

**SINGLE FAMILY DESIGN BOARD 9-29-2008 MINUTES**

**DISCUSSION ITEM**

**TREE LANDSCAPING PROTECTION AND ENFORCEMENT**

Jaime Limón, Senior Planner, and Tim Downey, Urban Forest Superintendent.

Time: 3:11

Mr. Limon, Senior Planner, and Tim Downey, City Arborist provided the staff presentation and responded to questions.

Public comment was opened at 3:50 p.m.

Catherine McCammon raised questions concerning the cutting of trees in Planned Unit Developments,

and who is responsible if someone cuts down trees on someone else's property.

Public comment was closed at 3:51 p.m.

The Board had the following collective comments regarding Tree Preservation, Landscape Plans and Enforcement issues.

- Supports concept of landscape plan maintenance and requiring that property owners not remove specifically required landscaping as approved by the Board.
- Concerned that the proposed fine structure does not address the degree of violation with respect to quantity, species and size of tree removals. There was a collective opinion expressed that the removal of a very large skyline tree, multiple tree removals or a certain types of species are considered more egregious violations that warrant higher fine amounts.
- Commercial properties should also have a higher fine structure. Suggested we look at how City of Ojai estimates tree values.
- Historic sites or the removal specimen trees should have a higher fine structure.
- Need to require or improve the site posting noticing for trees removed by City of SB projects.
- Suggests posting City sidewalk trees so sign also faces pedestrians.
- Supports the need to develop and consider more protection of oak trees and other large skyline trees outside front yard setbacks.
- Likes idea of offering free City review or free permits for tree removals.
- Supports staff proposal to administratively review landscape plan maintenance issues but suggest significant tree removals and substantial mitigation plans be referred to SFDB review, at minimum Consent calendar.

**HISTORIC LANDMARKS COMMISSION 10-1-2008 DRAFT MINUTES**

**DISCUSSION ITEM**

**1. TREE LANDSCAPING PROTECTION AND ENFORCEMENT**

**(1:50)** Staff Presentation: Jaime Limón, Senior Planner/Design Review Supervisor; and Tim Downey, City Urban Forest Superintendent

Present: Jaime Limón, City Planning Division  
Tim Downey, City Parks and Recreation Department

Mr. Limón stated that City Council charged City Staff to review the City's existing tree preservation enforcement regulations in order to strengthen them and evaluate whether their effectiveness could be improved upon. The City issues citations for unpermitted removal of trees and excessive pruning, but it is limited in its ability to charge large fines. The purpose of the presentation was to explain how existing regulations are being used differently and the City's plans to initiate ordinance amendments.

Mr. Downey stated that approximately 350 individuals were invited to attend an educational workshop on September 22, 2008, at Louise Lowry Davis Center to inform them of the existing regulations that are being enforced. Those invited included tree cutting companies, arborists, home owners associations, property management agencies, and gardening companies.

Mr. Limón explained that City Staff from different departments met to discuss what improvements could be made and concluded that increased fine structures were needed. Mr. Downey commented that the proposed fine structure is based on whether the individual receiving the fine is a single-family homeowner, multi-family manager, or commercial vendor. The commercial vendor would be the most responsible with the highest fine, multi-family would be moderate, and the single-family being the lowest. The proposed amounts are open for consideration. The goal is compliance and not making money; yet, Staff feels that, if there is no increase in fines, there will not be any compliance.

Public comment opened at 2:00 p.m.

Cheri Rae, local resident, commented about a new property owner in her neighborhood who removed valuable specimen trees. The result was an environmental impact to wild creatures and loss of shade. It also contributed to an increase in petty theft and crime. Ms. Rae requested high fees be issued specially for those that ignore proper procedures. She suggested that the money received from fines be used to mitigate the loss of trees.

Gene Tyburn, local certified arborist, commented that all unlawful tree removals are done by gardeners as "midnight pruning." Mr. Tyburn stressed the importance of not blaming contractors and stated that he is in the tree-saving

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business. He suggested that the City create a task force to enforce upon those that do not have a license and are not insured. If unpermitted tree work is being done, an officer could be called to request the company's license and a citation be written immediately.

Public comment closed at 2:07 p.m.

