



City of Santa Barbara
Parks and Recreation Department

Memorandum

DATE: March 5, 2009

TO: Street Tree Advisory Committee

FROM: Tim Downey, Urban Forest Superintendent
Jill E. Zachary, Assistant Parks and Recreation Director

SUBJECT: Tree Preservation Polices and Enforcement Procedures

RECOMMENDATION: That the Street Tree Advisory Committee (STAC):

1. Provide recommendations to the Ordinance Committee of the Santa Barbara City Council regarding the use of American National Standard Institute (ANSI) Standards and Best Management Practices in the City's regulation of trees; and
2. Review and comment on the proposed changes to Chapter 15.20 and Chapter 15.24 related to tree preservation policies and enforcement procedures, including formalizing the existing role of the STAC.

Introduction

The purpose of this staff report is to initiate a discussion with the STAC regarding the use of ANSI A300 Standards and Best Management Practices (BMPs) in the City's regulation of trees, and to review the preliminary proposed changes to Chapter 15.20 and Chapter 15.24 related to the protection of trees, including formalizing the role of the STAC.

City staff presented the tree preservation and landscape plan maintenance policy recommendations to the City Council on December 9, 2008. The Council Agenda Report with those recommendations is included as Attachment 1 to this staff report. At that time, the City Council took action to refer the recommendations to the Ordinance Committee, and requested Street Tree Advisory Committee recommendations regarding the use of the ANSI standards and best management practices. Some members of the public, including some STAC members, have recommended that the City adopt the ANSI A300 pruning standards and Best Management Practices as the means of establishing tree violations under the Municipal Code. Letters to the Park and Recreation Commission and the City Council are included as Attachment 2.

ANSI A300 Standard and Best Management Practices

The ANSI A300 Standard for tree care operations are intended for use as guidelines for federal, state, municipal, and private authorities including property owners, property managers, and utilities in drafting maintenance specifications. The ANSI A300 standard includes definitions of pruning techniques as well as pruning tools, tree structure, and tree professional categories. Within the forward of the document it states that users “first interpret the wording”. Then “apply their knowledge of the growth habits of certain plant species in a given environment. In this manner, the user develops their specifications for plant maintenance.” This illustrates the intended use of the documents. Included as Attachment 3 to this staff report, the Forestry Program currently uses these standards when contract specifications are prepared for tree pruning work, or as mitigation measures when appropriate for tree trimming violations. Forestry staff also uses these standards as a guideline for City tree pruning practices.

The Best Management Practices document is published to help interpret and implement the ANSI A300 standard. Included as Attachment 4 to this staff report, it defines several types of pruning techniques and describes where to make cuts related to the anatomical structure of the tree. The purpose of the BMP document is to establish a common description of preferred pruning styles and methods.

Santa Barbara Municipal Code

Chapter 15.20, Tree Planting and Maintenance, regulates the management and removal of trees located in City rights of way and public spaces. Chapter 15.24, Preservation of Trees, regulates the management and removal of trees on private property located in the front setback or, where required, in parking lots.

Section 15.24.020 of Chapter 15.24 prohibits the cutting down or otherwise destroying a tree without a permit. As the Municipal Code is currently written, the term “cut down or otherwise destroy” is defined as cutting a tree down or pruning a tree in such a way that its natural character is significantly altered or its overall size is reduced by more than one-third.

The requirements and prohibitions established under Section 15.24.020 and Section 15.20.110 (permits required for planting, maintaining or removing a Street Tree) of the Municipal Code allows the City to enforce violations. When the City investigates a suspected violation that involves tree pruning, the primary consideration is whether the tree’s natural character has been altered. Frequently, but not always, pruning methods that alter the natural character of a tree also remove more than one-third and the violation is readily apparent. Most of the pruning violations involve pruning techniques that alter the natural character of the tree such as topping or pollarding. In some cases, excessive thinning can also alter the natural character of the tree. There are occasions

when a suspected pruning violation requires City staff to thoroughly evaluate the tree to determine whether or not more than one-third has been removed. To do this, staff measures the size of the cuts, compares those cuts to the size of the branch, and extrapolates the cuts to an average length of growth that would have been removed based on the knowledge of how that particular species grows. In some cases, the City has determined that the natural character of the tree was altered, even though the overall size of the tree was not reduced by more than one-third.

