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Heritage Tree Variance Package

The following variance package is organized as follows:

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ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING

DATE REQUESTED: August 17, 2011

PROJECT NAME: Block at 26th Street

**ADDRESS
OF PROPERTY:** 900 West 26th Street

SITE PLAN: SP-2011-0032C.SH

NAME OF APPLICANT: Lynn Ann Carley, P.E.
Senior Land Development Consultant
Armbrust & Brown, PLLC

**CITY ARBORIST
STAFF:** Keith Mars, 974-2755
keith.mars@ci.austin.tx.us

ORDINANCE: Heritage Tree Ordinance

REQUEST: The applicant is requesting to remove a heritage tree with a stem greater than 30 inches as allowed under LDC 25-8-643

**STAFF
RECOMMENDATION:** The request does not meet City Arborist approval criteria set forth in LDC 25-8-624(A)



MEMORANDUM

TO: Dr. Mary Gay Maxwell, Chairperson
Members of the Environmental Board

FROM: Keith Mars, City Arborist Program
Planning and Development Review

DATE: August 17, 2011

SUBJECT: Block at 26th Street
SP-2011-0032C.SH

REQUEST: The applicant is requesting to remove a heritage tree with a stem greater than 30 inches as allowed under LDC 25-8-643

Area Description

The subject property is a 0.947 acre tract located at 900 West 26th Street (Exhibit 1). The land use is commercial/multi-family and the property is located in the University Neighborhood Overlay (UNO). The property is located in the Shoal Creek Watershed and is subject to urban watershed regulations.

Tree Evaluation

The subject tree is a 30.5 inch diameter at breast height (dbh) Pecan (*Carya illinoensis*). The tree height is 63 feet and the canopy spread is 55 feet (Exhibit 2). The trunk bifurcates into two co-dominate stems at eight feet above grade (Exhibit 3). Storm damage is evident by the presence of broken stems, though no noticeable decay or structural weaknesses are present (Exhibit 4). Minor pruning has occurred for utility clearing and likely from storm damage. There is minor deadwood and tip dieback in the crown though this is not uncommon in *Carya illinoensis* (Exhibit 5). This condition is likely exacerbated by poor soil and extensive compaction in the critical root zone (Exhibit 6). Given the aforementioned conditions, the subject tree is rated 'good' per the City Arborist tree evaluation (Exhibit 7).

Mitigation

Opportunities to mitigate onsite are not available. The site is fully planted in order to satisfy UNO requirements. Possible mitigation opportunities include: (1) mitigation monies into the Urban Forest Replenishment Fund at 300 percent mitigation (\$6,862.50); (2) \$6,862.50 worth of tree care provided to public property trees in the Shoal Creek Watershed; or possibly (3) 90.5 inches of native trees planted on public property in the

Shoal Creek Watershed. Transplanting the subject tree is unlikely to be successful for three reasons: (1) the extent of impervious cover around the subject tree limits the root mass able to be excavated, (2) onsite transplanting is not possible, and (3) offsite relocation is limited by overhead utility lines and road width that present barriers to mobilization of the tree.

Variance Request

The variance request is to allow removal of a heritage tree with one stem greater than 30 inches as allowed under LDC 25-8-643.

Recommendations

The variance request does not meet approval criteria for the City Arborist per LDC 25-8-624(A). If the Board recommends approval of the variance, staff recommends the following conditions.


- 300 percent mitigation.
- Applicant is to work with the Parks and Recreation Department to develop a tree care and/or tree planting program on public property within Shoal Creek Watershed.
- Tree care is provided by a certified arborist for the existing rights-of-way trees to remain onsite. Existing planter beds should also be expanded and soil conditions improved.

If you need further details, please contact me at 974-2755 or keith.mars@ci.austin.tx.us.

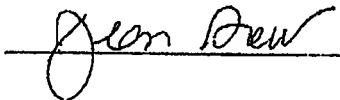


Keith Mars, City Arborist Program
Planning and Development Review

City Arborist:
Michael Embesi



Acting Environmental Officer:
Jean Drew





Planning and Development Review Department
Staff Recommendations Concerning Heritage Tree Variances

Application Address 900 W 26th Street
Size and Species of Tree(s): 30.5" dbh Pecan (*Carya illinoensis*)
Reason for Request: The applicant is requesting to remove a heritage tree with a
 stem greater than 30 inches as allowed under LDC 25-8-643

Section 1 – Approval Criteria

- 1) The requirement for which a variance is requested prevents a reasonable access to the property.
No.
- 2) The requirement for which a variance is requested prevents a reasonable use of the property.
No.
- 3) The tree presents an imminent hazard to life or property and the hazard cannot be reasonably mitigated without removing the tree.
No.
- 4) Is the tree dead?
No.
- 5) Is the tree diseased? If so, is restoration to a sound condition practicable or can the disease be transmitted?
No.
- 6) For a tree located on public property or a public street or easement, the requirement for which a variance is requested prevents:
 - a) the opening of necessary vehicular traffic lanes in a street or ally, or
 - b) the construction of utility or drainage facilities that may not feasibly be rerouted.NA.
- 7) 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 25-8-646 (*Variance Prerequisite*).
No.
- 8) Removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service and historic and cultural value from the trees preserved on the site.
No.

