



**Development** CITY OF AUSTIN  
SERVICES DEPARTMENT

*Building a Better and Safer Austin Together*

# **Urban Forestry Committee Meeting March 28, 2024**

**Jim Dymkowski DSD-Community Tree Division**



# Overview

- Heritage tree administrative variance procedures
- Overall tree preservation numbers 2023
- Staff update on drafted tree preservation incentives for HOME code amendments phase 1

Point 1

## **Administering Heritage Tree Variances**

  
(Process matters)

# The Larger the Tree, the Greater the Protection

## Levels of Tree Ordinance Protection



### 8" and larger

- Survey required on commercial site plan submittals



### 19" and larger are Protected Trees

- All species are protected
- Tree permit required for removal or impacts (residential and public)



### 24" and larger may be Heritage Trees

- Only specific species qualify
- Variance required for removal or impacts that exceed code requirements
- Variances can be administrative
- Greater penalties for unpermitted impacts



### 30" and larger Heritage Trees

- Proposed variances must go through public process

# Heritage Trees in Austin

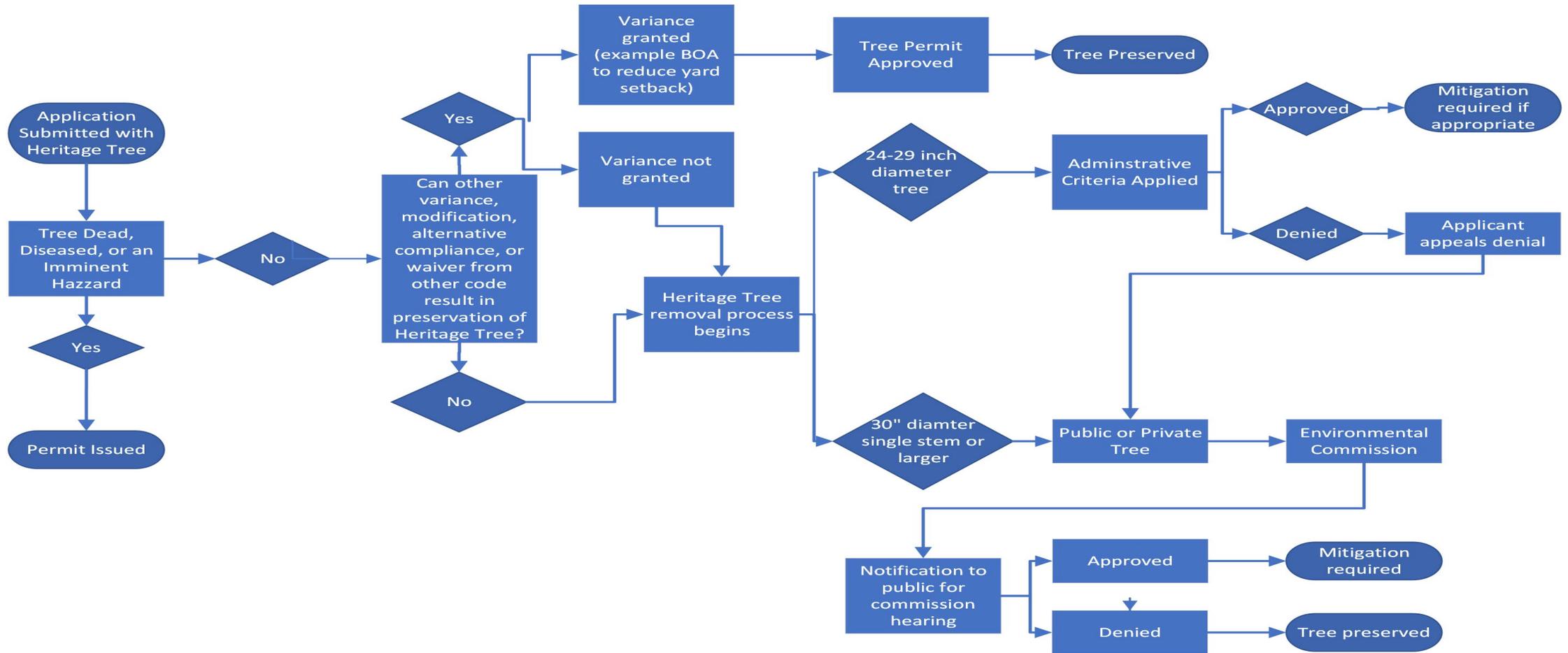
- Is a tree that has a diameter of 24 inches or more, measured four and one-half feet above natural grade, and is one of the following species:
- Texas Ash, Bald Cypress, American elm, Cedar elm, Texas madrone, Bigtooth maple, All oaks, Pecan, Arizona walnut, and Eastern Black walnut
- 25-8-641 – Prohibits removal unless a permit is issued and is only issued if a variance is approved under Section 25-8-642 (Administrative Variance) or 25-8-643 (Land Use Commission Variance).
- The requirements apply to trees on private and public property.
- Without a variance, a damaged heritage tree may be removed that is an imminent hazard to life or property if removed within seven days of being damaged. The director may extend this deadline for widespread and extensive storm damage

