

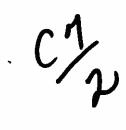


<u>Table of Contents for 2818 Rio Grande Tree Permit</u> <u>Heritage Tree Variance Package</u>

The variance package is organized as follows:

- 1. Cover Sheet
- 2. Staff Memorandum
- 3. Staff Findings of Fact
- 4. Exhibits
- 5. Applicant Memorandum and Documentation





ITEM FOR PLANNING COMMISSION AGENDA

BOARD MEETING

DATE REQUESTED:

March 12, 2013

PROJECT NAME:

2818 Rio Grande

ADDRESS

OF PROPERTY:

2818 Rio Grande

TREE PERMIT #:

10827869

NAME OF APPLICANT:

Mike McHone

1904 Guadalupe St. Austin, TX 78713 512-481-9111

CITY ARBORIST

STAFF:

Keith Mars, 974-2755

keith.mars@austintexas.gov

ORDINANCE:

Heritage Tree Ordinance (LDC 25-8-641)

REQUEST:

The applicant is requesting to remove a heritage tree with a stem

greater than 30" in diameter.

STAFF

RECOMMENDATION:

The request to remove the 30" Pecan meets the City Arborist approval criteria set forth in LDC 25-8-624(A). Variance is

recommended.





MEMORANDUM

TO:

Dave Anderson, Chair

Members of the Planning Commission

FROM:

Keith Mars, City Arborist Program

Planning and Development Review

DATE:

March 12, 2013

SUBJECT:

2818 Rio Grande

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 comprised of two lots located at 2818 Rio Grande (Exhibit 1). The zoning is MF-4 and is adjacent to, but not in, the University Neighborhood Overlay District (UNO) (Exhibit 2). The zoning allows for 60 feet building height, .75:1 FAR. and 70% impervious cover. The desired use is an apartment building. The property is located in the Shoal Creek Watershed and is subject to urban watershed regulations.

Tree Evaluation

Measurements

The subject tree is a 30.0 inch diameter at breast height (dbh) Pecan (Carya illinoensis). The tree height is 53 feet and the canopy spread is 42 feet (Exhibit 3). The tree has a 45 degree lean from vertical with no evidence of root decay or soil heaving (Exhibit 4).

Canopy Conditions

The canopy has major asymmetry, extensive storm damage, and moderate decay. Storm damage is evident by the presence of multiple broken stems and subsequent decay (Exhibits 5,6,7 and 8).

Trunk

30 inch diameter trunk with a 45 degree lean to the northeast.

Root System

Critical root zone conditions are characterized by compacted turf grass and bare soil, base material serving as a parking lot, and a housing structure (Exhibit 9). Root flare is present with no signs of wounding or decay.

Overall Condition

There are considerable structural defects, but the hazard is not likely imminent since there is no evidence of root decay or soil heaving; however, the subject tree is certainly predisposed to failure simply due to the tree structure and biomechanics of staying upright. The biological and physiological functions of the tree appear sound. However, the structural condition is of concern for the aforementioned statements. The City Arborist Tree Evaluation provides additional details (Exhibit 10).

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.

Recommendation

Though not an imminent hazard, the subject tree should not be preserved due to the aforementioned structural conditions. Further, it is not reasonable to incorporate the tree into the design given the predisposition to failure, particularly in the event of root loss due to construction activities that will affect the roots opposite the plane of tree lean. The variance request meets approval criteria for the City Arborist per LDC 25-8-624(A) (1).

Mitigation

Opportunities to mitigate onsite are not available. Possible mitigation opportunities include: (1) mitigation monies into the Urban Forest Replenishment Fund at 150 percent mitigation (\$9,000), (2) 45.0 inches of native trees planted on public property in the Shoal Creek Watershed, or (3) \$9,000 worth of tree care for public trees in the Shoal Creek Watershed. Transplanting the subject tree is not recommended due to the lean, distribution of weight from the asymmetrical canopy and storm damaged canopy.

If you need further details, please contact me at 974-2755 or keith.mars@austintexas.gov.

Keith Mars, Environmental Program Coordinator

Planning and Development Review Department

Michael Embesi, City Arborist

Planning and Development Review Department

dorge Adams, Assistant Director

anning and Development Review Department





City Arborist Planning and Development Review Department

Staff Recommendations Concerning Heritage Tree Variances

Application Address: 2818 Rio Grande

Size and Species of Tree(s): 30.0" 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. Yes. It is unreasonable to preserve this tree in a forthcoming development due to the structural defects. Further, the tree should not be incorporated into the design since loss of counterbalancing roots (opposite the plane of the lean) would increase the likelihood of tree failure.
- 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 by 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.

Name:

