

## Chapter 15.24

## PRESERVATION OF TREES

## Sections:

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**15.24.001 Title.**

Recognizing that trees on private property can make valuable contributions to the urban forest of the City of Santa Barbara, this chapter shall be known as and may be cited and referred to as the "Tree Preservation Ordinance of the City of Santa Barbara." (Ord. 5505, 2009.)

**15.24.002 Use of American National Standards Institute Pruning Standards.**

The City follows 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 care and maintenance of City trees. The City encourages residents to utilize and follow the current standards and best management practices in the care and maintenance of their trees. (Ord. 5505, 2009.)

**15.24.010 Definitions.**

For the purpose of this Chapter, certain terms and words are hereby defined as follows:

- A. **TREE.** A usually tall, woody plant, distinguished from a shrub by having comparatively greater height and, characteristically, a single trunk rather than several stems;
- B. **PALM TREE.** Any tree from the Palmae plant family;
- C. **SPECIMEN TREE.** Any 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";
- D. **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";
- E. **DIRECTOR.** The Director of the City's Parks and Recreation Department or the Director's designated representative.
- F. **REMOVE A TREE.** To cut a tree down or to otherwise remove a tree from its location by any means.
- G. **SETBACK TREE.** A tree located in the front setback of any lot as the term front setback is defined and specified in Title 28 of this Code, the Zoning Ordinance. A tree is a setback tree if more than 50% of the tree trunk, measured at the highest natural grade adjacent to the trunk, is within the front setback.
- H. **PARKING LOT TREE.** A tree situated in a planter required pursuant to Section 28.90.050 of this Code.
- I. **SIGNIFICANTLY ALTER A TREE.** To prune a tree in such a way that either (i) its natural character is significantly altered, or (ii) the height and/or spread of the tree crown is reduced by more than one-quarter within any twelve-month period.
- J. **TREE CROWN.** The leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.
- K. **TREE ON AN APPROVED PLAN.** A tree shown on an approved plan on record with the City for a lot developed with a commercial, multiple-family residential, or industrial use. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4619, 1990; Ord. 4154, 1982; Ord. 3863, 1976; Ord 3360, 1969.)

**15.24.020 Prohibition.**

Except as provided in Sections 15.24.030 and 15.24.035, it is unlawful for any person to remove or significantly alter or to authorize or allow the removal or significant alteration of any of the following trees without a permit:

- A. A setback tree,
- B. A parking lot tree,
- C. A tree on an approved plan, or
- D. A tree designated as an historic or specimen tree by the City Council. (Ord. 5505, 2009; Ord. 5459, 2008; Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969.)

**15.24.030 Lawful Removal of Trees Without a Permit.**

Notwithstanding the prohibition specified in Section 15.24.020, a tree that is subject to the prohibition specified in Section 15.24.020 may be lawfully removed without a permit if the tree satisfies any one of the following definitions:

- A. The main trunk of the tree is less than four inches (4") in diameter at a point four feet six inches (4'6") above the highest natural grade adjacent to the trunk;
- B. The tree is diseased, and the tree's condition is a source of present danger to healthy trees in the immediate vicinity; provided, a certificate attesting such condition has been filed with the Parks and Recreation Director by a member of the American Society of Consulting Arborists, an arborist certified by the International Society of Arboriculture, or by an authorized employee of the City Parks and Recreation Department at least forty-eight (48) hours prior to the removal of the tree;
- C. The tree is so weakened by age, disease, storm, fire, or any injury so as to cause imminent danger to persons or property; provided, prior written notice of such condition has been given to the Parks and Recreation Director at least forty-eight (48) hours prior to the removal of the tree, or shorter period if approved by the Parks and Recreation Director;
- D. The tree is dead; provided, prior written notice of such condition has been given to the Parks and Recreation Director at least forty-eight (48) hours prior to the removal of the tree, or shorter period if approved by the Parks and Recreation Director; or
- E. The Fire Department has ordered the tree removed in order to maintain required defensible space on the lot or to comply with the City's Wildland Fire Plan.