Do any of these criteria apply? Yes/No[state which # applies]

No. Therefore, staff cannot meet findings of fact to recommend approval of the variance request.

Reviewer Name: Keith Mars, City Arborist Program

Reviewer Signature:

Keith Mars

Date:

5/19/11

ARMBRUST & BROWN, PLLC

ATTORNEYS AND COUNSELORS

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May 16, 2011

VIA HAND DELIVERY

Keith Mars
City Arborist Program
City of Austin
505 Barton Springs Road, 4th Floor
Austin, TX 78704

Re: Block at 26th Street (SP-2011-0032C.SH) – Tree Variance Request

Dear Mr. Mars:

The following information is being provided in regards to tree no. 1893 on the attached site plan sheet for the Block at 26th Street project. Removal of the 30 inch pecan is being requested. We hereby ask that the variance request be placed on the June 1, 2011 Environmental Board agenda and the June 14, 2011 Planning Commission agenda.

The site plan for this project proposes removal of tree no. 1893 for several reasons, as listed below:

1. The proposed driveway on West 26th Street aligns with Pearl Street, as shown on the attached site plan sheet 3. According to Section 5.3.1.K of the Transportation Criteria Manual, "[a]ll Type II and III driveways on undivided collector streets shall be designed to align with opposing streets or driveways or be offset by a minimum of 80 feet (measured from edge to edge)." Alignment of the driveway with Pearl Street is the optimal multi-modal configuration, since pedestrians, bicyclists, and vehicles would expect a four way approach and are used to handling that traffic situation. Offset driveways create an additional location for pedestrian, bicyclist, and vehicular conflict.
2. The proposed driveway on West 26th Street is in the same location as the existing driveway. Therefore, the critical root zone is already impacted by the existing driveway and sidewalk.
3. This site is located within the university neighborhood overlay. According to Section 25-2-178 of the Land Development Code (LDC), the "purpose of the university neighborhood overlay (UNO) district is to promote high density redevelopment in the

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area generally west of the University of Texas campus, provide a mechanism for the creation of a densely populated but livable and pedestrian friendly environment, and protect the character of the predominantly single-family residential neighborhoods adjacent to the district." Removal of tree no. 1893 allows densification of the site, which meets the purpose of the UNO district and limits the student housing pressures on other central Austin neighborhoods.

4. A site plan for this project was previously submitted in 2007 and was withdrawn due to the economic downturn. The previous site plan (SP-2007-0724C.SH) had contemplated removal of tree no. 1893 for the same reasons as listed above: transportation concerns and redevelopment in accordance with the UNO district. It was our understanding that City staff had agreed on removal of the tree at that time. Although there have been revisions to the City's tree ordinance since that time which now requires approval for the removal of heritage trees, the transportation concerns and desire to comply with the UNO district have not changed.
5. Overall, approximately 90 caliper inches of trees will be removed onsite. However, approximately 100 caliper inches of trees are proposed to be planted as part of the streetscape within the ROW, as shown on attached site plan sheets 3 and 7. Location of the newly planted trees within the streetscape will place more appropriate types of urban trees in the area.
6. Tree no. 1893 is located within close proximity to existing overhead utility lines, which can create an ongoing public safety and maintenance concern. Urban trees should be certain varieties and located so that they do not interfere with utilities.

If you have any questions or need additional information, please do not hesitate to contact me at 512-435-2378 or Richard T. Suttle, Jr. at 512-435-2300.

Sincerely,



Lynn Ann Carley, P.E.
Senior Land Development Consultant

Enclosures

cc: Greg Miller
June Routh
Michael McHone
Richard T. Suttle, Jr.