Keith Mars, Environmental Program Coordinator

City Arborist Program

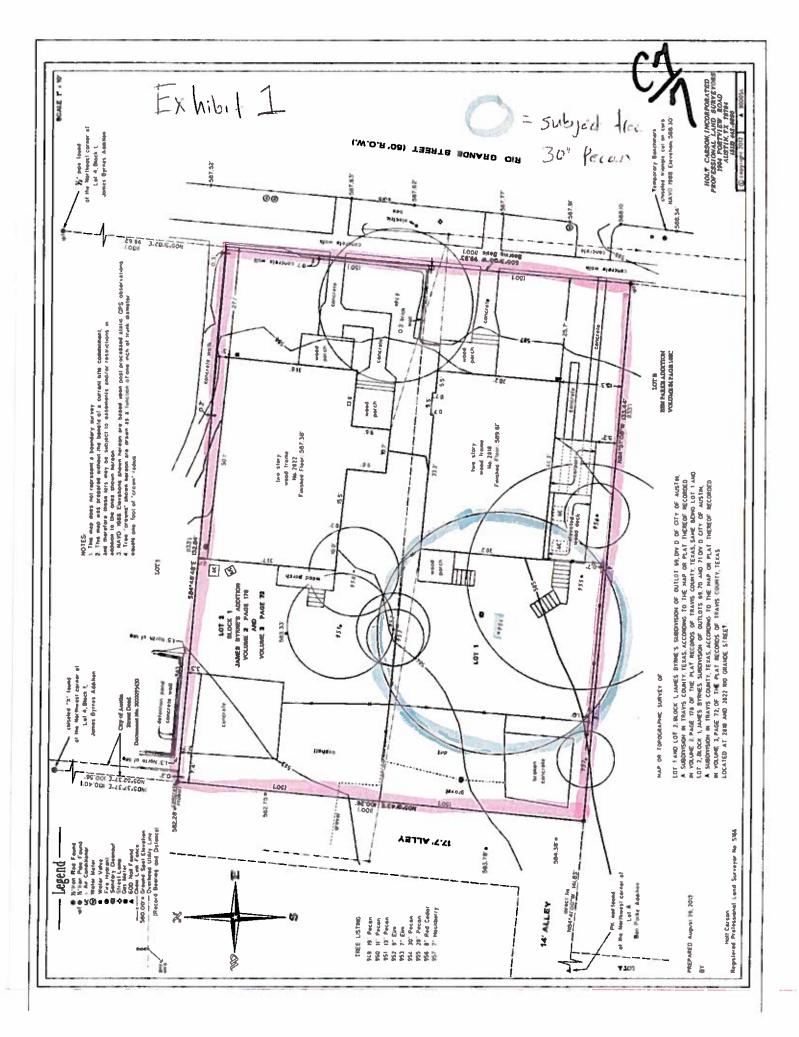
Planning and Development Review Department

Signature:

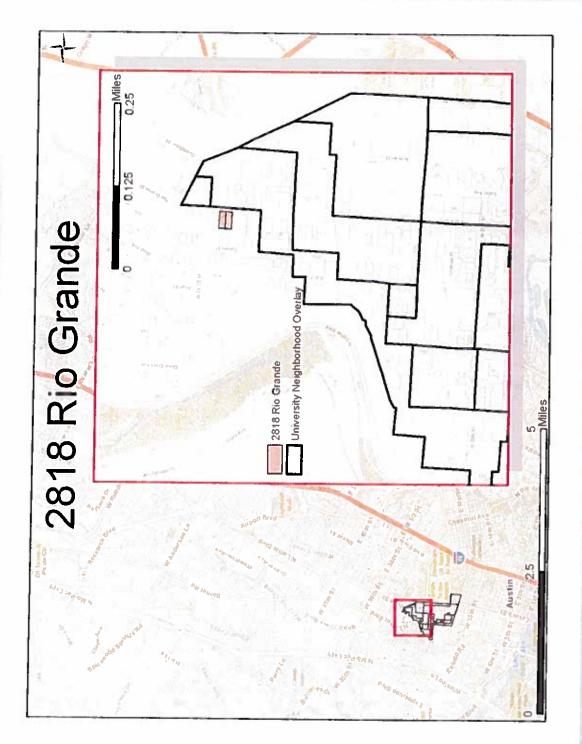
Kuth Mm

Date:

