

Chapter 15.20

TREE PLANTING AND MAINTENANCE

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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." (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983; Ord. 3000 §1, 1964.)

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 Parks and Recreation Commission, 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". For purposes of this definition, trees designated by the City Council as an "historic tree" or an "historic landmark tree" shall be treated as "historic trees".
- D. **MAINTENANCE or MAINTAIN.** For purposes of this Chapter 15.20, maintenance or maintain shall mean the following: 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 Parks and Recreation Commission 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".
- 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. (Ord. 5505, 2009; Ord. 5459, Section 3, 2008; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

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 Parks and Recreation Commission, 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. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

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 from the Director: (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; or (iii) any other non-living ground cover. The Parks and Recreation Department shall maintain a list of plant materials which comply with the height requirements of this Title. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

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.

The Director shall comply with the pruning standards published by the American National Standards Institute [ANSI A300] and the companion best management practices published by the International Society of Arboriculture in the inspection, maintenance, removal, and replacement of all trees planted in public areas, parkway strips, and tree wells with the following exceptions: (1) the Director has the discretion to determine whether or not to prepare written objectives or specifications for pruning activities; and (2) the Director has the discretion to determine the appropriate amount of pruning based on a tree's species, age, health, site, or other factors. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

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 barriers. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

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. 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 Subdivision Map Act (Government Code section 66499 et seq.). (Ord. 5505, 2009; Ord. 4245, 1983.)

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. (Ord. 5312, 2004; Ord. 4245, 1983.)

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. (Ord. 5312, 2004; Ord. 4245, 1983.)

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. (Ord. 5312, 2004; Ord. 4245, 1983.)

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

A. PERMIT REQUIRED. Except for persons acting at the direction of the Director, a written permit shall be required for any person 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.

B. APPLICATION. Whenever a person 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 on forms provided for such purpose. The application shall show clearly, by diagram or plot plan and photograph(s), the location and identity of the tree or trees sought to be planted, maintained or removed; the name and address of the applicant; and such other information as indicated on the form provided.

C. 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 barriers 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.

D. 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. The Director may require written specifications for the work proposed as part of the permit application.

E. REMOVAL. When an application is submitted for the removal of a tree planted in a parkway strip, tree well, public area or street right-of-way, the application shall be processed in accordance with the following procedures:

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) necessary 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 necessary 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 where the Director finds 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 Parks and Recreation Commission 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 Parks and Recreation Commission 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 conform 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. Parks and Recreation Commission. Once the Street Tree Advisory Committee has made its recommendation, the application and the Street Tree Advisory Committee's recommendation shall be presented to the Parks and Recreation Commission 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 Parks and Recreation Commission shall approve, conditionally approve, or deny the application. When making its decision, the Parks and Recreation Commission shall consider the following factors:
- a. Whether such tree is designated as an historic or specimen tree;
 - b. Whether the tree species and placement conform 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. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

15.20.115 Work Without a Permit – Unlawful Acts.

It is unlawful for any person, except a person acting at the direction of the Director, 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 without the permit required pursuant to Section 15.20.110 of this Code. (Ord. 5505, 2009.)

15.20.120 Permit for Maintenance or Removal - Time Limit.

Any work authorized by a permit shall be done under the general supervision of the Director and in accordance with rules established by the Director. All costs incurred in maintaining or removing a tree as permitted pursuant to this Chapter 15.20 shall be borne by the permittee. When a tree is removed under permit, the Director or Parks and Recreation Commission may require a replacement tree to be planted, and all costs related to the replacement tree shall be borne by the permittee. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.130 Conditions of Approval for Maintenance or Removal.

Any person, business, or corporation who receives a permit to maintain or remove an official or parkway tree shall comply with all of the following conditions:

- A. 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 on file with the City Clerk.
- B. Conduct all maintenance 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. The Director or the Parks and Recreation Commission may require written specifications for the work proposed as a condition of the permit.
- C. Post a performance bond in the amount equal to the cost of a proposed job, if required by the Director. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4327, 1985; Ord. 4245, 1983.)

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. (Ord. 4245, 1983.)

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. (Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.160 Appeals to Parks and Recreation Commission.

Any applicant or interested person may appeal a decision of the Director regarding a permit required for planting or maintaining 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 Parks and Recreation Commission at its next available meeting. The Parks and Recreation Commission shall make a ruling based on the evidence presented, and may sustain, modify or reverse the decision of the Director. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)

15.20.170 Appeals to City Council.

Any action of the Parks and Recreation Commission 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. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 5136, 1999; Ord. 4245, 1983.)

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

Any recommendation by the Parks and Recreation Commission 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. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4245, 1983.)