



City of Santa Barbara

PARKS AND RECREATION COMMISSION REPORT

DATE: January 26, 2011
TO: Parks and Recreation Commission
FROM: Forestry Program, Parks Division
SUBJECT: Tree Preservation Ordinance Enforcement

RECOMMENDATION: That the Commission receive a status report on Tree Preservation Ordinance Enforcement.

DISCUSSION:

The purpose of this staff report is to provide the Commission with a status report on tree preservation enforcement cases. The Street Tree Advisory Committee (STAC) received this report at its regular meeting on Thursday, January 6, 2011. Beginning in 2011, the STAC and the Commission will receive an annual report on tree preservation ordinance enforcement. Since this is the first report, it covers the period from July 1, 2009, to December 31, 2010.

Tree Preservation Policy and Enforcement Responsibility

Tree preservation policies are outlined in Chapter 15 of the Santa Barbara Municipal Code. Chapter 15.20, Tree Planting and Maintenance, addresses City-owned trees, and Chapter 15.24, Tree Preservation, addresses private trees located in the regulated front setback of a residential or commercial property, regulated parking lots, trees identified on an approved landscape plan, and Historic and Specimen trees.

Both the Zoning Section of the City's Planning Division, Community Development Department, and the Forestry Program of the Parks Division are responsible for the enforcement of the City's tree preservation policies. Forestry staff are responsible for reviewing reported violations related to City-owned trees and trees within the regulated front setback of residential and commercial property (with the exception of property within the El Pueblo Viejo Landmark District or the Brinkerhoff Landmark District). The Zoning staff is responsible for reviewing violations related to trees located in regulated parking lots, identified on an approved landscape plan, or located within the El Pueblo Viejo Landmark District and the Brinkerhoff Landmark District. The responsibility of Forestry staff for enforcement has increased significantly since July 2009. Prior to that time, although they received assistance from the Forestry Program, Zoning staff were responsible for tree ordinance enforcement.

Enforcement Action

As with other potential municipal code violations, the investigation of potential tree violations are generally complaint driven. They are often initiated in response to reports received from private individuals. Potential tree violations may also be identified and reported by City or other public agency staff.

A number of steps are taken after a potential violation is reported. These include:

- Tree Location: The location of the tree is confirmed.
- Field Inspection. The work is assessed and documented to determine if it constitutes a violation.
- Records Check. Street files are checked to determine if the tree is regulated under the Santa Barbara Municipal Code.

If the tree has been removed or pruned in violation of the municipal code, the property owner and/or contractor receive a notice of violation letter with direction to contact the Urban Forest Superintendent. Mitigation for the violation is determined after a meeting is held with the property owner and/or contractor. Mitigation can include payment of fines, installation of replacement trees, and/or development and implementation of a tree restoration plan. Whenever appropriate, staff seeks mitigation that supports the long-term growth and enhancement of the urban forest. When tree violations are particularly egregious, fines can be assessed. In December 2009, the City Council approved the fine schedule that can be up to \$1,000 for a pruning offense and up to \$5,000 for a tree removal offense. The Commission was very involved in the review and approval of the fine structure and additional measures to bolster the City's tree preservation policies.

Enforcement Status

In July 2009, the Forestry Program inherited 17 cases from the Zoning Section of the Community Development Department. While the transfer of responsibility to the Forestry Program was a result of budget reductions in the Community Development Department, no additional funds were provided to the Forestry Program. Of these 17 cases, two were related to street trees and 15 were related to setback trees. All were pruning violations. All 17 cases have been resolved and are closed.

There have been 48 new cases in the last 18 months (including the one property with both a street tree and a setback tree). Eleven were referred to the Community Development Department for processing. Seven have been closed and 30 are still pending. Eight of the 37 are street trees that were improperly pruned, and one is a street tree that was removed without a permit. One setback tree was removed, and 27 setback trees were improperly pruned.

Mitigation for the tree violations that are closed ranged from meeting with staff to discuss the violation and providing information regarding the contractor who performed the work, to providing and completing a tree restoration plan prepared by a Certified Arborist. These plans took up to three years to complete and included a requirement that the Arborist prepare an annual report on the progress. Mitigation for the pending cases includes, the meeting described above, fines, tree restoration plans, replacement of the City tree that was removed, and tree restoration plans.

The backlog of unresolved tree violations is due to a variety of factors. Without additional resources, tree violations are included with the regular duties of the Urban Forest Superintendent and the Street Tree Inspector. Resolution of tree violations is time-consuming. The time required to process a violation ranges from 6 - 20 hours, depending on the situation and the mitigation. It will require an estimated 250 hours to resolve all of the pending cases. In the development of the Fiscal Year 2012 and 2013 budget, staff will determine whether there are budget recommendations to address this backlog.

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