2/22/2013









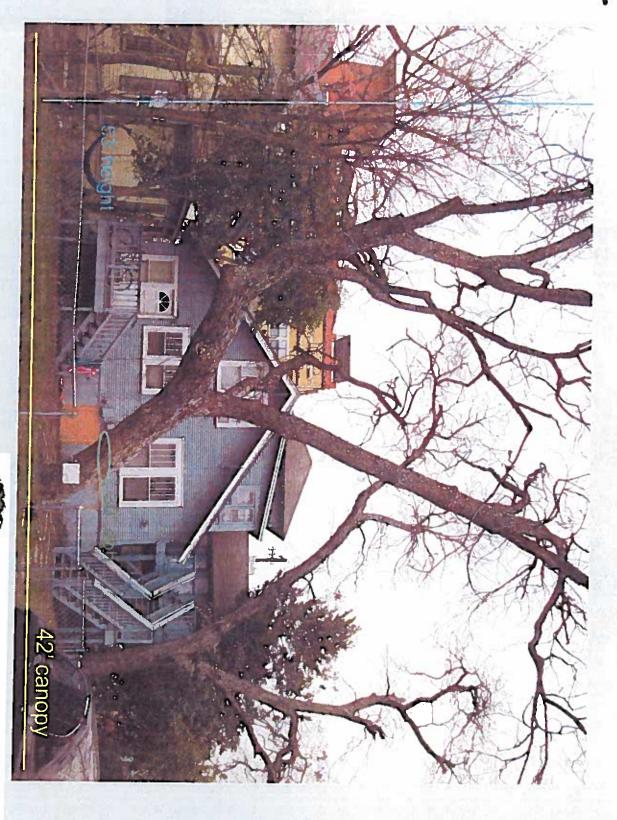


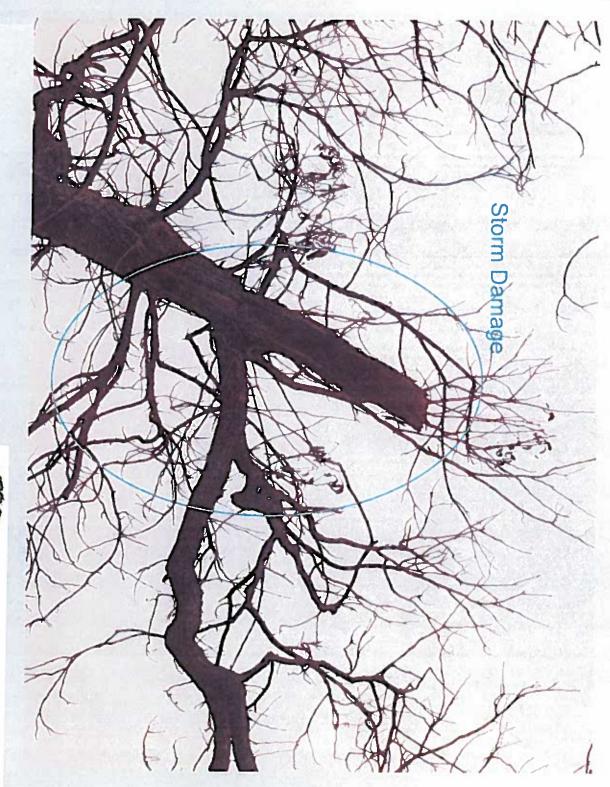








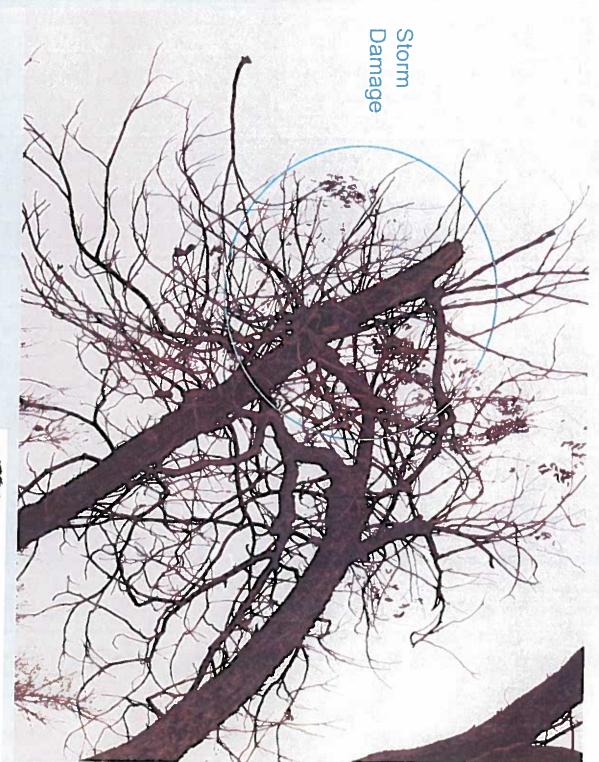
Exhibit 5



The City Arborist Program

Tree Preservation and Replanishment

Exhibit 6



The City Arborist Program

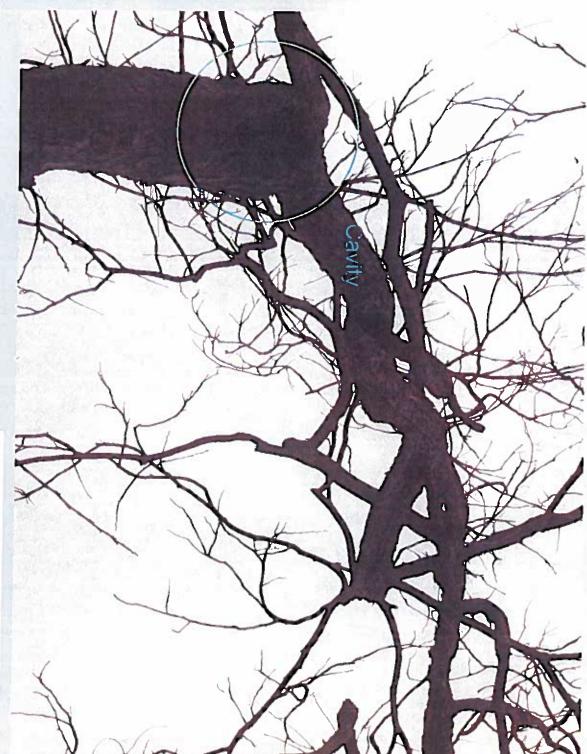
Tree Preservation and Replenishment





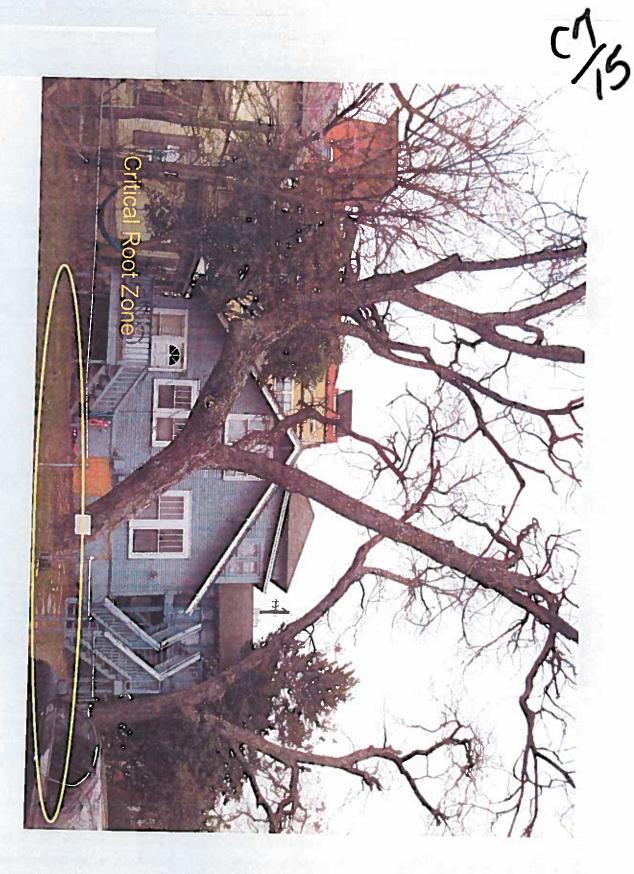


Exhibit 8





The City Arborist Program







TREE EVALUATION



Property address:
Date: 2/20/13
Evaluator: Keine Mass
SIGNATURE: Ruh Than
ISA/ASCA Certification #: TX-3677 AM
·
1. Tree Characteristics
DBH of each trunk: 30,0 Common & Latin name: /ecan Carre illegances
DBH of each trunk: 30,0 Common & Latin name: Pecan Caryo Milao englis Location: Private / Public Estimated height & canopy spread (ft): 53' 42' Age class: Young / mature / 6ver mature / dead (if dead them is a latin of the caryon)
a Journ / muturo / wyor-marines/ near 11 near 10 no need to till out coction 2)
Deadwood: 0% 0-10% 10-25% 25-50% >50% (1-0K-1-0)
Form: generally symmetric / minor asymmetry / major asymmetry / stump sprout
Pruning history: crown cleaned / excessively thinned / topped / crown raised
pollarded / crown reduced / utility clearance / storm damage cleaning / 600
Crown class: dominant / co-dominant / intermediate / suppressed.
Dapprosou.
2. TREE HEALTH Foliage color: normal / chlorotic / necrotic Foliage density: normal / sparse Annual shoot growth:inches Callus development(Y)/N
1 SITE COMPUTATIONS
3. SITE CONDITIONS
Site character: residence / commercial / industrial / park / open space / natural / other (see below)
Bandscape type. parkway / raised bed / container / open / other (see below)
rrigation: none / adequate / inadequate / excessive / trunk wetted
Deinting and 631 and 1
Dripline w/ fill soil: 0% 10-25% 25-50% 50-75% 75-100%
Oripline grade lowered: 0% 10-25% 25-50% 50-75% 75-100%
Pripline grade raised: 0% 10-25% 25-50% 50-75% 75-100%
oil problems: drainage / shallow / compacted / small volume / other (see below)
oil problems: drainage / shallow / compacted / small volume / other (see below) Obstructions: lights / signage / line of sight / view / overhead lines / traffic / other (see below)

Poor taper	DEFECT AREA	DEFECT SEVERITY	NOTES	LEGEND	
I OOI tapei	5,8	11,5	Storn dance has accested		
Codominants/forks	10 10 10 10 10 10 10 10 10 10 10 10 10 1	The Sales of the Sales	conopy development	1	
Multiple attachments				AREA	
Included bark	生物基础的改造	120 111071	ESTIMATE AND	T – Trunk(s) R – Root Flare	
Excessive end weight				L - Lateral Roots	
Cracks/splits	B	LM	2005 V-070 Specific Programmer Act - 2007 From 19	S - Scaffolds	
Hangers	Partie Deliver Control	The Section of the Se		B - Branches	
