



ITEM FOR PLANNING COMMISSION AGENDA

COMMISSION DATE REQUESTED: April 27, 2021

ADDRESS OF PROPERTY: 2405 Nueces Street and 504 West 24th Street

CASE FOLDER: TP 182241

NAME OF APPLICANT: Drenner Group

CITY ARBORIST: Naomi Rotramel (512) 974-9135
naomi.rotramel@austintexas.gov

ORDINANCE: Heritage Tree Ordinance (LDC 25-8-641)

REQUEST: The applicant is seeking the removal of two (2) Heritage trees, one with a single stem over 30” in diameter.

STAFF RECOMMENDATION: The request meets the City Arborist approval criteria set forth in LDC 25-8-624(A)(2), thus the variance is recommended.



MEMORANDUM

TO: Mr. Todd Shaw, Chair
City of Austin Planning Commission

FROM: Naomi Rotramel, City Arborist Program Development Services Department

DATE: April 15, 2021

CASE FOLDER: TP #182241

REQUEST: The applicant is requesting to remove two heritage trees, one with a single-stem greater than 30 inches as allowed under LDC 25-8-643.

Project Description

The subject property is located at 504 W 24th Street and 2405 Nueces Street. The lot size is .43 acres (18,944 SF) and is zoned CS-NP (Commercial Services – Neighborhood Plan).

The property is located in the University Neighborhood Overlay (UNO) in the Inner West Campus subdistrict. The property is located in the Lady Bird Lake watershed, classified as an urban watershed.

The site is currently being operated as a multi-tenant retail center with surface parking. The site is currently 80% impervious cover. The current intent is to develop a 307-unit housing tower with 4,000 sq. ft. of ground floor retail.

The applicant requested a pre-development consultation with City Arborist program review staff. All trees on site are proposed for removal. The scope of the consultation focused on three site trees: a Protected red oak, and the two Heritage trees associated with this variance request.

A 25" heritage pecan and a single-stem 32" heritage red oak are requested for removal that, and per the Land Development Code, necessitate a Land Use Commission variance.

Tree Evaluation

Tree #913 - 32" red oak (*Quercus shumardii*)

Canopy Conditions

Major asymmetry, unbalanced crown, and an overextended limb (Exhibit 1).

Structure/Trunk

Multiple attachments – all the leaders (scaffold branches) are connected at one place on the trunk. This is inherently a weakness with this tree's main union due to lack of branch taper (Exhibit 2).

Included bark was observed between two unions where stems grow closely together causing weak, under-supported branch angles which may cause branch or total tree failure (Exhibit 3).

Root System

Root system is almost entirely covered with impacted impervious cover. Tree has been buried to an unknown depth as the root flare is not visible. Soil, mulch, or fill packed against the bark is harmful to the tree and can lead to long term decay, decline, and instability of the tree.

Overall Condition

Tree #913 is in fair condition due to structure and poor attachments.

Tree #911 - 25" pecan (*Carya illinoensis*)*Canopy Conditions*

Displays a heightened loading on the stems as a result of the length and excessive end weight of the branches and lack of inner branches. A large cavity was identified in one of the main leaders and hypoxylon canker was observed on live tissue (Exhibits 4 & 5).

Structure/Trunk

Trunk has a 20 degree lean.

Root System

Root system is almost entirely covered with disturbed and compacted impervious cover. Evidence that the tree has begun to grow into the decking resulting in girdling the cambium layer of tree (Exhibit 5).

Tree been buried to an unknown depth as the root flare is not visible.

Overall Condition

Tree #911 is in poor condition due to structure and large leader decay.

Variance Request

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

Recommendation

The City Arborist recommends removal of both trees due to the applicant demonstrating that the trees prevent reasonable use of the site.

Based upon tree location, zoning, site characteristics, and the proposed use, the City Arborist believes the applicant has provided sufficient evidence that LDC 25-8-624(A)(2) has been met. Further, there do not appear to be any waivers, variances, or modifications of code that would allow development concurrent with the preservation of these trees.

