUMMARY:

In late January 2008 the City Council directed staff to conduct an in-depth review of City policies and enforcement procedures related to tree removals, excessive pruning of trees, and failure to maintain approved landscape plans. On December 9, 2008 staff presented its recommendations to Council who forwarded the proposed tree preservation guidelines, new fine schedule and landscape maintenance guidelines to the Ordinance Committee for review and refinement.

The Ordinance Committee reviewed, refined and approved the draft tree preservation regulations on April 21, 2009 and July 28, 2009 and staff is now forwarding the proposed code amendments and resolution to Council for introduction and adoption.

The Municipal Code changes and resolution are consistent with staff's recommendations to City Council on December 9, 2008 and incorporate direction from the Street Tree Advisory Committee (STAC), Park and Recreation Commission, Single Family Design Review Board, Architectural Board of Review, and Historic Landmarks Commission. Two public workshops were also held and provided input from the public on tree removals, excessive tree pruning, and failure to maintain approved landscape plans.

Based on public outreach and guidance from the Ordinance Committee and various boards and commissions, staff is recommending amendments to the Municipal Code, a resolution and changes to practices to accomplish the following goals:

- Establish a new fine schedule with higher maximum penalties for tree violations
- Clarify and establish regulations related to tree size, location, and maintenance
- Apply the ANSI A-300 Standards and Best Management Practices to city-owned trees and to record in the city data base when City owned trees are pruned by more than one quarter.
- Define and update the roles and responsibilities of various boards and commissions in the regulation of public and private trees
- Establish explicit protections for trees on commercial and multiple-family properties with approved plans
- Clarify enforcement mechanisms for the maintenance of approved landscape plans

DISCUSSION:

The proposed ordinance amendments establish the City’s policies and enforcement procedures in the following areas: 1) penalties for tree violations, 2) maintenance of approved landscape plans, 3) planting and maintenance of City trees, and 4) roles of Boards and Commissions.

New Maximum Fines for Tree Violations

Under the City’s Administrative Citation Ordinance, the current administrative fines for removal of trees or excessive tree pruning begin with a \$100 fine for each initial violation with an additional fine of \$100 per day if a violation is not corrected by the deadline. A \$200 fine is given for a second violation of the same or similar offense within a 12 month period. A \$250 fine is given for a third similar violation within the same 12 month period.

Staff determined through public workshops that the current administrative fine of \$100 per violation is not an adequate deterrent for tree-related violations. The proposed fine schedule is based on the type of violation and size or significance of the tree involved.

Action without, or in violation of, a permit	Trunk diameter from 4” up to 12”	Trunk diameter over 12” and up to 24”	Trunk diameter over 24”
Pruning Offense	Up to \$500	Up to \$1,000	Up to \$1,000
Tree Removal	Up to \$1,000	Up to \$3,000	Up to \$5,000

The proposed schedule details the maximum fine for each offense and allows flexibility to differentiate between minor violations and more significant or repeated violations. The proposed schedule is outlined in a resolution establishing administrative penalties for violations of Chapters 15.20 and 15.24. In addition to requiring corrective action to rehabilitate or replace trees, it is anticipated that higher fines will also serve as an effective deterrent to illegal tree removals and excessive pruning.

Clarification of Tree Regulations and Application of ANSI Pruning Standards

The proposed changes aim to clarify existing regulations and practices regarding the preservation and maintenance of City-owned trees, private trees in front setbacks and parking lots, and Historic or Specimen Trees. The proposed changes include the following:

1. Clarify which trees will be considered setback trees when only a portion of the trunk lies in the front setback.
2. Set the height where the trunk width is measured in a manner consistent with industry practice.
3. Define the significant alteration of a tree as the reduction of the height and/or spread of the tree crown by more than one-fourth (1/4) within one year, rather than removal of one-third (1/3) of its overall size.
4. Require compliance with the American National Standards Institute (ANSI) A300 Pruning Standards and Best Management Practices (BMPs) for permitted work on City trees by private individuals or companies.
5. Establish the City's compliance with ANSI A300 Pruning Standards and BMPs in the pruning of City-owned trees. Staff will record in the city data base when City owned trees require pruning by more than one-fourth.
6. Recommend that residents comply with ANSI A300 Pruning Standards and BMPs in the pruning of privately-owned setback trees.