Girdling	Para de la compansión de	SATELON SAMERE		SEVERITY	
Wounds	T. 5, B	M. 5	extensive stoom dange	S - Severe	
Decay	+60	AA	likely result of from storm denye	M - Moderate	
Cavity	150	M	THEY KEN THE TON THE GOLD	L – Low	
Conks/Mushrooms		STATE OF THE PARTY OF THE PARTY.			
Bleeding			The state of the s		
Loose/cracked bark		14231403 (840)	CONTRACTOR AND AND AND ARREST OF THE		
Nesting hole/bee hive					
Deadwood/stubs	B,	5	every stempled his storm done	ı	
Borers/termites/ants				j	
Cankers/galls	2000年前	(ACT 19) (ACC)			
Previous failure					
	0				
7. OTHER FEATURES Lean: 45° degrees Decay in plane of le Lean severity: S /(Suspect root rot: Y Exposed roots: S / Root pruned:fe	s from vertice (an: Y / N) M / L / N M / L M / L et from trunk	Roots expo Compound Mushroom Undermind Root area	unnatural Soil heaving: Y / Soil cracking: Y / Soil	/(N)	
7. OTHER FEATURE: Lean: 45" degree: Decay in plane of le Lean severity: S /(Suspect root rot: Y Exposed roots: S / Root pruned:fe Restricted root area 6. TARGET AND ABA Use under tree: Occupancy: occasi RISK ABATEMENT	s from vertical san: Y / N / L / N / L / N / L / N / L / N / L / N / N	Roots expended and the control of th	Soil cracking: Y ding factors: Into Long Canary n/conk present: Y / N ID: ed: S / M / L affected:% Buttress w for root failure: S / M / L fic / pedestrian / recreation / landse tent use / frequent use Can target	ounded: Y / N caps / hardscape be moved: Y /	
7. OTHER FEATURES Lean: 45" degrees Decay in plane of le Lean severity: S /6 Suspect root rot: Y Exposed roots: S / Root pruned:fe Restricted root area 6. TARGET AND ABA Use under tree: Occupancy: occasi	s from vertical san: Y / N / L / N / L / N / L / N / L / N / L / N / N	Roots expo Compound Mushroom Underming Root area Potential f	Soil cracking: Y ding factors: Into Long Canary n/conk present: Y / 10 ID: ed: S / M / L affected: % Buttress w or root failure: S / M / L fic / pedestrian / recreation / landse tent use / frequent use Can target	ounded: Y / N caps / hardscape be moved: Y /	
7. OTHER FEATURE: Lean: 45° degree: Decay in plane of le Lean severity: S /(Suspect root rot: Y Exposed roots: S / Root pruned:fe Restricted root area 6. TARGET AND ABA Use under tree: Decupancy: occasi RISK ABATEMENT	s from vertical san: Y / N / L / N / L / N / L / N / L / N / L / N / N	Roots expended and the control of th	Soil cracking: Y ding factors: Into Long Canary n/conk present: Y / N ID: ed: S / M / L affected:% Buttress w for root failure: S / M / L fic / pedestrian / recreation / landse tent use / frequent use Can target	ounded: Y / N caps / hardscape be moved: Y /	
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Mike McHone Real Estate