If the tree to be removed pursuant to this Section is located on a lot within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, and the removal of the tree will significantly affect the exterior visual qualities of the lot, the Parks and Recreation Director or the Community Development Director may require the replacement of the tree with a tree approved by the Historic Landmarks Commission. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 4154, 1982; Ord. 3863, 1976; Ord. 3360, 1969.)

**15.24.035 Lawful Significant Alteration of Trees Without a Permit.**

Notwithstanding the prohibition specified in Section 15.24.020, a tree that is subject to the prohibition specified in Section 15.24.020 may be significantly altered without a permit if the tree satisfies either of the following definitions:

- A. The tree poses a potential danger to persons or property due to age, disease, storm, fire, or other injury; provided:
  - 1. A written report prepared by a member of the American Society of Consulting Arborists or an arborist certified by the International Society of Arboriculture specifying the reason(s) for the reduction and the extent of the proposed work is filed with the Parks and Recreation Director; and
  - 2. An authorized employee of the City Parks and Recreation Department assesses the condition of the tree and approves the proposed work as comporting with sound arboricultural practices as specified in the American National Standards Institute tree pruning standards [ANSI A300].
- B. The City Fire Department has ordered the pruning of the tree in order to maintain required defensible space or to comply with the City's Wildland Fire Plan; provided, the scope of the pruning allowed pursuant to this section is limited to the extent of the pruning specified in the Fire Department order that is filed with the Parks and Recreation Director. (Ord. 5505, 2009; Ord. 5312, 2004.)

**15.24.040 Application to Remove a Setback Tree.**

When a permit is required for the removal of a setback tree pursuant to this Chapter 15.24, the application for such permit shall be processed as follows (excluding trees on lots within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, which are processed pursuant to Section 15.24.055):

- A. APPLICATION. An application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **STREET TREE ADVISORY COMMITTEE RECOMMENDATION.** The application shall be presented to the Street Tree Advisory Committee at the first available meeting of the Committee following receipt of the application. The Street Tree Advisory Committee may receive a report from the Parks and Recreation Director regarding the application, and the Committee shall make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.080.

C. **DECISION ON APPLICATION.** The application shall be presented to the Parks and Recreation Commission at the first available meeting of the Commission after the Street Tree Advisory Committee has made its recommendation. After receiving the recommendation of the Street Tree Advisory Committee and a report from the Parks and Recreation 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 factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

#### **15.24.050 Application to Remove a Parking Lot Tree or a Tree on an Approved Plan.**

When a permit is required for the removal of a parking lot tree or a tree on an approved plan pursuant to this Chapter 15.24, the application for such permit shall be processed as follows (excluding trees on lots within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District, which are processed pursuant to Section 15.24.055):

A. **APPLICATION.** An application shall be filed with the Community Development Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **DECISION ON APPLICATION.** The application shall be presented to the Architectural Board of Review at the first available meeting of the Board. After receiving a report from the Community Development Director, the Architectural Board of Review shall approve, conditionally approve, or deny the application. When making its decision, the Architectural Board of Review shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009.)

#### **15.24.055 Application to Remove a Tree Located in El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District.**

When a permit is required for the removal of a tree pursuant to this Chapter 15.24, and the tree is located on a lot within El Pueblo Viejo Landmark District or the Brinkerhoff Avenue Landmark District (except historic or specimen trees, which are processed pursuant to Section 15.24.060), the application for such permit shall be processed as follows:

A. **APPLICATION.** An application shall be filed with the Community Development Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **DECISION ON APPLICATION.** The application shall be presented to the Historic Landmarks Commission at the first available meeting of the Commission. After receiving a report from the Community Development Director, the Historic Landmarks Commission shall approve, conditionally approve, or deny the application. When making its decision, the Historic Landmarks Commission shall consider the factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009.)

#### **15.24.060 Application to Remove an Historic or Specimen Tree.**

When a permit is required for the removal of an historic or specimen tree pursuant to this Chapter 15.24, the application for such permit shall be processed as follows:

A. **APPLICATION.** An application shall be filed with the Parks and Recreation Department on forms provided for such purpose. The application shall show the location and identity of the tree or trees sought to be removed by diagram or plot plan and photograph(s), the name and address of the owner, and such other information as indicated on the form provided.

