



## CITY OF SANTA BARBARA

### PARKS & RECREATION COMMISSION REPORT

**AGENDA DATE:** October 26, 2011

**TO:** Parks and Recreation Commission

**FROM:** Parks Division, Parks and Recreation Department

**SUBJECT:** Tree Preservation Ordinance Enforcement Summary Report

**RECOMMENDATION:** That the Commission receive a report on the tree preservation enforcement cases, procedures, and status.

#### **DISCUSSION:**

##### Tree Preservation Policy and Enforcement Responsibility

Tree preservation policies are outlined in Chapter 15 of the Santa Barbara Municipal Code. Chapter 15.20, Tree Planting and Maintenance, addresses City-owned trees, and Chapter 15.24, Tree Preservation, addresses private trees located in the regulated front setback of a commercial or multi-family residential property, regulated parking lots, trees identified on an approved landscape plan, and Historic and Specimen trees.

Enforcement cases involving parking lot trees, trees within the Historic Landmarks Commission jurisdiction (El Pueblo Landmark District), and trees on an approved plan, are administered by the Community Development Department because they involve approvals from their Boards and Commissions. Forestry staff is responsible for reviewing reported violations related to City-owned trees and trees within the regulated front setback under our jurisdiction.

Should violations of the above Municipal Codes be cited, administrative fines and penalties may be imposed and collected pursuant to Chapter 1.25 (attached) of the Municipal Code. Chapter 1.25 establishes the guidelines for fines and other administrative penalties for violations of the code. It encourages methods that employ education and voluntary compliance prior to corrective action. Resolution 09-096 (attached) establishes the level of fines for tree violations and other corrective actions that can be required. This fine schedule is specific to tree violations.

##### Enforcement Action and Response Process

As with other potential municipal code violations, the investigation of potential tree violations are generally complaint driven. Most are initiated in response to reports received from private individuals.

A number of steps are taken after a potential violation is reported. This list is based on a simple standard case and does not include extensive cases, repeat offenders, or the appeals process. At the most basic level a case requires:

1. Site Investigation and Photo Documentation- The Arborist or Street Tree Inspector conduct a site visit. Confirmation of tree type, whether the tree is within a regulated area, and whether the work is significant enough to constitute a violation are determined. Photographs document the tree at the time of inspection.
2. Case Assignment and Data Entry- The enforcement case is logged into a database and assigned to the appropriate staff. The database is used to track all subsequent communication and actions related to the violation. This includes correspondence such as letters, phone calls, or emails, meetings, site visits, types of mitigations required and closing the case.
3. First Contact with Property Owner- Staff send a letter to the property owner identifying the violation and requiring a return response by a defined date.
4. Meeting with Property Owner- A meeting is held at City offices with the property owner to discuss the violation, how to prevent future violations and corrective measures required to close the case.
5. Mitigation Required - Corrective measures are completed and the property owner sends a letter acknowledging the process and advising that the mitigation is complete.
6. Close case – Staff confirms the mitigation is complete and the case is closed.

### Types of Violations

First offense violations are typically excessive pruning or removal of Chapter 15.24 regulated trees or unpermitted work on City owned trees (Chapter 15.20). The following table identifies the types of enforcement cases opened from 2009 to current date.

	Chapter 15.20	Chapter 15.24	Both 15.20 & 15.24	Total
2009	11	34	3	48
2010	4	19	0	23
2011	5	11	1	17
Total	20	54	4	88

Of the 88 forestry violations opened since 2009, 22% are Chapter 15.20 violations, 73% are Chapter 15.24 violations, and 5% involve a violation of both Chapter 15.20 and Chapter 15.24. Significant alterations in the form of over-pruning or topping make up the majority of all violations. Pruning violations account for 88% of all tree violations since 2009. Other types of violations are unauthorized plantings, (7%) and removals, (5%). All of the cases that are in violation of both Chapter 15.20 and Chapter 15.24 are pruning violations.

### Types of Mitigation

At a meeting held to discuss the case the appropriate mitigation is determined and agreed to by the responsible person. All cases deemed a violation are required to provide an acknowledgement letter by a defined date that includes the minimum:

- Date and time of meeting;
- That they received educational literature related to the violation;
- That they have reviewed and understand the literature;
- Statement that they do not intend to violate the Municipal Code in the future; and
- Name and Contact information of contractor or other responsible party (if applicable).

In addition to the letter, some cases require one or more of the following when appropriate:

- Replacement trees;
- Tree restoration plans, prepared by an ISA certified arborist that must be followed to completion;
- Fines;
- Applications for removal and replacement to the Parks and Recreation Commission or the Architectural Board of Review.

### Staff Resources Required

The time required to process a violation ranges from 6 - 20 staff hours, with an average time of 7 staff hours per case. Cases that require more involvement generally require more mitigation and thus more communication and record keeping. One recent complex case involved two letters, six site inspections, two trees purchased and installed and 15 various other correspondences for a total of 18 staff hours.

### Enforcement Case Status

Eighty-eight cases have been opened since 2009. Since that time Forestry staff has closed 59 cases. There are currently 29 cases pending; 5 pending cases are remaining for 2009, 11 for 2010 and 13 cases for 2011. Of these, 10 have been sent letters and are moving forward.

In an effort to eliminate this backlog, there are three Forestry staff involved in processing these cases. They include the City Arborist, the Street Tree Supervisor, and an hourly Forestry Technician. It is anticipated that the remaining backlog will be eliminated by March 2012.

**ATTACHMENTS:** 1. Chapter 1.25 SBMC  
2. Resolution 09-096

**PREPARED BY:** Tim Downey, Urban Forest Superintendent

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