Use of ¼ Foliage Reduction Standard and BMPs as Guidelines or Enforcement Standards

Staff supports the use of the one-quarter foliage reduction standard as a tree pruning guideline and supports the use of the ANSI A300 Standards and Best Management Practices. However, Staff has a number of concerns about incorporating these standards and practices in Chapter 15.24 as a penal ordinance. These concerns include:

- 1) Difficulty of determining the amount of foliage removed after the fact: A primary concern in drafting a penal ordinance is its enforceability. While the number, location and size of limb cuts can assist in the determination of an overall size reduction, tree foliage is more variable. Without adequate documentation of the tree's condition prior to pruning, it would be difficult to prove the amount of foliage that was removed.
- 2) Enforcement of a guideline with a penal ordinance: The ANSI standards are written as industry guidelines that allow for individual interpretation by the person managing the tree. The BMPs are written as guides that owners and practicing arborists should strive to achieve. The ANSI standards and BMPs are not written as minimum standards that, if violated, subject a person to criminal prosecution. For these reasons, Staff does not recommend their use as the standard on which to enforce.
- 3) Lack of Flexibility: Another consideration is lack of flexibility for reasonable tree pruning that requires the removal of more than one-quarter of the foliage. In many cases, the goal of trimming is to slow the growth rate. The key is to reduce it to a level that slows the rate but doesn't cause the tree to respond to the pruning by producing a flush of growth. Slowing the growth maintains the beauty of the tree while reducing risk, maintenance costs and litter from the tree.

A permitting provision could extend the lawful reduction to allow for trimming beyond one-quarter based on the needs of the tree and the opinion of an independent arborist. However, additional permitting requirements may not be well received by certified arborists and would result in higher staff workload that, overall, may not be warranted.

- 4) Conflict with City Standards: The Best Management Practices document includes pruning techniques that the City considers unacceptable. For example, within the BMP

document pollarding is considered an acceptable practice under certain circumstances. The City considers pollarding a violation of the tree preservation ordinance since it alters the natural character of the tree.

It may be appropriate to reference the ANSI A300 Standards and BMPs in Chapter 15.20 under tree planting and maintenance. This reference could include, "tree trimming should be consistent with A300 (Part 1) and Best Management Practices Tree Pruning documents except where they conflict with the provisions of the municipal code."

Proposed Municipal Code Changes

Pending the discussion related to the ANSI A300 standard and Best Management Practices, preliminary changes to the municipal code are provided in Attachment 5. These changes include:

- Clarify definition of reduce (now termed "significant alteration")
- Extending protections beyond setback trees and parking lot trees to all trees in approved landscape plans
- Clarification of when a tree is located within the setback
- An exemption for fire safety
- Cross references for all tree and landscape municipal code (to be completed in a later draft)
- Consistent measurement standard for trees
- Formalization of the Street Tree Advisory Committee

Proposed changes to the fines associated with tree violations will be established separately by resolution of the City Council.

Staff Recommendation

Staff continues to support the use of the ANSI standards and Best Management Practices as guidelines for tree pruning techniques and to determine proper mitigation for violations when appropriate. Staff recommends the Street Tree Advisory Committee discuss these documents and provide recommendations regarding their use in the Municipal Code. These recommendations will be given to the Ordinance Committee of the Santa Barbara City Council.

- ATTACHMENTS:**
1. December 9, 2008 Council Agenda Report
 2. Letters to the Park and Recreation Commission and City Council
 3. ANSI A300 Standards (Part 1)-2001 Pruning
 4. ANSI Best Management Practices: Tree Pruning
 5. Preliminary Ordinance Revisions