

PARK AND RECREATION COMMISSION DISCUSSION DRAFT 3/25/09  
SHOWING CHANGES FROM EXISTING CODE  
INCLUDING RECOMMENDATIONS FROM STREET TREE ADVISORY COMMITTEE

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

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

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

**15.20.010 Title.**

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

**15.20.020 Definitions.**

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

- A. **DIRECTOR.** The person having control and management of the Parks and Recreation Department of the City or the Director's designated representative.
- B. **GROUND COVER.** Includes grass, turf or perennial plants that normally grow in a prostrate manner so as to conceal, or with the purpose of concealing, the ground surface, and that do not exceed eight inches in height, and that will tolerate light pedestrian traffic.
- C. **HISTORIC TREE.** A tree which has been found by the Board of Park Commissioners, the

Historic Landmarks Commission, or the City Council to be a tree of notable historic interest and has been designated by resolution of the City Council as an “historic tree”.

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

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

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

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

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

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

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

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

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

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

**15.20.030 Master Street Tree Plan.**

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

**15.20.040 Other Plantings or Improvements in Parkway Strips.**

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

**15.20.050 Director Authority and Responsibility.**

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

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

Plan" or this Title.

#### **15.20.060 Development Activity - Tree Plans.**

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

#### **15.20.070 New Subdivisions - Conformity with Master Street Tree Plan.**

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

**15.20.080 Street Improvements - Integration of Plans.**

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

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

**15.20.090 Maintenance Responsibility of Property Owner.**

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

permanently sterilize the soil in these areas, is prohibited.

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

#### **15.20.100 Abatement of Dangerous Conditions - Authority of Director.**

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

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

A. APPLICATION. Whenever a ~~property owner or occupant~~ City resident or a resident's agent desires to plant, prune, trim, perform maintenance on, or remove any tree planted in a parkway strip, tree well, public area or street right of way, an ~~application shall be filed with the Parks and Recreation Department for a permit for such actions.~~ application shall be filed with the Parks and Recreation Department on forms

provided for such purpose. The application shall show clearly by diagram, plot plan or photograph, the location and identity of the tree or trees sought to be planted, maintained or removed, the name and address of the resident, and such other information as indicated on the form provided.

B. PLANTING. When an application proposes the planting of a tree in a parkway strip, tree well, public area or street right of way, the Director shall consider whether the proposed planting conforms to the Master Street Tree Plan. The Director may designate the species, kind, number, spacing, and method of planting of such trees and may require the inclusion of root inhibiting planters as necessary to conform to the Master Street Tree Plan. The Director may approve, conditionally approve, or deny the application. If the application does not conform to the Master Street Tree Plan or the applicant does not agree to the Director's conditions of approval, the Director shall deny the application.

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

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

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

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

- a. Whether such tree is designated as an historic or specimen tree;
- b. Whether the tree species and placement conforms to the “Master Street Tree Plan;”
- c. The condition and structure of the tree and the potential for proper tree

growth and development of the tree canopy;

d. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and

e. Any beneficial effects upon adjacent trees to be expected from the proposed removal.

4. Board of Park Commissioners. Following the decision of the Street Tree Advisory Committee, the application shall be presented to the Board of Park Commissioners at the next available meeting of the Commission. After receiving the recommendation of the Street Tree Advisory Committee and a recommendation from the Director, the Board of Park Commissioners shall approve, conditionally approve, or deny the application. When making its decision, the Board of Park Commissioners shall consider the following factors:

a. Whether such tree is designated as an historic or specimen tree;

b. Whether the tree species and placement conforms to the “Master Street Tree Plan;”

c. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy;

d. The number and location of adjacent trees on City property and the possibility of maintaining desirable tree density in the area through additional planting on City property; and

e. Any beneficial effects upon adjacent trees to be expected from the proposed removal.

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

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

#### **15.20.120 Permit for Maintenance or Removal - Time Limit.**

Any tree for which a removal permit has been requested must be posted with notice of the permit request by the Parks and Recreation Department for at least ten (10) days prior to issuing a permit for removal. Any work authorized by a permit shall be done within sixty (60) days of issuance thereof, under the general supervision of the Director, and in accordance with rules established by the Director. A permit shall be void after the expiration of the sixty day period. All costs incurred in maintaining or removing a tree as permitted pursuant to this Chapter 15.20 shall be borne by the permittee. Where a tree is removed under permit, the Director or Board of Park Commissioners may require a replacement tree to be planted, and all costs related to the replacement tree shall be borne by the permittee.

