

***SUPPLEMENTAL HERITAGE TREE PRESERVATION PROGRAM**

DRAFT

- Shall only apply to heritage trees with one stem 30" or larger located in a property fronting a Transportation Priority Network, for a development that has at least a 50% (75%) residential component and provides at least 10% on-site affordable housing. It shall be demonstrated that heritage tree cannot be transplanted because of condition or location and that there are no alternative designs or other variances that applicant could obtain to preserve the tree.
- To qualify heritage tree shall be preserved in compliance with city standards.
- Will include a Restrictive Covenant confirming that the development will have at least a 50% (75%) residential component and provide at least 10% on-site affordable housing.
- In order to preserve the heritage tree staff shall provide the following alternatives, to provide the minimum necessary to preserve the tree, that is to replace the number of units lost if the heritage tree is preserved:
decreased front and back setbacks, increased FAR, increased height
- These additions shall be provided in addition to the bonus or incentives given for affordable housing.
- the city arborist shall determine the minimum necessary to preserve the heritage tree. On a case by case basis, more than ½ CRZ shall be preserved if staff determines this is necessary.
- These additions shall be given at site plan review on a case by case basis.
- Preserving the heritage tree shall be counted as a Community Benefit when meeting the Downtown Density Bonus Program.
(Green Roofs/trading/units/determined by staff)
- Staff shall establish a penalty for removing the heritage tree without a variance.

Division 23-4C-4: Tree Planting Requirements

23-4C-4010 General Provisions

(A) Tree planting required by this division shall be quality nurse stock, site appropriate, emphasize long lived native shade species, diversity, and increase the City's resilience to pest, disease, and climate, and be planted and maintained to ensure tree establishment.

(B) All trees shall be provided with adequate soil volume to promote health and tree lifespan. Rules shall be adopted to fulfill these requirements and further the City's canopy goals in Section 23-4C-1010 (General Provisions).

23-4C-3020 Administrative Modifications

(C) For a property that fronts a corridor designated by Division 23-3A-5 (Growth Concept Map and Transit Priority Network), the director may grant an administrative modification from Section 23-4C-3010 (Removal or Impact Prohibited) to remove or impact a heritage tree that has at least one stem that is 30 inches DBH or larger after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Subsection 23-4C-2040(A) (Protected Trees), and that:

(0) Prior to tree removal file a restrictive covenant meeting criteria for (1) and (2).

(1) At least 50% of the development gross square footage is for residential use;

(2) AT least 10% of the on-site units participate in income-restricted housing;

(3) Transplanting the heritage tree is not feasible due to tree condition or location;

(4) The applicant has applied for and been denied a variance, waiver, exemption, modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 23-3C-3060 (Variance Prerequisite); and

(5) Removing or impacting the heritage tree is not the result of a method chosen by the applicant to develop the property, unless the design will allow for the maximum provision of ecological service, historic, and cultural value of other trees on the site or requirements.

Transit Priority Networks vs Activity corridors?

the goal is affordable housing, why reduced to 50% ?

which trees are included in the yearly 95% preservation rate? all HTs 24" +?

what is preservation rate for HTs over 30"? rate with Admin Variance?

since high density housing is a priority will not all HTs in corridors qualify for prevents reasonable use?

LDC changes from Jan 7, 2020 UFC mtg

23-4C-3040 Land Use Commission Variance

(3) The location of the tree prevents access requirements for public safety. (New)

23-4C-2040 Protected Trees

(A) The city arborist may approve an application to remove or impact a protected tree only after determining that:

(1) prevents reasonable access to the property (removed and not replaced)

(1) The tree poses an extreme risk to life or property; (replaced "tree was an imminent hazard to life or property")

(2) The tree is dead;

(3) The tree is affected by an irreversible condition;

(4) The tree prevents reasonable use of the property; or (removed a reasonable use)