Keith Mars Heritage Tree Review City of Austin 505 Barton Springs Rd. Austin, TX 78704

February 5, 2013

Re: Heritage Tree Review, 2818 Rio Grande

Dear Mr. Mars;

This memo is to explain the request for the removal of a large leaning pecan (# 954) which is located in the middle of the lot in the rear yard of 2818 Rio Grande. This lot is a part of a two lot site consisting of 2818 and 2822 Rio Grande. (Note the tree report is for three lots. Lot 2816 was deleted from consideration due to the large number of trees located on it.) (Survey attached)

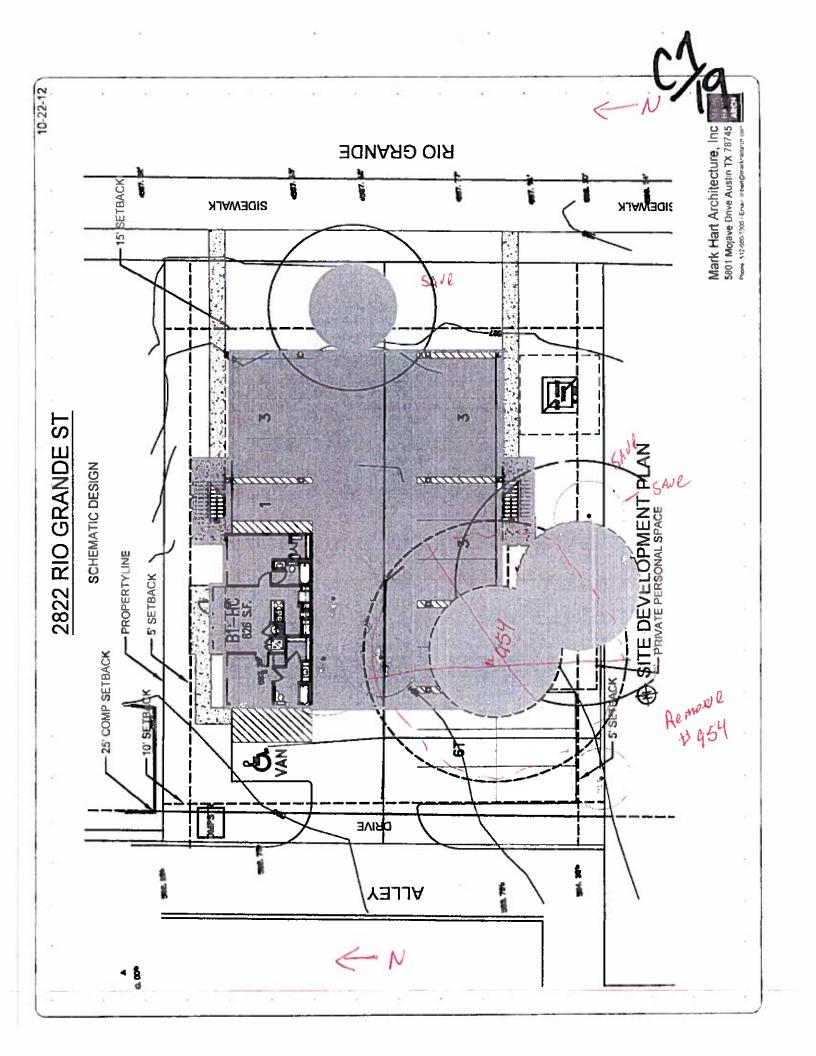
This two lot site is located across the street from the University Neighborhood Overlay District (UNO). The plan is to redevelop the site with a modern apartment building which will meet all current building code requirements, especially fire sprinklers and energy efficiency. The project will be developed in compliance with the MF-4 base district zoning and will comply with compatibility requirements. It will serve as a buffer between the more dense UNO projects across the street and the single family neighborhood to the west.