Mr. Limón explained that maintenance of landscape plans may impact the projects that will be reviewed by the Commission and requested input as to the structure of fines, tree removals and excessive pruning.

The Commission had the following comments and discussion with Staff:

1. The three areas that are problematic: 1) lack of education with respect to the City's role; 2) how responsive the City is to complaints; and 3) whether an increase of enforcement is needed for trees that are not protected by ordinance.
2. Violations are an ongoing, wide-spread problem. In less than two years there have been 57 violations for unpermitted removal of trees and inappropriate pruning.
3. These efforts would enhance the preservation of trees ordinance. Preservation of trees will also be included in the Plan Santa Barbara (General Plan Update).
4. The ordinance states that one-third the size of tree may not be removed and the natural character of the tree should not be significantly altered.
5. Utility companies may have a federal mandate for cutting trees for power lines.
6. Skyline trees of large caliber that are not within the frontyard setback should be protected. Mature canopy trees should be protected on those properties deemed historic, structure of merit, landmark, and any commercial and institutional properties.
7. As part of the education efforts, realtors should be contacted.
8. Greater citation authority should be given and the fine should be depending on the severity of the violation. More substantial fines would discourage violations.
9. Responsiveness to a violation should be quicker.
10. A methodology should be established for determining who will be reviewing proposals, whether a permit could be granted for tree cutting, and the criteria that would be used to determine an acceptable amount of pruning.
11. As part of proactive efforts in informing people, anyone with a business license in the landscaping or gardening categories should be mailed information to make them aware. The City newsletter that goes out with the utility bill could also be useful.
12. The same group that was gathered for the water conservation ordinance could meet to discuss this subject. Representatives from different boards and commissions should be included.

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13. At least one Commissioner commented that the burden should be on the owners of the property since they are making the decisions. Staff responded that the ability to go after both the contractor and the owner would not be affected.
14. As to the removal of trees for health and safety issues, the language should be clarified/strengthened for a systematic approach to replace trees on a mitigation ratio of one to one.
15. The City's urban forest is of great value and should be protected. Education is the key.  
(Curtis/Murray/Sharpe absent.)

**ARCHITECTURAL BOARD OF REVIEW 10-6-2008 DRAFT MINUTES**

**DISCUSSION ITEM**

**TREE LANDSCAPE PROTECTION AND ENFORCEMENT**

Staff Presentation: Jaime Limón, Senior Planner/Design Review Supervisor.  
Tim Downey, City Urban Forest Superintendent. (3:20)

The Board had the following collective comments regarding Tree Preservation, Landscape Plans and Enforcement issues.

- Supports increasing public's knowledge through such outreach as information provided in Zoning Information reports, inclusion in City water Bills and T.V. public service announcements
- Support for additional training to be provided for tree removal companies
- Need to protect mature specimen trees and require large size replacement trees to act as a deterrent for unauthorized tree removals
- Support repeat of endor fines
- Some concern regarding introducing a large fine for the removal smaller 4 inch trees, there should be more elaboration or significance of fines related to size of trees
- In agreement with goal for landscape plan maintenance and requiring that property owners not remove specifically required landscaping as approved by the Board. However, not all landscaping should be required to be maintained. Emphasis should be on major trees and shrubs.
- Concerns expressed regarding being careful to new regulations regarding backyards, some flexibility required for these areas. Public realm or skyline trees should be primary concern not all trees.
- Good step to protect larger oak trees in native woodland areas, and sycamore trees in riparian locations.

Public comment opened at 3:47 p.m.

Mr. Ray Choiniere, supported; approved efforts to preserve trees.

Ms. Sharon Summer, supported; approved efforts to preserve trees, oversight, and fines for violations.

Mr. Phil Walker, supported; approved efforts for fines and speedy landscape maintenance, including tree removal and pruning; and requested more attention to watering efforts and replanting/replacement.

Ms. Cheri Rae, supported; cited various examples for the need for fine enforcement to violations and against improper removal of skyline and historic trees. A support letter was also submitted to the Board.

Email correspondence from Ray Choiniere & Sharon Summer, and Julie Wood was acknowledged.

Public comment closed at 4:00 p.m.