Shoat

Block at 26th Street
SP-2011-0032C.SH

26th

Pearl

Poplar

San Pedro

San Pedro

505 Barton Springs Road, Austin, TX to 900 W 26th St, Austin, TX ...

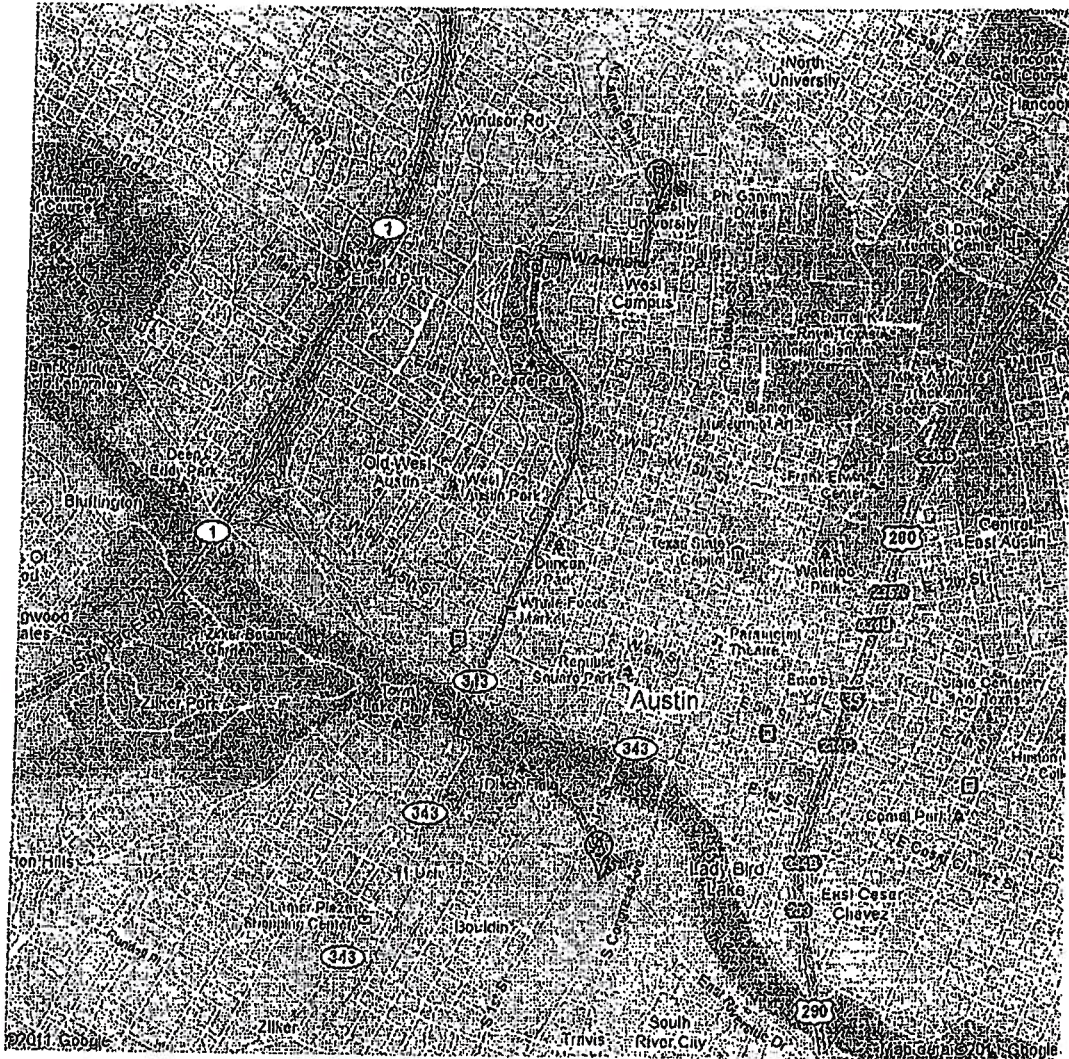
http://maps.google.com/maps?f=d&source=s_d&saddr=505+Barton+...

Google maps

Directions to 900 W 26th St, Austin, TX 78705
3.2 mi – about 11 mins

Save trees. Go green!

Download Google Maps on your
phone at google.com/gmm





505 Barton Springs Road, Austin, TX

1. Head northeast on Haywood Ave toward W Riverside Dr
go 384 ft
total 384 ft
2. Turn left onto W Riverside Dr
About 3 mins
go 0.7 mi
total 0.8 mi
3. Turn right onto S Lamar Blvd
About 6 mins
go 1.8 mi
total 2.6 mi
4. Turn right onto W 24th St
About 1 min
go 0.4 mi
total 2.9 mi
5. Turn left onto Pearl St
About 1 min
go 0.2 mi
total 3.1 mi
6. Turn right onto W 26th St
Destination will be on the left
go 0.1 mi
total 3.2 mi



900 W 26th St, Austin, TX 78705

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2011 Google

Directions weren't right? Please find your route on maps.google.com and click "Report a problem" at the bottom left.