# Review Criteria for Protected and Heritage Trees

## Code Criteria for Removal

1. Prevents a reasonable use
2. Prevents reasonable access
3. Dead, diseased, or imminent hazard
4. For a tree located on public property or a public street or easement:(a)prevents the opening of necessary vehicular traffic lanes in a street or alley; or
5. Prevents the construction of utility or drainage facilities that may not feasibly be rerouted.

# Due Process for Administering Heritage Tree Ordinance



# 25-8-642 - ADMINISTRATIVE VARIANCE

- May be granted for any size Heritage Tree if it is determined to be based on the City Arborist's recommendation:
- Dead, diseased, or imminent hazard
- No application fee and no mitigation are required for a variance request under these conditions.

# 25-8-642 - ADMINISTRATIVE VARIANCE

- For a heritage tree that does not have at least one stem that is 30 inches in diameter and only after determining, based on the city arborist's recommendation, that the heritage tree meets the approval criteria for removal
- prevents reasonable use or access to the property
- for a tree located on public property or a public street or easement:(a)prevents the opening of necessary vehicular traffic lanes in a street or alley; or
- prevents the construction of utility or drainage facilities that may not feasibly be rerouted.

Point 2

## **Due Diligence for Variance Review**



(Reveal the real and perceived constraints, protect more trees)