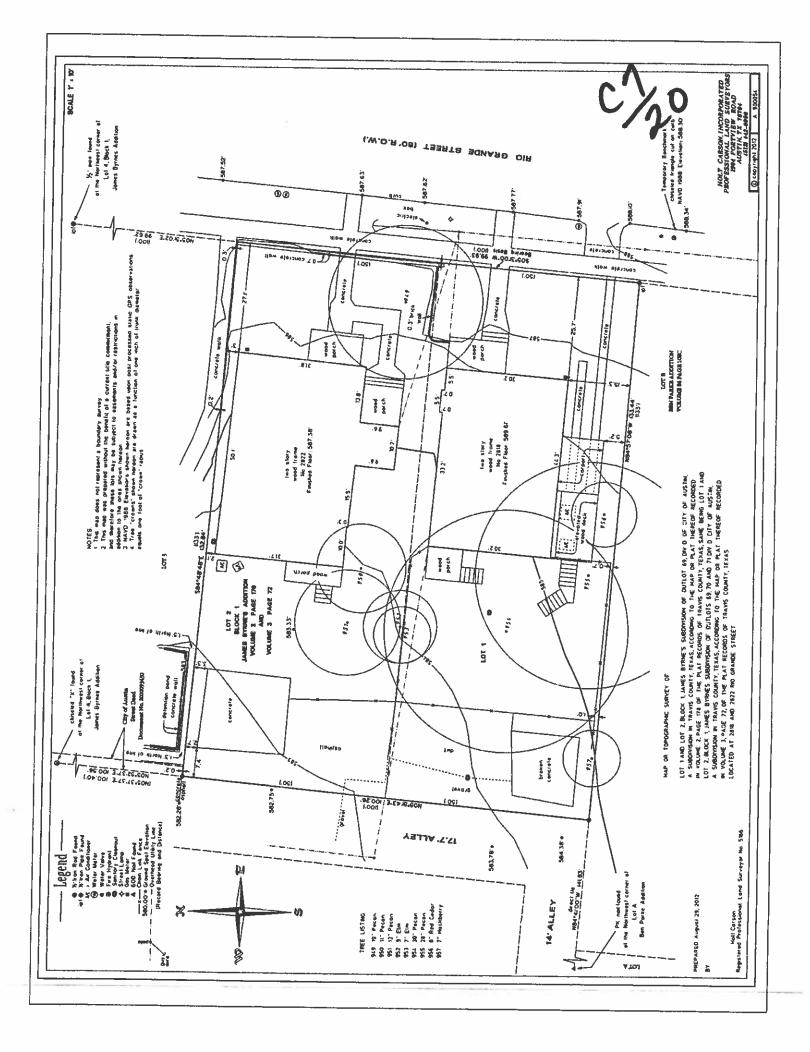
The MF-4 zoning requires front rear and side yards. The project has been designed to meet these requirements. Compatibility requirements greatly reduce the allowable height. The site plan attached is the best that can be accomplished as it saves the best trees but will require the removal of the large leaning pecan. (See sketch attached).

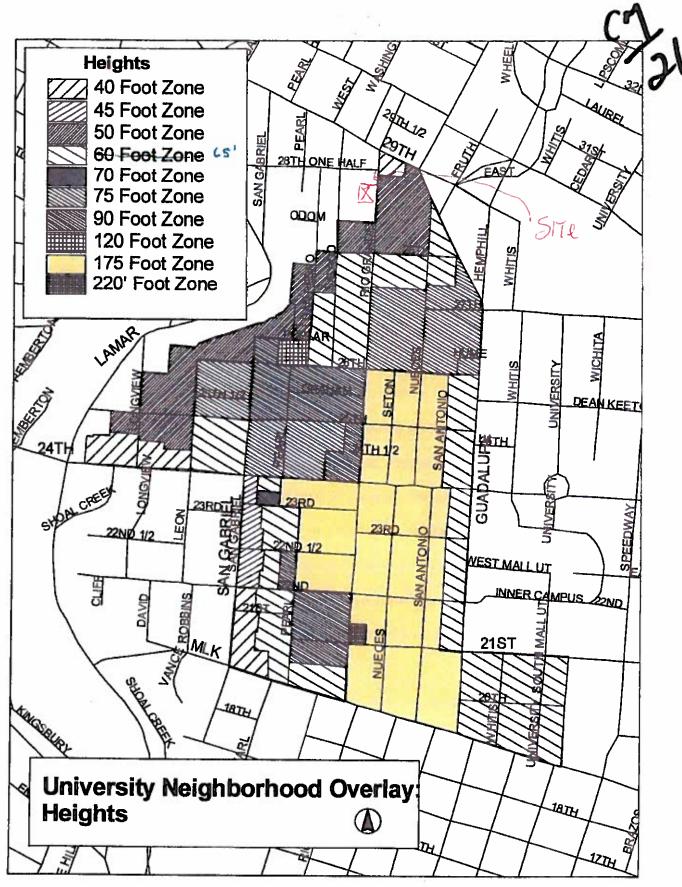
The attached tree report recommends the removal of this tree due to its "hazardous lean". The owner has secured demolition permits for the existing improvements and respectfully request the commissions consent to remove this hazardous tree.

Sincerely,

Mike McHone, authorized agent







Proposed Changes in Height

Mike Mchone

From:

Mark Hart (mhartis) made and a second

Sent:

Friday, October 26, 2012 9:33 AM

To: Subject: Mike Mchone

Attachments:

rio grande site and trees site-trees-102612.pdf

Mike, I can't move the building any closer to rio grande because of the other tree there, unless Embezi Is willing to let that one go? I highly doubt it.

I'll have to fracture the rectangular shape of the building to dodge the trees.

See attached pdf. As you can see, the layout was perfect when the leaning pecan wasn't a player.

Mark

Mark Hart, AIA LEED AP BD+C



Mark Hart Architecture Inc. 5801 Mojave Drive Austin TX, 78745 512-680-7905

www.markhartarch.com







No virus found in this message.