B. **STREET TREE ADVISORY COMMITTEE RECOMMENDATION.** The application shall be presented to the Street Tree Advisory Committee at the first available meeting of the Committee following receipt of the application. The Street Tree Advisory Committee may receive a report from the Parks and Recreation Director regarding the application, and the Committee shall make a recommendation to the Parks and Recreation Commission to approve, conditionally approve, or deny the application based on the considerations specified in Section 15.24.080.

C. **DECISION ON APPLICATION.** The application shall be presented to the Parks and Recreation Commission at the first available meeting of the Commission after the Street Tree Advisory Committee has made its recommendation. After receiving the recommendation of the Street Tree Advisory Committee and a report from the Parks and Recreation 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 factors listed in Section 15.24.080 and make one or more of the findings specified in Section 15.24.090. (Ord. 5505, 2009.)

#### **15.24.070 Action on Permit Application.**

As provided in Sections 15.24.040 through 15.24.060 above, the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review (as applicable) shall vote upon the application within sixty (60) days after it is filed. A majority vote of the members present shall be required to approve a tree removal. A failure to vote to approve, conditionally approve, or deny the application within sixty (60) days shall be deemed an approval of the application without condition. When a decision is made by the appropriate Board or Commission, the City Department processing the application shall notify the applicant in writing of the decision. (Ord. 5505, 2009.)

#### **15.24.080 Considerations for Removal.**

The following considerations shall be taken into account by the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review, as applicable, in acting upon a tree removal request made pursuant to this chapter:

- A. Whether such tree is designated as an historic or specimen tree;
- B. The potential size of the tree in relation to the size of the lot or building site and the size of the proposed or existing improvements;
- C. The number and size of other trees which would remain upon the building site after the requested removal;
- 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;
- E. Any beneficial effects upon adjacent trees to be expected from the proposed removal;
- F. Whether the tree sought to be removed was planted by or with the permission of the applicant or the applicant's co-tenant at the time such tree was planted.
- G. The condition and structure of the tree and the potential for proper tree growth and development of the tree canopy. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

#### **15.24.090 Findings for Removal.**

Before approving or conditionally approving an application for the removal of a tree pursuant to this Chapter 15.24, the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review, as applicable, shall make one (1) or more of the following findings:

- A. That principles of good forest management will best be served by the proposed removal;
- B. That a reasonable and practical development of the property on which the tree is located requires removal of the tree or trees whose removal is sought;
- C. That the character of the immediate neighborhood with respect to forestation will not be materially affected by the proposed removal;
- D. That topography of the building site renders removal desirable;
- E. That regard for the safety of persons or property dictates the removal. (Ord. 5505, 2009; Ord. 5312, 2004; Ord. 3863, 1976; Ord. 3360, 1969.)

#### **15.24.100 Appeals to City Council.**

Any action of the Parks and Recreation Commission, the Historic Landmarks Commission, or the Architectural Board of Review made pursuant to this Chapter 15.24 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. 3863, 1976.)

#### **15.24.110 Other City Regulations Related to Trees and Landscaping.**

For purposes of reference, the following provisions of this Code also concern the maintenance of trees and plants within the City of Santa Barbara:

- A. Section 8.04.020.G.5 & 6: Fire Code Vegetation Management and Defensible Space Requirements
  - B. Chapter 8.20: "Vegetation Obstructing Public Places"
  - C. Chapter 15.20: "Tree Planting and Maintenance"
  - D. Chapter 22.10: "Vegetation Removal"
  - E. Chapter 22.11: "Maintenance of Approved Landscape Plans"
  - F. Section 22.22.130: "Approval for Construction, Demolition, Moving or Exterior Alteration" (El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District)
  - G. Chapter 22.68: "Architectural Board of Review" (Landscape Plans)
  - H. Chapter 22.69: "Single Family Design Board" (Landscape Plans)
  - I. Chapter 22.76: "View Dispute Resolution Process"
  - J. Section 28.87.170: "Fences, Walls, Screens and Hedges"
  - K. Section 28.87.200: "Landscape or Planting Plan Approvals - Standards"
  - L. Section 28.90.050: "Landscaping and Lighting" (Parking Lot Design Standards)
- (Ord. 5505, 2009.)