



CITY OF SANTA BARBARA

PARK AND RECREATION COMMISSION REPORT

AGENDA DATE: October 22, 2008

TO: Park and Recreation Commission

FROM: Administration Division, Parks and Recreation Department

SUBJECT: Tree/Landscaping Preservation and Enforcement Procedures Update

RECOMMENDATION: That the Commission:

- A. Receive a presentation on the Tree and Landscaping Preservation and Enforcement Procedures Update; and
- B. Provide recommendations to the City Council regarding proposed revisions to City policies and enforcement procedures related to the protection of trees.

DISCUSSION:

Overview

The Commission received a staff presentation on the proposed tree and landscaping preservation and enforcement procedures during its regular meeting on September 24, 2008. This staff report reviews the proposed enforcement procedures and provides the Commission with information on the comments received during the public meetings and in response to the public workshop. Prior to City Council consideration, staff is seeking the Commission's recommendations on the proposed revisions to City policies and enforcement procedures related to the protection of trees.

Background

In late January 2008, as a result of several high profile violations of the City's tree preservation and landscape plan rules, the City Council directed staff to develop recommendations to improve enforcement procedures. In February 2008, an inter-departmental team with staff from the City Administrator's office, City Attorney's office, and the Community Development, Fire, and Parks and Recreation Departments formed to review current enforcement procedures and determine how changes could be made to improve the City's ability to protect the public urban forest.

Over the last seven months, staff conducted an in-depth review of enforcement procedures and Municipal Code sections related to trees and landscaping, evaluated policy issues related to tree preservation and approved landscape plans, and developed a set of preliminary recommendations for consideration.

During this review period, staff also implemented a number of improvements to existing enforcement procedures. These include:

- Increased inter-departmental communication and coordination for response to and resolution of tree preservation and landscape enforcement cases,
- Implementation of fines without the requirement of a correction period, and
- Holding companies as well as property owners responsible for tree preservation violations.

Policy and Procedure Recommendations

The recommendations address enforcement procedural issues, municipal code standards, penalties for violations, and additional protection measures. Organized below under these major headings, the intent of the recommendations is to clarify City regulations, eliminate unauthorized tree removals, discourage excessive and damaging pruning, and more easily enforce the maintenance of approved landscape plans.

The following recommendations are similar to the recommendations reviewed by the Commission in September 2008, with the exception of the proposed fine structure and expansion of tree preservation rules to specific tree species. These changes are a result of the public comment received during the public workshops as well as comments from the Historic Landmarks Commission (HLC), Architectural Board of Review (ABR) and the Single Family Design Board (SFDB). Attachments to this staff report include information handed out at the public workshop, a summary of comments received from the public and the draft meeting minutes from the HLC, ABR and SFDB.

Santa Barbara Municipal Code (SBMC)

- Revise SBMC §15.24 Preservation of Trees, to include new policies related to enforcement and penalties.
- Add an exemption in SBMC §15.24 for tree removals or trimming when required by the Fire Department in order to maintain defensible space or to comply with the City's Wildland Fire Plan.
- Establish a consistent tree measurement of 4½ feet above grade for the purposes of regulation.
- Cross-reference all sections related to trees and landscaping.
- Adopt an ordinance that requires maintenance of approved landscape plans in accordance with the established maintenance standard. Include a definition of "maintain" and require as a condition of approval that landscape plans be

installed and maintained. Establish maintenance standards for approved landscape plans.

- Extend current protection of setback and parking lot trees to trees shown on approved landscape plans.
- Define that a tree is in the setback if greater than 50% of the trunk is within the setback, if less than 50%, then it is not in the setback.

Penalties for Violations

- Increase fines from the current \$100/violation in order to encourage compliance.
- In addition to fines, require follow-up to correct the violation.

The following fine structure was reviewed during the public workshop and during the meetings with the Commission, Street Tree Advisory Committee (STAC), HLC, ABR and SFDB.

Initial Fine Structure

Action without or in violation of a permit	Single Family Owner	Multi-family Owner	Tree company/ Contractor
1st pruning offence	\$250	\$375	\$500
2nd pruning offence	\$500	\$750	\$1000
Removal	\$500	\$750	\$1000

Revised Fine Structure

The following fine structure was developed in response to a range of public comment that the fines would need to be more significant to be effective. The revised fine structure does not differentiate between single family or multi-family or commercial property owners or tree companies/contractors. It is instead based on the size of the tree at 4.5 feet above grade. The fine structure also allows for some flexibility to differentiate more minor violations from more significant violations.

Action without or in violation of a permit	Trees with a diameter between 4" and 12"	Trees with a diameter over 12" and up to 24"	Trees with a diameter over 24"
Pruning Offence	Up to \$500	Up to \$1,000	Up to \$1,000
Removal	Up to \$1,000	Up to \$3,000	Up to \$5,000

Voluntary Certification

- Create a voluntary certification process for landscape professionals (including tree care companies) for the purpose of educating them on the City's requirements and regulations and establishing a list for referral to the public of City-certified contractors. This training would be available once per year.

Not recommended for further review – Expanding rules to new tree species

In addition to these recommendations, the inter-departmental staff team evaluated options for expanding the types and size of trees that would require permits for tree removals or excessive pruning. Oaks and Sycamores were identified as potential species due to a number of factors, including their value and function as native trees, and their overall aesthetic, ecological, and cultural value. And, in the case of Oaks, the extensive time for a tree to reach a significant size. Many communities regulate Oak trees, including the County of Santa Barbara.

Comments received during the public workshop and meetings with Boards and Commissions demonstrated a general support for protecting mature specimen trees and to some extent native trees, such as Oaks. At the same time, there was some reluctance to new rules that extend into private backyards and other areas not currently regulated. The Street Tree Advisory Committee was also not in favor of expanding the City's purview on private property beyond the current established setbacks. From an implementation standpoint, staff concerns include the additional staff resources that would likely be required for enforcement.

As a result of the public discussion to date, staff is not recommending at this time that there be further review of the expanding tree preservation rules to new tree species or trees of a significant size. Additional review and consideration of expanding rules could be undertaken during the development of the urban forest management plan.

Comments from the Public and the SFDB, HLC and ABR

A summary of public comments and the draft meeting minutes are included as Attachments 2 and 3 to this staff report.

Street Tree Advisory Committee Recommendations

The Street Tree Advisory Committee (STAC) considered the tree and landscape preservation recommendations at its meetings on September 11, 2008, and October 2, 2008. STAC recommendations to the Commission include:

- Do not support additional rules related to the protection of Oaks and Sycamores.
- Expand protection to significant trees only if identified for protection in advance.

- Include tree and landscape preservation training in the curriculum of the Green Gardener Program.
- Property owners should be just as responsible as the contractor for violations.
- Support outreach and education over new rules.

Recommendation to the Commission

Staff recommends that the Commission provide recommendations to the City Council regarding the proposed changes to the municipal code and enforcement procedures related to the protection of trees. City Council consideration of the recommendations is tentatively scheduled for December 9, 2008.

- ATTACHMENTS:**
1. Frequently Asked Questions Handout, September 22, 2008
 2. Summary of Public Comments
 3. Draft meeting minutes from the Single Family Design Board, Historic Landmarks Commission and the Architectural board of Review

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