Mitigation

The Environmental Criteria Manual standard is 300% mitigation. Mitigation for this site shall be addressed by further enhancing the streetscape planting conditions required under the UNO Great Streets program. The applicant has proposed a menu of options that support greater tree health and longevity such as structural soil cells, permeable paving, and expanded, continuous planting beds. Additionally, the applicant is proposing a five-year tree care plan to provide ongoing maintenance for all new trees, and one-time improvements to additional streetscape trees and tree grates as needed and identified.

Please contact 512-974-9135 or naomi.rotramel@austintexas.gov if you have questions.

Naomi Rotramel

Naomi Rotramel, City Arborist
Development Services Department

Exhibit 1

Tree #913: Unbalanced canopy; overextended limb



Exhibit 2

Tree #193: Multiple attachments



Included bark at multiple attachment to main trunk

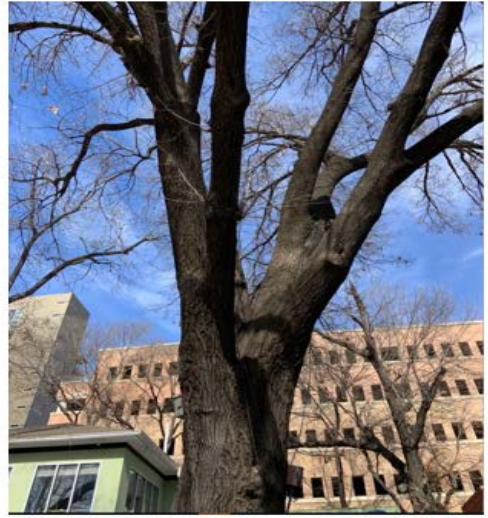


Exhibit 3

Tree #913: included bark between leaders



Exhibit 4

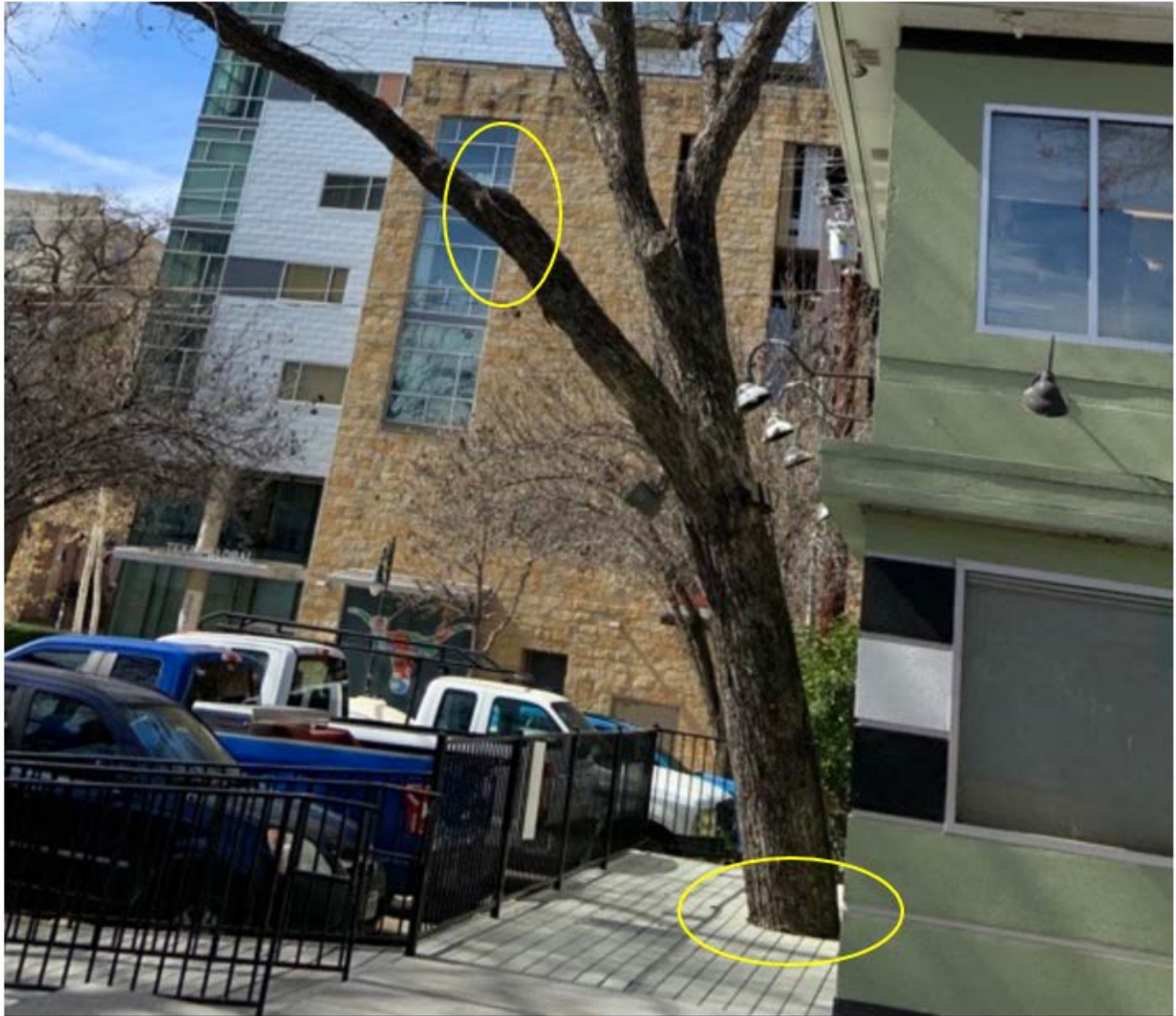
Tree #911 Pecan:

Leaning structure; hypoxylon canker on live tissue



Exhibit 5 #911 pecan

Large cavity in major leader; growing in to decking – girdling trunk cambium layer



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Memo

To: Todd Shaw, Chair, City of Austin Planning Commission, and Planning Commissioners

From: Amanda Swor, Drenner Group PC

Date: April 14, 2021

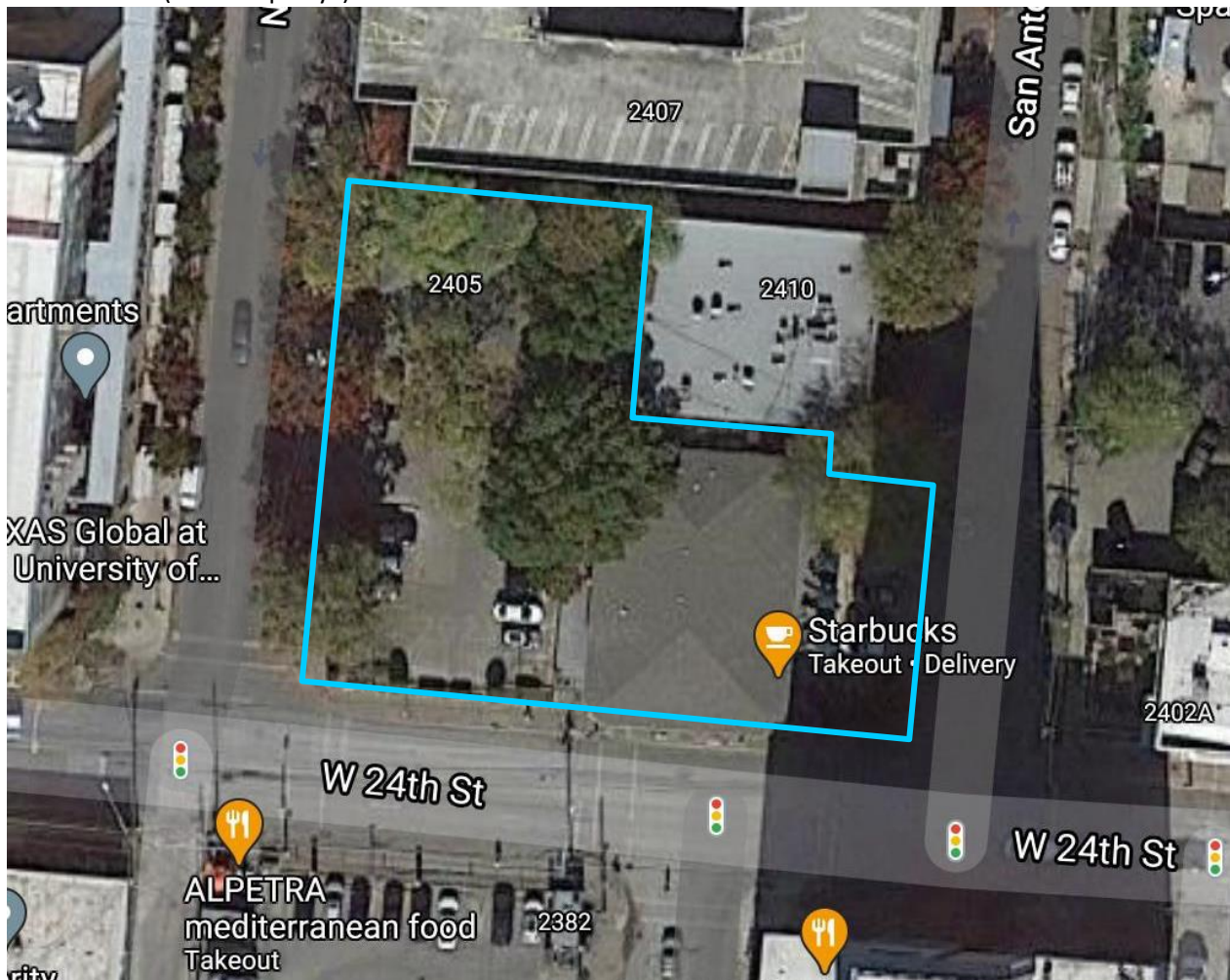
Re: Winchestertonfieldville Reasonable Use Memorandum

Environmental Commission:

On April 7, 2021, Environmental Commission voted to recommend the requested variance for the removal of two heritage trees, one with a single stem over 30" in diameter. With the following conditions: 1) The Applicant continue to work with the City Arborist to select tree species selection and maintenance details to promote the fastest grown and longest-lived street trees, and 2) The City Arborist work with applicant to determine estimated carbon sequestered over the following ten years and include that in mitigation targets.

Site:

The 0.43-acre piece of property located at 504 W 24th St. and 2405 Nueces Street in Austin, Travis County, Texas 78705 (the "Property").



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SITE CONDITIONS:

Currently, the entire site is being operated as a multi-tenant retail center (largely vacant) with surface parking. The site is currently 80% impervious cover.

REQUEST:

There are two heritage trees on the site – one (1) 25" Pecan and one (1) 32" Red Oak – that are being requested for removal. Both trees are centrally located on the Property. See Exhibit A for tree locations.

EXHIBIT A: Site Constraints Exhibit

Tree locations of 25" Pecan (#911) and 32" Red Oak (#913) with 12-foot stepback around site.



CONSTRAINTS:

The Property consists of approximately 0.43 acres (18,944 SF), is zoned CS-NP (Commercial Services – Neighborhood Plan) and is located in the University Neighborhood Overlay (UNO) in the Inner West Campus subdistrict. The Inner West Campus subdistrict allows for a density premium of between 175 feet to 300 feet so long as 20% of the units (or beds) are reserved as affordable, including 10% that will be reserved for people making a maximum of 60% of the median income and another 10% for those making a maximum of 50% of the median income.