# Requirements to be met

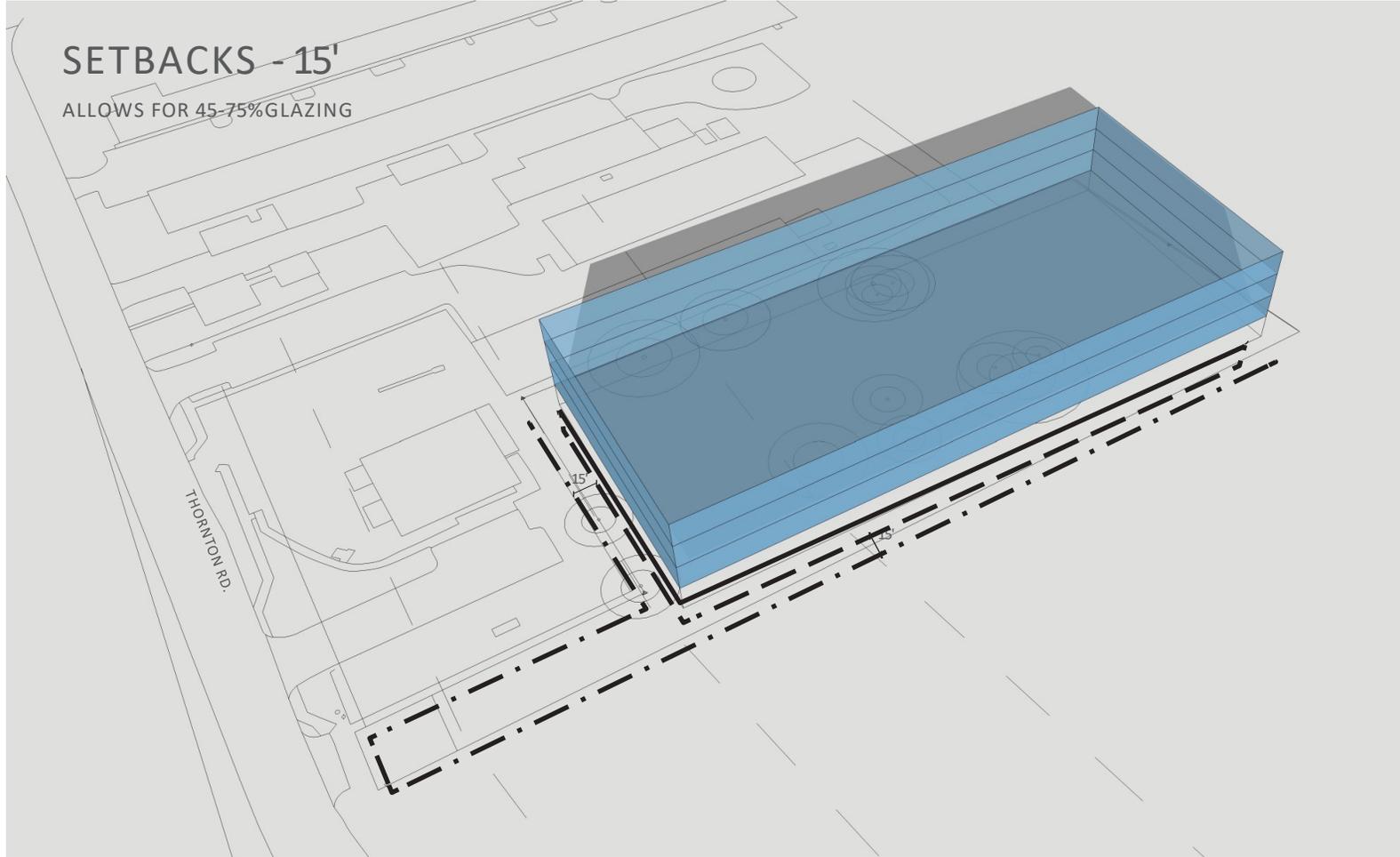
- If available, the applicant has sought and been denied a variance, waiver, exemption, modification, or alternative compliance which would eliminate the need to remove the heritage tree, and
- The heritage tree removal is not based on a condition caused by the method chosen by the applicant to develop the property.
- shall be the minimum change necessary
- shall require mitigation
- may not be issued until the applicant has satisfied the mitigation conditions

- Parking standards.
- Know your Fire Code! It has a big impact on land use and trees.
- Know your driveway alignment options.



