



## CITY OF SANTA BARBARA

### PARK AND RECREATION COMMISSION REPORT

**AGENDA DATE:** September 24, 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 receive a presentation and provide preliminary comments on the Tree/Landscaping Preservation and Enforcement Procedures Update.

#### **DISCUSSION:**

##### 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 interdepartmental 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 included 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 responsible for tree preservation violations.

##### Preliminary Recommendations

The preliminary 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.

#### 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 – landscape plans to 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. These would include differing amounts for single family and multi-family owners, and contractors ranging from \$250 - \$1,000 per violation.
- In addition to fines, require follow-up to correct the violation;

#### 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.

#### Recommended for further discussion – 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. Staff is recommending that there be further discussion on a preliminary recommendation that all oak and sycamore species of eight (8) inches DBH or larger located anywhere on a property to obtain a permit for removal or excessive pruning. Additional work is also needed to evaluate implementation mechanisms and staff resource needs.

#### Street Tree Advisory Committee

The Street Tree Advisory Committee received a presentation on September 11, 2008, and made the following initial recommendations:

- Any additional rules related to the protection of oaks and sycamores not supersede any previously approved landscape plan.
- Include tree and landscape preservation training in the curriculum of the Green Gardener Program.

#### Public Review

Now that this initial work is complete, a series of public meetings are scheduled to present the recommendations and solicit feedback, prior to returning to the City Council. In addition to meeting with the Street Tree Advisory Committee on September 11, 2008, a public workshop is scheduled for 6:00 PM on Monday, September 22, 2008, at the Louise Lowry Davis Recreation Center. Presentations will be made to the Architectural Board of Review, Historic Landmarks Commission, and Single Family Design Board in late September and early October. After these meetings, staff will return to both the Street Tree Advisory Committee and the Park and Recreation Commission for recommendations to Council.

#### Recommendation to the Commission

Staff recommends that the Commission provide preliminary comments on the recommendations. After receiving input from the public and other Boards and Commissions, staff will return to the Commission at its October 22, 2008, meeting to request its recommendations to the City Council.

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