Per § 25-2-758 (B)(1), Building Wall Height, Stepbacks, and Envelope, a 12-foot stepback on West 24th Street, Nueces Street and San Antonio Street is required. This stepback impedes the footprint of the site thereby limiting the development and reducing the developable footprint by approximately 20%.

The trees requested for removal on the site are located in the middle of the site. Given their location and existing canopy, the trees impact approximately 25% of the site.

The onsite trees are located on the only portion of the site that is wide enough to support a ramp for

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structured parking, thus severely impacting the reasonable use of the Property for a residential tower. Leaving the trees will prohibit the ability to provide structured parking and results in a 50% reduction in gross square feet of developable area, see Exhibit B below. Further, Exhibit C, below, illustrates different design layouts assuming the trees remain, showing that even if there was a way to address the impact to parking, keeping the trees renders the site unable to provide a working building floorplates or insufficient natural light for the health of the tree.

EXHIBIT B: Developable Area Impact

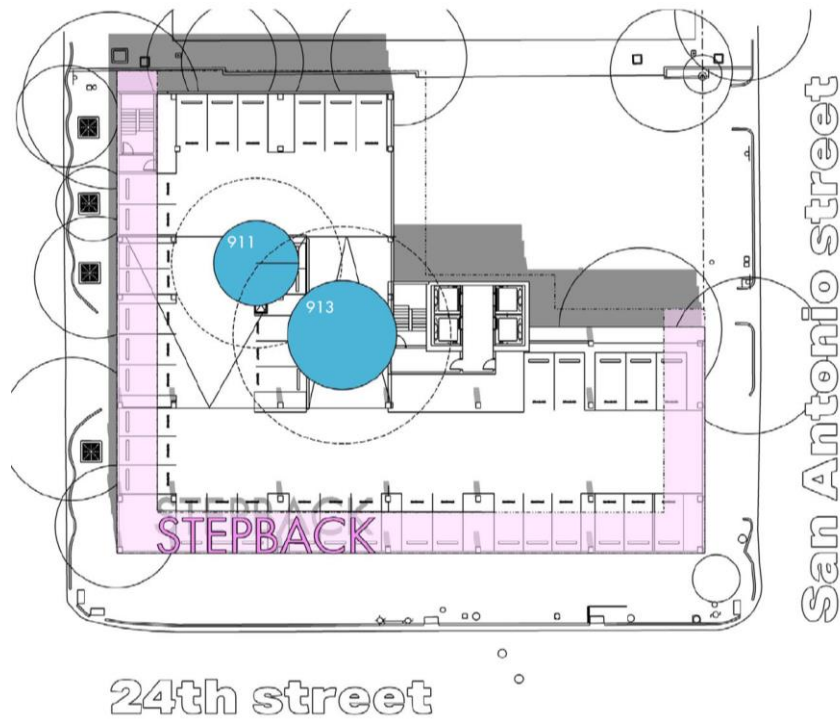
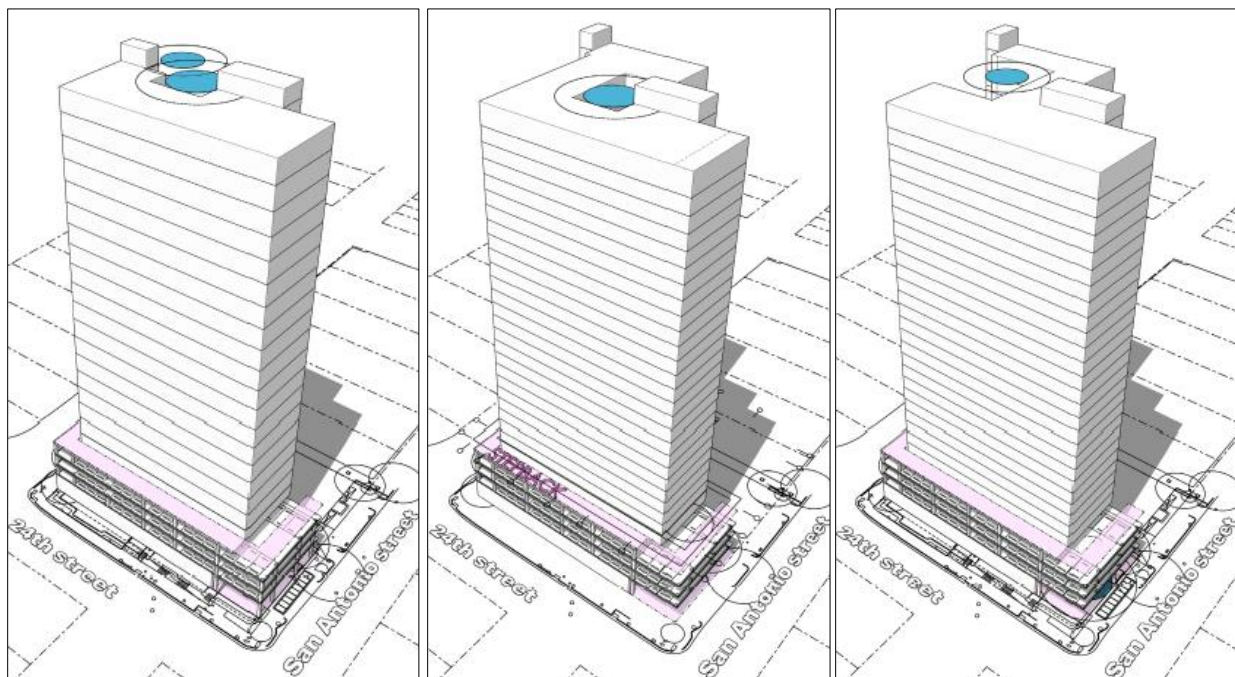