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

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

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

B. Conduct all pruning 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.

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

**15.20.140 Interference with Work Prohibited.**

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

**15.20.150 Injuring Trees - Unlawful Acts.**

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

- A. Constructing a concrete, asphalt, brick or gravel sidewalk or otherwise filling up the ground area around any tree so as to substantially shut off air, light or water from its roots;
- B. Piling building equipment, material or any other substance around any tree so as to cause injury;
- C. Pouring any deleterious matter on or around any tree or on the surrounding ground, lawn or sidewalk;
- D. Posting any sign, poster, notice or otherwise on any tree, tree stake or guard, or fastening any guy wire, cable, rope, nails, screws or other device to any tree, tree stake or guard without having first obtained a permit from the Director;
- E. Causing any wire charged with electricity to come in contact with any tree without having first obtained a permit from the Director;
- F. Causing any fire or burning near or around any tree.

#### **15.20.160 Appeals to Park Commission.**

Any ~~resident of the City~~applicant or interested person may appeal a decision of the Director regarding a permit required for the planting, or maintaining ~~or removal of~~ a tree in a street right-of-way or public area by filing a written notice thereof with the Parks and Recreation Department within ten days after such decision is made. Implementation of the decision shall be stayed during the pendency of the appeal. The notice shall clearly

specify the reasons for the appeal. The appeal shall be placed on the agenda of the Board of Park Commissioners at its next ~~regularly scheduled~~available meeting. The Board of Park Commissioners shall make a ruling based on the evidence presented, and may sustain, modify or reverse the decision of the Director.

#### **15.20.170 Appeals to City Council.**

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

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

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

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

#### **15.24.001 Use of American National Standards Institute Pruning Standards.**

The City recommends the use of the pruning standards published by the American National Standards Institute [ANSI A300 (Part 1)] and the companion best management

practices published by the International Society of Arboriculture. The City encourages residents to utilize and follow the current standards and best management practices in the management of their trees.

#### **15.24.010 Definitions.**

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

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

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

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

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

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

E. DIRECTOR. The person having control and management of the Parks and

Recreation Department of the City 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. 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.

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

#### **15.24.020 Prohibition.**

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

~~A. S(i) 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, or 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 (ii) 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.~~

For purposes of this Section 15.24.020, a tree is situated in the front setback of a lot if more than 50% of the tree trunk is situated within the front setback.

**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. A tree that is subject to the prohibition specified in Section 15.24.020 may be lawfully removed without a permit if the tree satisfies any one of the following definitions:~~

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

B. ~~Diseased trees whose~~ The tree is diseased and the tree's condition is a source of present danger to healthy trees in the immediate vicinity; ~~providing~~ eding 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;

C. ~~Trees~~ The tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property, ~~providing~~ eding 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.

#### **15.24.035 Lawful ~~Reduction~~Significant Alteration of Trees Without Application.**

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

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

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

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

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 Tree.**

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

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

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

C. BOARD OF PARK COMMISSIONERS. Following the decision of the Street Tree Advisory Committee, the application shall be presented to the Board of Park Commissioners at the first available meeting of the Commission. After receiving the recommendation of the Street Tree Advisory Committee and a report from the Director, the Board of Park Commissioners shall approve, conditionally approve, or deny the application. When making its decision, the Board of Park Commissioners shall consider the factors listed in Section 15.24.060 and, before approving or conditionally approving the application, the Commission shall make one or more of the findings specified in Section 15.24.070.

**15.24.050 Board of Park Commissioners Action.**

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

**15.24.060 Considerations for Removal.**

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

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

#### **15.24.070 Findings for Removal.**

~~As a prerequisite to granting a tree removal request, the Board of Park Commissioners may impose conditions and~~ Before approving or conditionally approving an application for the removal of a tree pursuant to this Chapter 15.24, the Board of Park Commissioners shall make one (1) or more of the following findings:

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

- B. That a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought;
- C. That the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;
- D. That topography of the building site renders removal desirable;
- E. That regard for the safety of persons or property dictates the removal.

**15.24.080 Appeals to City Council.**

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