Exhibit #2



Exhibit #3



Exhibit #4



Exhibit #5



Exhibit #6



Exhibit 7

TREE EVALUATION

Property address: 900 W. 26th StreetDate: 5/16/2011Evaluator: Keith MarsSIGNATURE: Keith MarsISA/ASCA Certification #: TX-3677A

1. TREE CHARACTERISTICS

DBH of each trunk: 30.5" Common & Latin name: Pecan (Carya illinoensis)
Location: Private / Public Estimated height & canopy spread (ft): 62' 55'
Age class: young / mature / over-mature / dead (if dead, there is no need to fill out section 2)
Deadwood: 0% 0-10% 10-25% 25-50% >50%
Form: generally symmetrical / minor asymmetry / major asymmetry / stump sprout
Pruning history: crown cleaned / excessively thinned / topped / crown raised
pollarded / crown reduced / utility clearance / storm damage cleaning / none
Crown class: dominant / co-dominant / intermediate / suppressed

2. TREE HEALTH

Foliage color: normal / chlorotic / necrotic Epicormics: Y / N
Foliage density: normal / sparse Leaf size: normal / abnormal
Annual shoot growth: 2 inches Twig dieback: Y / N
Callus development: Y / N If so, is callusing: excellent / average / fair / poor
Vigor class: excellent / average / fair / poor
Major pests/diseases: None apparent, however, possible ant damage.

3. SITE CONDITIONS

Site character: residence / commercial / industrial / park / open space / natural (other (see below))
Landscape type: parkway / raised bed / container / open / other (see below)
Irrigation: none / adequate / inadequate / excessive / trunk wetted
Dripline paved: 0% 10-25% 25-50% 50-75% 75-100%
Dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
Dripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
Dripline grade raised: 0% 10-25% 25-50% 50-75% 75-100%
Soil problems: drainage / shallow / compacted / small volume / other (see below)
Obstructions: lights / signage / line of sight / view / overhead lines / traffic / other (see below)
Wind (tree position): single tree / below canopy / above canopy / recently exposed / canopy edge
Other: abandoned lot

4. TREE DEFECTS - IDENTIFY ALL AREAS AND SEVERITY THAT APPLY TO EACH DEFECT

DEFECT TYPE	DEFECT AREA	DEFECT SEVERITY	NOTES	LEGEND
Poor taper				<p>AREA</p> <p>T - Trunk(s) R - Root Flare L - Lateral Roots S - Scaffolds B - Branches</p> <p>SEVERITY</p> <p>S - Severe M - Moderate L - Low</p>
Multiple attachments	S	L		
Excessive end weight				
Hangers				
Wounds	B	L	stem damage	
Cavity				
Bleeding				
Nesting hole/bee hive				
Borers/termites/ants				
Previous failure				

7. OTHER FEATURES

Lean: 0 degrees from vertical natural or unnatural Soil heaving: Y N
 Decay in plane of lean: Y N Roots exposed: Y N Soil cracking: Y N
 Lean severity: S / M / L Compounding factors: _____
 Suspect root rot: Y N Mushroom/conk present: Y N ID: _____
 Exposed roots: S / M / L Undermined: S / M / L
 Root pruned: _____ feet from trunk Root area affected: _____ % Buttress wounded: Y N
 Restricted root area: S M / L Potential for root failure: S M / L

6. TARGET AND ABATEMENT

Use under tree: _____ building / parking / traffic / pedestrian / recreation / landscape / hardscape
 Occupancy: occasional use / medium, intermittent use / frequent use Can target be moved: Y N

RISK ABATEMENT

Action: prune / remove / other _____ Comments: _____

7. COMMENTS OR OTHER RISK FACTORS

Condition Definitions

Excellent: The tree is nearly perfect in condition, vigor, and form. This rarely used category is generally applicable to small trees or shrubs that have been recently transplanted and are well established. It also applies to large trees that have established themselves successfully in the landscape.

Very Good: Overall, the tree is healthy and satisfactory in condition, vigor, and form. The tree has no major structural problems, no mechanical damage, and may only have insignificant aesthetic, insect, disease, or structure problems.

Good: The tree has no major structural problems, no significant mechanical damage, may have only minor aesthetic insect, disease, or structure problems, yet is in good health.

Fair: The tree may exhibit the following characteristics: minor structural problems and/or mechanical damage, significant damage from non-fatal or disfiguring diseases, minor crown imbalance or thin crown, or stunted growth compared to adjacent trees or shrubs. This condition can also include trees that have been topped, but show reasonable vitality and show no obvious signs of decay.

Poor : The tree appears unhealthy and may have structural defects such as codominant stems, severe included bark, or severe trunk and/or limb decay. A tree in this category may also have severe mechanical damage, crown dieback, or poor vigor threatening its ability to thrive. Trees in poor condition may respond to appropriate maintenance procedures, although these procedures may be cost prohibitive to undertake.

Critical: The tree has a major structural problem that presents an unacceptable risk, has very little vigor, and/or has an insect or disease problem that is fatal and, if not corrected, may threaten other trees on the property.

Dead: This category refers to dead trees only.