Exhibit C: Considered Building Layouts



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Given the (a) stepback constraint; (b) location of the trees; (c) limited acreage of the site; and (d) the tree survey report prepared by Wuest Group, we respectfully request the removal of trees 911 and 913.

DESIRED REASONS:

The current intent is to develop a 307-unit multifamily, student-housing project with 884 beds and 4,000 sq. ft. of ground floor retail. With compliance with the UNO bonus requirements this project would provide 177 on-site affordable beds. Per a report prepared by Tree Mann Solutions on January 1, 2020, there are two (2) heritage trees in fair and poor health located in the center of the Property.

The UNO district was put in place to encourage the development of dense student-oriented housing and to prioritize pedestrian space in a highly urbanized environment. The UNO district promotes street tree plantings for shade and scale, paved street tree zones, tree grates and street furniture in the right of way.

The location of these trees provides a significant impact on the developability of the site and would not allow for the construction of a student housing project in the UNO area where student housing is preferred and encouraged.

A tree evaluation of the 25" Pecan (#911), Exhibit D, was completed by Tree Mann Solutions. The tree is listed in poor condition. The tree has a significantly weak canopy, with the trunk against the building with roots covered by pavement for many years, and there is evidence of significant past failures within the canopy, either for clearance or due to past canopy failures in storms. There is also evidence of over pruning. Because of these reasons, it is a candidate for removal.

EXHIBIT D: Pecan #911 – Over Pruning Exhibit



A tree evaluation of the 32" Red Oak (#913), Exhibit E, was completed by Tree Mann Solutions. The tree is listed in fair condition. The tree has weak unions and is unbalanced to the south, all which could possibly present future structural issues, as well as potential root damage due to extensive impervious coverage over this large tree's critical root zone. Because of these reasons, it is a candidate for removal and replacement with thorough mitigation.

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EXHIBIT E: Red Oak #913 – Weak Unions and Unbalanced



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Due to the poor environment in which the trees are located, the health of the trees, and the significant site constraints it is the applicants desire to mitigate for the removal of both of these trees from the Property.