# SETBACKS - 15'

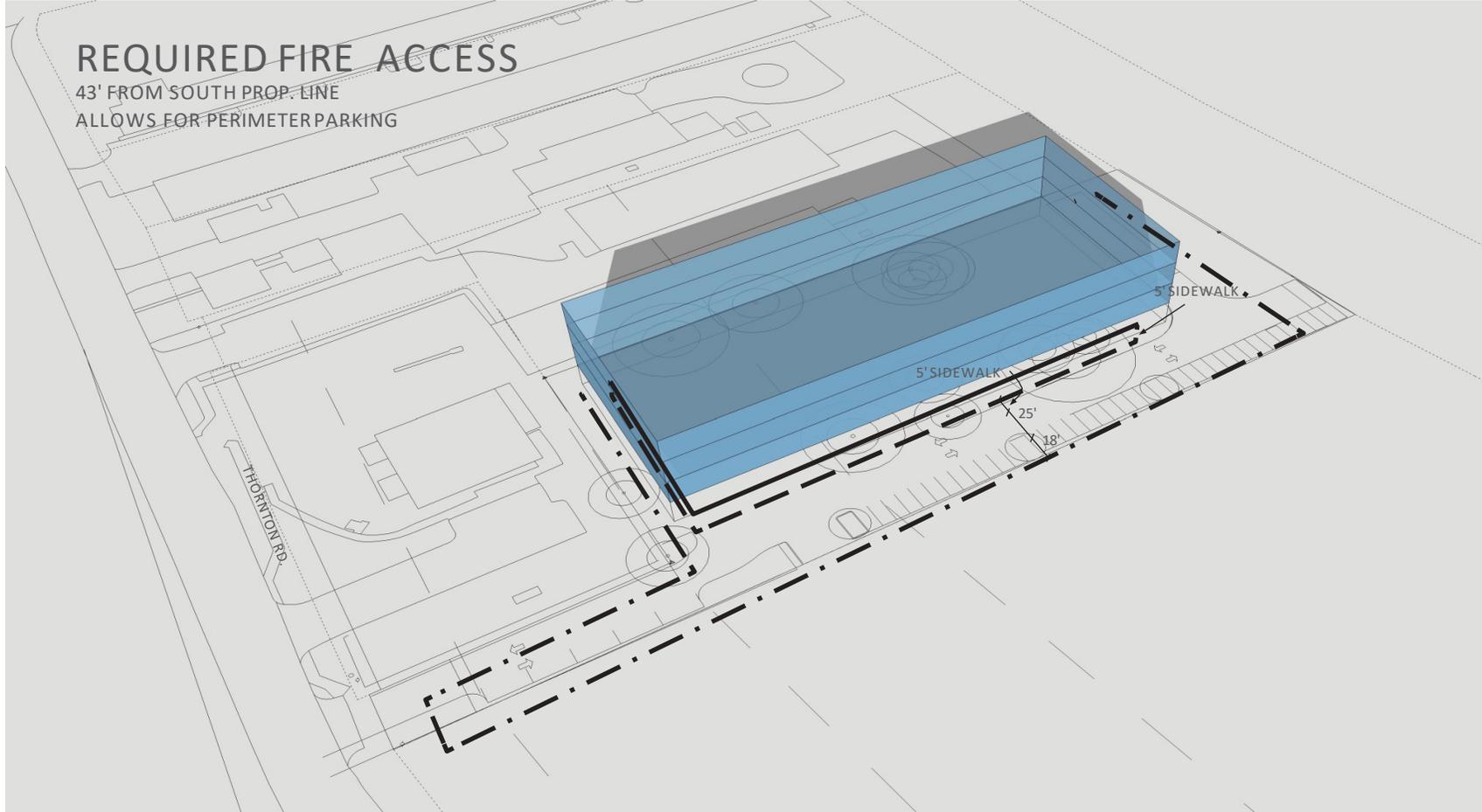
ALLOWS FOR 45-75% GLAZING



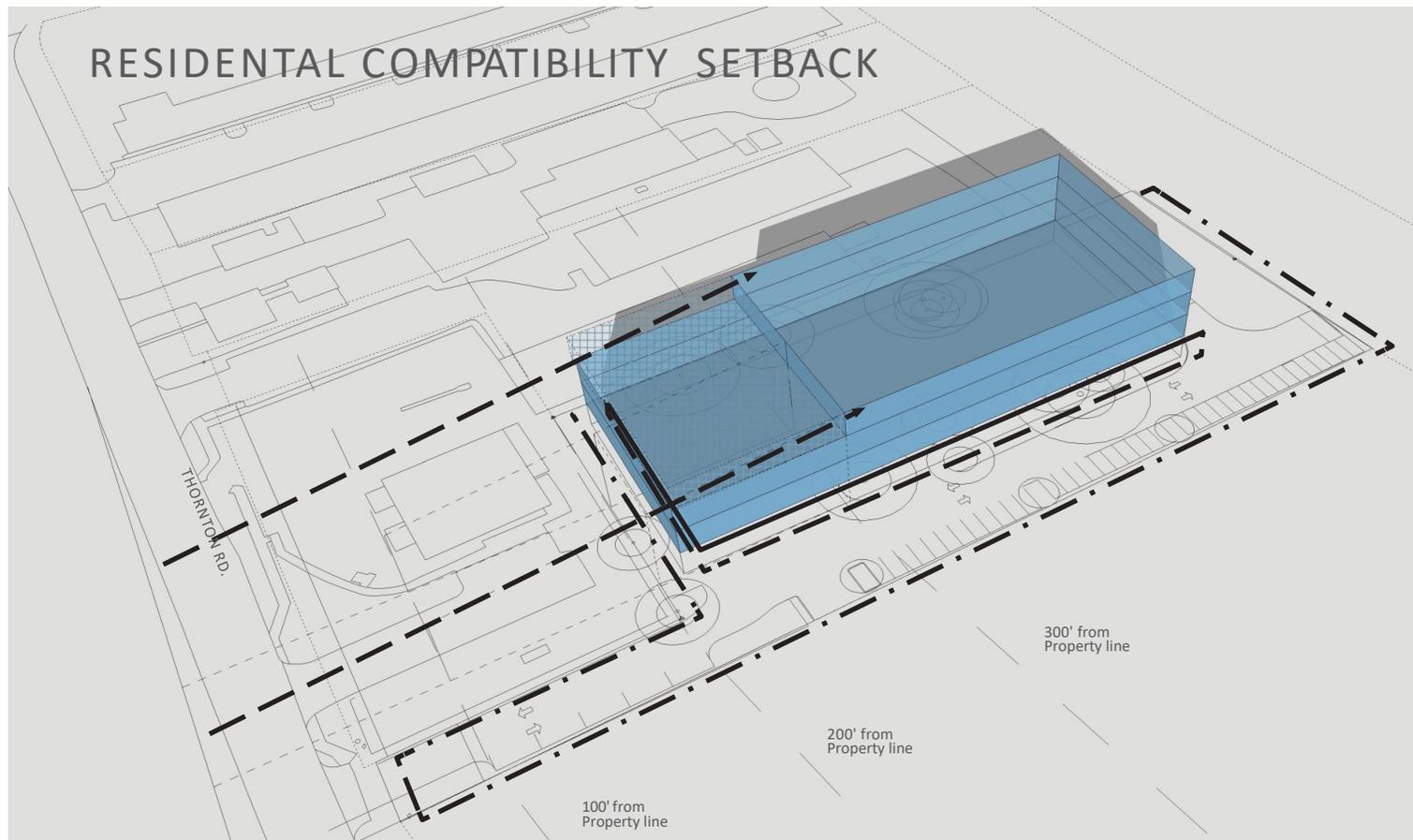
# REQUIRED FIRE ACCESS

43' FROM SOUTH PROP. LINE

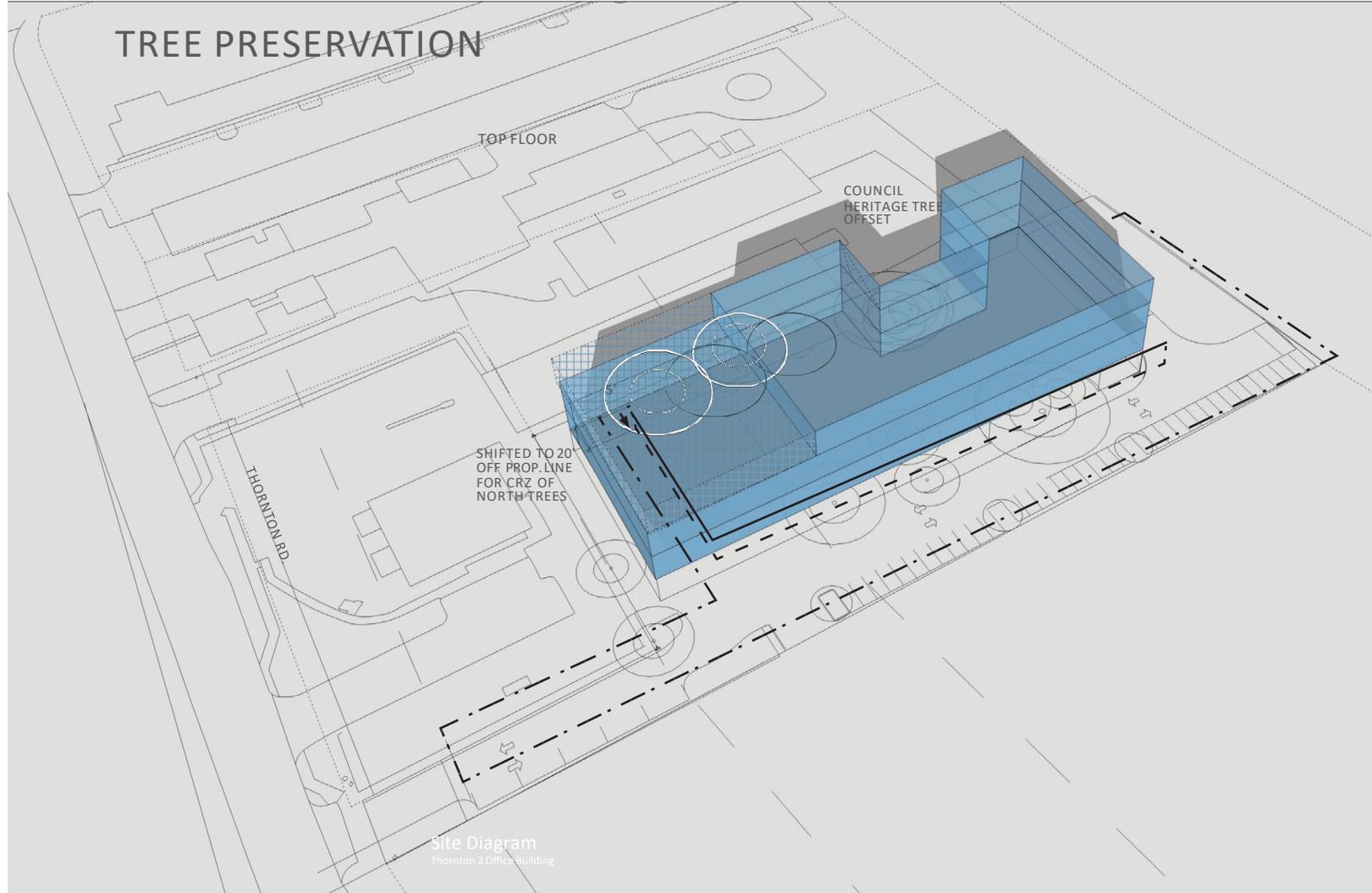
ALLOWS FOR PERIMETER PARKING



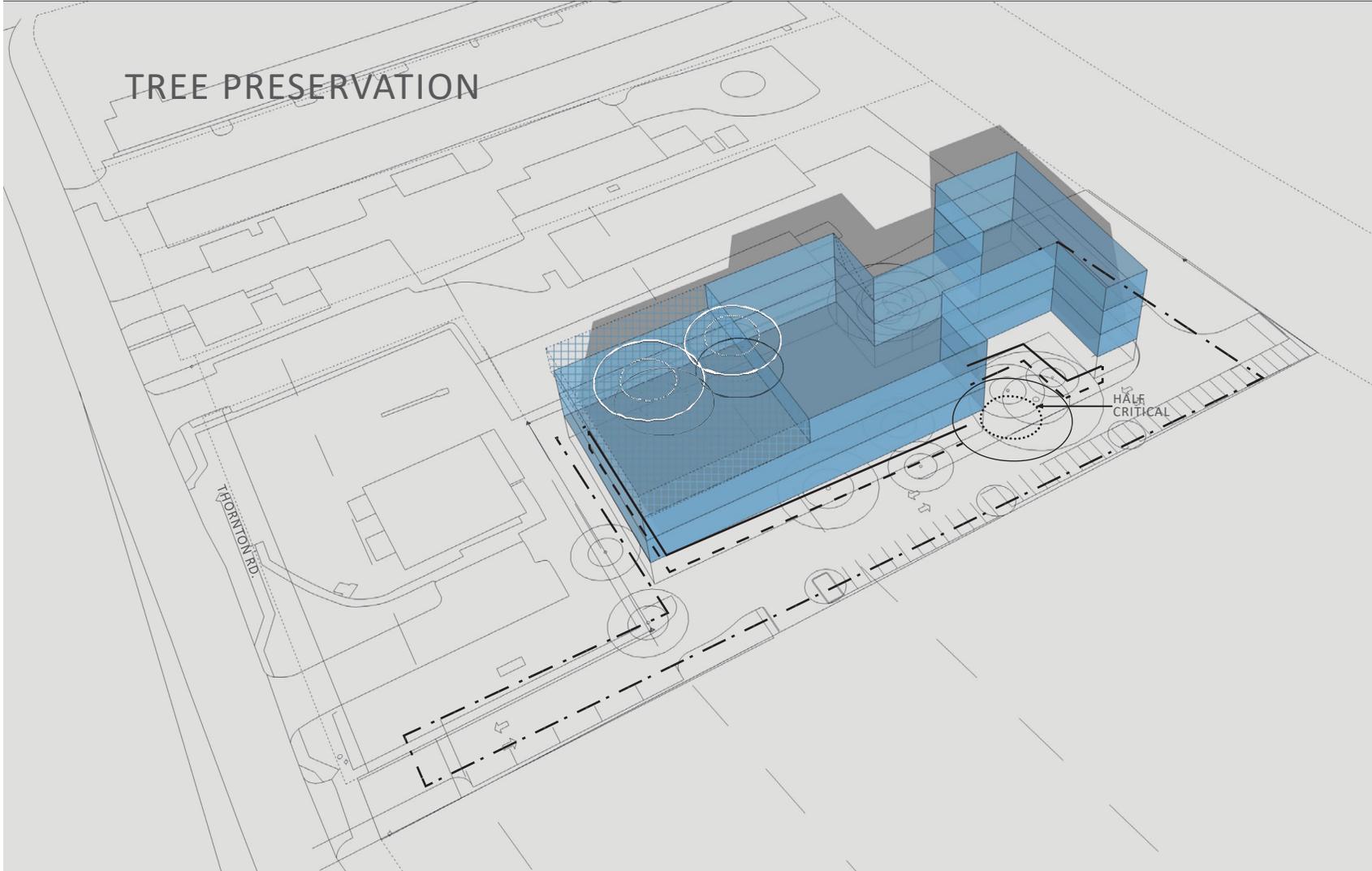
# RESIDENTIAL COMPATIBILITY SETBACK



# TREE PRESERVATION



# TREE PRESERVATION



Point 3