Checked by AVG - www.avg.com

Version: 2013.0.2741 / Virus Database: 2616/5847 - Release Date: 10/22/12

The Davey Tree Expert Company

9224 Research Blvd. Austin, TX 78758

(512) 451-4986 Fax: (512) 451-6482

Tribeca Capital Group, LLC

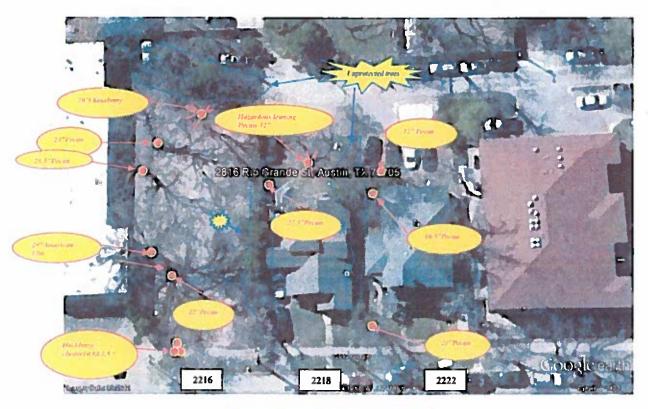
17551 Gillette St. Irvine. CA 92614

RE: Tree Evaluation - 2816-2818-2822 Rio Grande, Austin, TX

Dear Sirs:

First of all, I would like to thank you for the opportunity to inspect the trees at the above-mentioned site. We appreciate your patronage for selecting The Davey Tree Expert Company for your tree care. We trust that you will find our commitment to excellence to be of the highest standards. Listed in this report is data concerning the conditions of the established trees on site.(Photo's included)

- American Elm Tree 29" (Ulmus americana) is considered-Average-in-condition.
- All Pecan Trees (Carya illinoensis) are in Above Average- to-Excellent in condition; "With the exception of the 32" on lot 2218, NOTE: it is leaning at a 45 degree angle and is very top heavy. This Pecan tree needs to be removed. Due to the liability, It is Poor in condition. (see photo).
- Cluster of Common Hackberry Trees (Celtis occidentalison) in City right-of- way, are weak and considered Poor-in-condition.
- Chinaberry Tree 20" (Mella azedarach) is considered an invasive species
- 🌺 Remaining Trees and shrubs are less than 8" can be removed without tree permit....



Should you have any questions, please feel free to contact me at 451-4986. Thank you for your time and attention to this matter.

Sincerely,

Daniel R. Hunsicker

District Manager

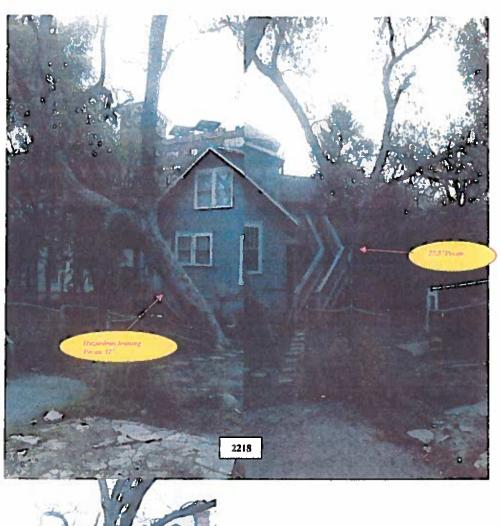
DAVEY TREE EXPERT COMPANY

Certified Arborist #TX 0309

International Society of Arboriculture

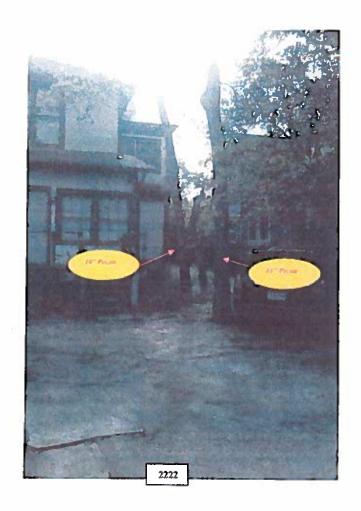






c1/25





C7/26



ROWLD 10027869 Mapsco Pg 585A



Tree Ordinance Review Application

Planning and Development Review Department
One Texas Cenier, 505 Barton Springs Road, 4th floor, Austin, TX 78704
Phone: (512) 974-1876
Fax: (512) 974-3010
Email: cityarborisi@austintexas.gov