As part of the mitigation the applicant proposes a menu approach that includes substantial contributions to the on-site streetscape and other UNO improvements agreed upon with City of Austin Arborists in an effort to increase the long-term health and vitality of the UNO urban forest and to add to the diversity of the streetscape for pedestrians as well as contribution of appropriate fee towards the Urban Forest Replenishment Fund. The cost of these improvements would be equal to the proposed cost for relocating the tree in fair condition and maintaining for 5 years, which was approximately between \$140,000 – \$150,000. This cost is in addition to the tree removal mitigation costs in code which are approximately \$18,000 - \$38,000, depending upon tree health valuation by staff, which we propose be used in on-site streetscape improvements. Therefore, we are proposing to provide an approximate total of \$158,000 - \$188,000 of improvements in lieu of preserving the fair conditioned tree for comprehensive and enhanced viability improvements to the pedestrian streetscape.

Highly urbanized areas like the west campus neighborhood can create difficult environments for street trees to thrive due to soil compaction, small root zones, irregular water and lack of biodiversity. Therefore, urban trees have a much shorter lifespan than trees in their natural setting. Through up-front investment and long-term maintenance, the health and longevity of new trees can be improved. Healthy street trees add immense value to the pedestrian realm through increased shade protection and appropriate human scale.

Although UNO has specific tree and streetscape standards, Building Criteria Manual 12.1.7 (l)(h), these standards may be modified to provide an enhanced pedestrian experience.

Given the timing of the removal request, the applicant is requesting to provide a menu of mitigation options that will enhance street trees both on this Property and in the UNO area. In addition to providing the required street trees along the Property, the ultimate mitigations will be finalized in consort with the City Arborist at the time of site development permit for the Property.

At this preliminary concept stage of design, the project streetscape will yield approximately (14) 5" street trees; (5) on 24th Street, (7) on Nueces Street, (2) on San Antonio Street. Reference Exhibit 'G' COA UNO – MINIMUM STREETScape STANDARDS, attached to this memo.

****Please note:** the arborist may allow alternative compliance due to an unforeseen constructability issue due to the location of items such as, but not limited to: utilities, loading docks, and entrances into the parking garage.

Secondarily, the design team has worked with the COA Arborists to develop this menu of superior streetscape improvements with an order of magnitude as follows, please reference items 'a' through 'd' below. The design team will continue to be accountable to both COA Arborists and COA Urban Design team members throughout the future Site Development Permit / License Agreement Process to achieve the following improvements in this order (a through d) to the specified amount of money as shown above. The menu will allow elasticity for unforeseen variables that could arrive during the future, detailed design process.

Please reference the menu below, items a through d, plus Exhibits F through K, to see how this menu would apply to the proposed subject site and precedents around town:

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- a. Provide approximately \$60,000 to plant 14, 5" trees with voluntary continuous planting bed improvements which will provide increased soil volume for root zones, increased stormwater infiltration, increased aeration of roots and under story plantings that create and maintain a healthy Mycorrhizal fungi network, reference Exhibit 'H' and Exhibit 'I' attached to this memo.
- b. Propose planting 14, 5" trees with voluntary soil cells installation, or a combination with continuous planters, with permeable paving at a cost of approximately \$100,000 - \$140,000 which will increase soil volume for roots and increase stormwater infiltration while decreasing compaction over root zones, reference Exhibit 'H' and Exhibit 'J' attached to this memo.
- c. Implement a thorough 5-year tree care and maintenance plan at the cost of approximately \$25,000 to increase tree viability over time for the 14 planted trees (monitor, water, fertilize, prune, etc.).
- d. Provide approximately \$30,000 - \$50,000 in funding for one-time maintenance of street trees in the neighborhood including repair and replacement of damaged tree grates and pruning and fertilizing of trees on adjacent properties. Note: Participation in the UNO program requires the license holder to maintain the trees and grates. When the Property's streetscape was completed, the current maintenance regulations were not in place. Therefore, maintenance was the responsibility of the Public Works Department. Future developments will be under the UNO for streetscape license requirements, therefore future maintenance will be the responsibility of the developer.