## **Tree Preservation and Replenishment 2023**



# Tree Preservation and Replenishment 2023



## The City Arborist Program

Tree Preservation and Replenishment

## Quarterly Report FY 2023



CATEGORY	METRIC	QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4	TOTAL / AVG%
One & Two-Unit Residential	Inches Preserved	42,746	34,947	34,152	39,186	151,032
	Inches Preserved (%)	95.1%	96.6%	94.7%	95.7%	95.5%
	Inches Replaced	599	197	300	343	1,439
	Inches Replaced (%)	25.3%	16.2%	15.3%	19.3%	19.0%
	Inches Removed	2,364	1,215	1,961	1,778	7,317
Site Plan Development	Native Inches Surveyed	95,137	149,908	50,063	162,840	457,947
	Native Inches Preserved	66,339	129,596	30,765	102,865	329,564
	Native Inches Preserved (%)	69.7%	86.5%	61.5%	63.2%	70.2%
	Native Inches Replaced	791	6,153	2,703	9,481	19,127
	Native Inches Replaced (%)	2.7%	30.3%	14.0%	15.8%	15.7%
	Native Inches Removed	28,798	20,312	19,298	59,975	128,383
	Non-Native Removed	2,969	1,099	1,722	5,753	11,542
Poor Health	Inches Removed	12,219	7,990	11,486	12,536	44,231
	Public Inches Removed	1,872	897	1,614	1,868	6,251
	Private Inches Removed	10,347	7,093	9,872	10,668	37,980