Websita: www.suslintexas.gov/department/city-erborisi

Provide a receipt from a certified arborist for: Cremedial root care Cany required pruning Applicant Signature Date City Arborist Signature Date	-
No additional Impacts are permitted within the 1/2 Critical Root Zone, including utility trenching.	
Prior to development, applicant agrees to supply a root zone mulch layer and maintain tree protection fencing (Chain-link, five-foot in height) throughout the project duration.	
include Oaks, Cedar Elm, Baid Cypress, Desert Willow, Mountain Laurel, Texas Persimmon, Mexican Plum, etc.	
Applicant agrees to plant caliner Inches of central Texas native trees (see ECM Appendix E) on the lot and	or
Conditions of Approval: None or As described within Arborist Comments (see above); and	
☐ Heritage Tree(s) ☐ A heritage tree variance is required: ☐ Administrative / ☐ Land Use Commission	_ · · · ·
DESCRIPTION OF TECHNICOUS TO METERATE RESKS)	
Comments TLYISE PROJECT SUBSTRICTM ARCHITE PARTIES PUT LANGUAR LL-6. PUSE ASSESSMENT FROM A CENTRED ARROLLY BUTTERS PUT LANGUE	
P	7U
Approved T *Approved With Conditions Statutory Deniel (more information required) Deniel	
o This permit application only reviews for compliance with tree regulations. The application fee must be paid prior to permit issuance. No fee is required for dead or diseased trees. Application Determination — To be completed by City Arborist Program Personnel	_
 Proposed development projects are to include a plan view drawing that depicts the location of the tree and the planned improvements (e.g. structure, driveway, utility and irrigation lines). 	
Owner/ Authorized Agent Signature / Date /	
Muhant Waghen 9/13/2012	_
Reason for request: Development Of Tree condition Other: TREE IS A HAZHAS LEANING AT 45 AWILLA	
General tree condition: Gl Good / Gl Fair / Gl Poor / Gl Dead	
Trunk size (in inches) at 4 ½ feet above ground: circumference (around) or diameter (across) 32 "	_
Tree Species: PRCAN Tree location on lot. R2A12	-
Telephone #:(5/2) 554-8440 Fax #:(6/2) 48/-1002 E-mail:	,
Building permit number (if applicable):	
Address and zip code of property: <u>JBIB K.o GLAVISE AUSTIN</u> , TX 78705 Name of owner or authorized agent: <u>MIKE M-Howe RUFLESTATE</u> MIKE NEROXE	
	}
Critical Root Zone impacts (ECM 3.5.2 A) Live canopy Impacts of more than 25% (ECM 3.6.2 B) (Section 3.6. App. P). Applicant understands the all impacts may impact may impact may impact may impact may impact may impact may include a section of this application does not quarantee featurable tree may include the section of this application of the section	ind
Tree removal (LDC 25-8-802[3]) [8)(1) and Environmental Criteria Manual (ECM	i) at
Refer to Land Development Code (LDC) 25-8	

Conditions for approval of this application must be met within 1 year of the effective date.

v.7/2012

TREE RISK EVALUATION FORM

Property address: 28 18 R.C.C. Property owner: (Aignos) M. M. M. ber C. Eva. Sig.	duator: David Con Hamilton						
Sig	NATURE: 12 2 1						
ISA/ASCA Certification #: //							
11//1	Acceptantal with the second						
I. TREE CHARACTERISTICS DBH of each trunk: Common & Latin Location: Private / Public Estimated height & cano Age class: young / mature / wer-mature / dead (Deadwood: 0% 0-10% 10-25% 25-5 Form: generally symmetric / minor asymmetry Pruning history: crown cleaned / excessively thin pollarded / crown reduced / util Crown class: dominant / co-dominant / intermediate	/ major asymmetry / stump sprout ned / topped / crown raised ity clearance //storm damage cleaning / none						
2. TREE HEALTH Foliage color: normal / chlorotic / necrotic Foliage density: normal / sparse Annual shoot growth: / inches Callus development: Y / N							
3. SITE CONDITIONS Site character: residence / commercial / industrial / Landscape type: parkway / raised bed / container // of Irrigation: none / adequate / inadequate / excessive Dripline paved: 0% 10-25% 25-5 Dripline w/ fill soil: 0% 10-25% 25-5 Dripline grade lowered: 0% 10-25% 25-5 Dripline grade vaised: 0% 10-25% 25-5 Soil problems: drainage / shallow / common of the container /	Open Other (see below) Open Other (see below) Open Other (see below) Overhead lines Open Other (see below) Overhead lines Open Other (see below) Open Open						

4. Tree Defects -			EVERITY THAT APPLY TO EACH DE	FECT	
DEFECT TYPE	DEFECT	DEFECT SEVERITY	NOTES	LEGEND	1
Poor taper	T	-5			L L
Codominants/forks	/				
Multiple attachments				AREA	/
Included bark	BST	100		T = Trunk(s)	21
Excessive end	1			R Root Flare	7
weight	13	1-2-1		L = Lateral Roots	
Cracks/splits		12		_ S = Scaffolds	
Hangers				B - Branches	
Girdling				SEVERITY T	
Wounds	12	717		S Severe	
Decay		/23		M - Moderate	
Cavity	25	//,		L = Low	;
Conks/Mushrooms	-			_	,
Bleeding					
Loose/cracked bark	12	10200		_	
Nesting hole/bee		122			
hive					
Deadwood/stubs	.eel				
)	5 13	/?1			
Borers/termites/ants					
Cankers/galls		7 - 10			
Previous failure		117	185 Leave gill.	27 1000 C.	
Decay in plane of le Lean severity: & / Suspect root rot: Y Exposed roots: S / Root pruned:fe Restricted root are: 6. TARGET AND AB/ Use under tree: Occupancy: occas RISK ABATEMENT Action: prune / reme	M / L / N M / L ret from trunk a: S / M / I VIEMENT building / ional use / me	Undermined Root area a Potential fo	soft fleaving: Soft fleaving:	wounded: Y / N /	
			mpri diri diri dalah seri dalah seminandan gari garan mari dagari diri diri diri diri diri dagari da		
8. Tree Risk (See : Rating: Risk rat	THE ADDITION	NAL RISK ASSES			
Risk rating: Low:	3.4 Mod	lerate: 5 6	2(3 Target: 1 2(3 Other 1 High: 7 8 9 Extremely	high: 10/11/12	