Role of Boards and Commissions

The proposed amendments to the Municipal Code better define the roles and responsibilities of the Street Tree Advisory Committee, Parks and Recreation Commission, Historic Landmarks Commission, and Architectural Board of Review in the regulation of public and private trees. The ordinance amendments clarify the current overlapping jurisdiction that results when public or private trees are proposed for removal. For example, under current regulations, conflicts on jurisdictional authority arise when a public tree is approved for removal by the Parks and Recreation

Commission but the removal is also considered an exterior alteration subject to review by the Historic Landmarks Commission (HLC) if the tree is located within El Pueblo Viejo (EPV) District. The proposed Ordinance amendments define a clear review process where the Parks and Recreation Commission is in the lead on decisions involving public trees or unsafe trees that require removal in El Pueblo Viejo (EPV) District.

The proposed amendments formalize the role of the Street Tree Advisory Committee in permitting procedures. The Street Tree Advisory Committee is a long established subcommittee that currently provides recommendations to the Parks and Recreation Commission on certain proposed tree removal applications. Ordinance amendments spell out the current review process and steps.

Additionally the proposed amendments clarify which City boards or commissions review applications to remove trees. Clarification is being made regarding certain proposed tree removals on private property. The Community Development Department assumes primary enforcement responsibility for removal of parking lot trees or trees shown on approved landscape plans.

The Parks and Recreation Commission would continue to be the decision maker for applications regarding front setback trees, except in EPV District, where the HLC would retain primary review and approval authority. Similarly, the ABR will review applications for the removal of parking lot trees and trees on approved landscape plans for parcels developed with multi-family residential and commercial uses, except in EPV where the HLC will retain review and approval authority.

Landscape Plan Maintenance

Presently, the Municipal Code does not explicitly provide an enforcement tool when a property owner fails to maintain an approved landscape plan. As a result, enforcement of tree removals or significant landscaping changes is difficult. When a property owner fails to maintain landscaping in accordance with an approved landscape plan, the enforcement case is processed as a violation of the project's conditions of approval. This enforcement procedure is not very flexible (in terms of scaling the response to the scope of the violation) and requires significant staff time to resolve each violation.

To streamline the City's enforcement efforts, staff proposes ordinance amendments to explicitly require the maintenance of approved landscape plans as follows:

1. Require maintenance of approved landscape plans on all lots developed with multiple-family residential, commercial, or industrial uses. Single-family residences or duplex units are covered where the conditions of approval for the development expressly require the maintenance of specific landscape elements.

2. Establish a standard for the maintenance of landscape improvements.
3. Require that major alterations to approved plans be reviewed and approved by the review body that approved the landscape plan with minor alterations approved administratively or found to be exempt from this requirement.

Next Steps

Public Outreach and Education

With Council adoption of the Municipal Code amendments and the tree violation fine schedule, Staff will take a number of steps to inform the public, including:

- Web page updates
- Inside Santa Barbara feature on City TV Channel 18
- Handouts for public counters, building permits, and tree pruning permits
- Presentations to landscape professionals, tree care professionals, neighborhood groups, and community groups.

In addition, the Parks and Recreation Department will develop and implement a voluntary education program targeted to landscape and tree care professionals and property management companies. Offered on an annual basis, the program will address the City's tree preservation policies and enforcement procedures, including the application of the ANSI A300 Pruning Standards and Best Management Practices.

BUDGET/FINANCIAL INFORMATION:

Staff anticipates an increase in the number of enforcement cases and appeals of Administrative Citations, for both tree violations and unpermitted changes to approved landscape plans. These additional cases will be managed by existing Planning Division and Parks and Recreation Department staff, and will be placed on a priority list with all other pending enforcement cases awaiting assignment.

Development and implementation of the Public Outreach and Education Program will require an estimated 200 to 250 hours in the first year. Once informational materials are developed, the volunteer education program and ongoing community outreach will require an estimated 80 to 100 hours per year. There will be additional costs for materials duplication and postage; however, an emphasis will be placed on the use of the City's web site as an informational resource.

For the Parks and Recreation Department, an increase in the enforcement workload and implementation of the public outreach program may result in delays for tree service inspections, and increase the length of time required to investigate and resolve tree violations. For the Planning Division, the proposed ordinance amendments will likely result in a minor increase in design review applications for tree and landscape plan alterations subject to review by the ABR, HLC, and SFDB. The additional application review and related enforcement activity will be accommodated with existing staff; however, there may be a delay in initiating enforcement and/or scheduling design review meetings depending on the level of workload and staffing levels within the Planning Division and Parks and Recreation Department.

SUSTAINABILITY IMPACT:

Tree preservation and landscape plan maintenance 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.

PREPARED BY: Renee Brooke, AICP, Senior Planner
Jill E. Zachary, Assistant Parks and Recreation Director

SUBMITTED BY: Paul Casey, Community Development Director
Nancy L. Rapp, Parks and Recreation Director

APPROVED BY: City Administrator's Office