Point 3

## **HOME Initiative – Phase 1**

  
(Additional Direction on Trees)



# **Background for Recommendations**

**HOME Initiative – Phase 1 directed staff to recommend improvements to tree preservation and planting in five areas:**

- 1. Preserve trees and other natural features through alternative equivalent compliance or administrative modifications**
- 2. Explore gaps in tree planting requirements**
- 3. Promote additional tree planting**
- 4. Incentivize the protection non-regulated trees**
- 5. Incentivize the protection of trees in or near setback areas**

# Current Tree Regulations

- All trees with a trunk diameter of 19” or greater are regulated by the City. Regulated trees may not be removed without a permit. They must be protected during construction. Non-regulated trees may be removed at any time and do not need to be protected or otherwise accounted for during construction.
- Replacement trees must be planted when a regulated tree is removed. Replacing or otherwise making up for the removal of regulated trees is called *mitigation*.
- Mitigation is measured in inches, which refers to the trunk diameter of both the tree that was removed and the trees that are planted as replacements. The number of replacement trees depends on the size and species of the tree that was removed.
- Planting is not the only way to provide mitigation for the removal of regulated trees. Mitigation can also be provided by preserving non-regulated trees on a site as if they were regulated. Every inch of non-regulated trees that are preserved are credited as an inch of trees planted.

# Recommendation - Use Mitigation Credits to Preserve Non-regulated Trees

We recommend using mitigation credits to encourage the preservation of non-regulated trees. Trees that are already growing successfully on a site have a higher survival rate and do not require establishment. Currently every inch of preserved non-regulated trees is credited as one inch of planted trees. Our recommendation is to increase this credit so that each inch of non-regulated trees counts as more than an inch of planted trees. Builders who utilize this credit will reduce their tree planting costs.

## *Responsiveness*

This recommendation responds to amendment items 4 and 5.

## *Applicability*

This recommendation applies to all sites using HOME Initiative criteria.

## *Impact to affordability*

This recommendation will not increase the cost of development. It could reduce costs associated with mitigation requirements.

# Recommendation - Use Mitigation Credits to Encourage Species Diversity

We recommend using mitigation credits to encourage species diversity among replacement trees. Species diversity goals are hampered by the limited number of tree species available in nurseries. Tree growers do not introduce new species because they are worried that there will be no demand for the new trees. Our recommendation is that the City create a list of preferred species that will grow well in our area now and in the future, but that are not widely available in nurseries. Trees on this list would be credited as mitigation at a higher rate than the usual inch for inch credit. This would drive demand for these species among builders, which would assure tree growers of a market for the new trees.

## *Responsiveness*

This recommendation responds to amendment item 2 .

## *Applicability*

This recommendation applies to all sites where replacement trees are required as mitigation.

## *Impact to affordability*

This recommendation will not increase the cost of development. It could reduce costs associated with mitigation requirements.

# Recommendation – Create Consistency in Tree Planting Requirements

We recommend updating Code language to ensure that planting requirements are consistent across all single-family projects. Currently residential construction projects in new subdivisions are required to plant trees if there are not regulated trees preserved on the site. However, this requirement does not apply to residential construction in older subdivisions. We recommend changes so that this requirement is consistent in all subdivisions regardless of their age.

## *Responsiveness*

This recommendation responds to amendment items 2 and 3.

## *Applicability*

This recommendation applies to all single-family residential construction.

## *Impact to affordability*

This recommendation would result in a modest increase to development costs on sites where planting is not currently required.



# Remaining Recommendations

**Item 1 directed staff to make recommendations to preserve trees and other natural features through alternative equivalent compliance or administrative modifications. After discussion staff has not identified additional opportunities for tree or natural area preservation using these methods. Existing Code requires applicants to pursue these options before removal of a Heritage tree can be approved. Extending these requirements to all regulated trees would likely extend review timelines and increase development costs with minimal benefit to the urban forest.**



**Questions?**



**Thank you!**

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