With this request, we believe we can contribute to the UNO urban forest, add to the pedestrian comfort, and prevent soil restrictions with the street tree improvements.

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LAND DEVELOPMENT CODE § 25-8-624 – APPROVAL CRITERIA & § 25-8-643 – LAND USE COMMISSION VARIANCE

25” Pecan (#911) and 32” Red Oak (#913)

Land Development Code § 25-8-624 – APPROVAL CRITERIA.

(A) The Planning and Development Review Department may approve an application to remove a protected tree only after determining that the tree:

(2) prevents a reasonable use of the Property;

Land Development Code § 25-8-643 – LAND USE COMMISSION VARIANCE.

(A) The land use commission may grant a variance from Section 25-8-641 (Removal Prohibited) to allow removal of a heritage tree that has at least one stem that is 30 inches or larger in diameter measured four and on-half feet above natural grade only after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Section 25-8-624(A) (Approved Criteria) and that:

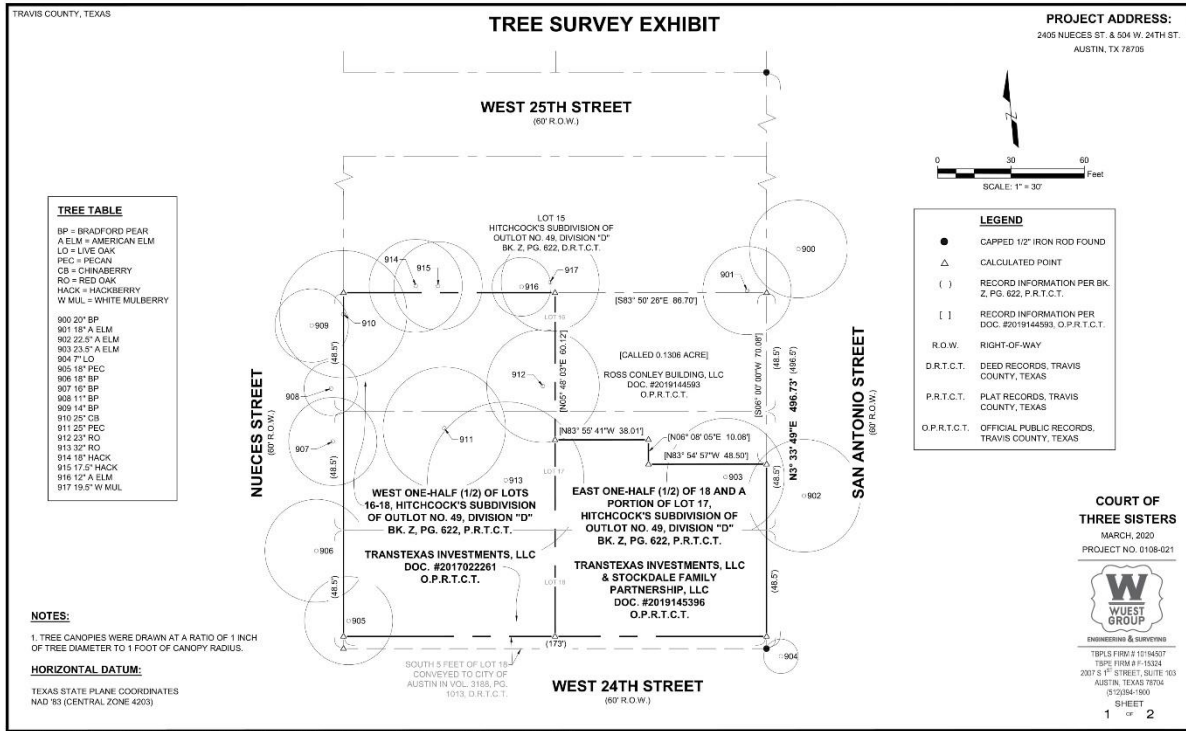
(1) the applicant has applied for and been denied a variance, waiver, exemption modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 25-8-646 (Variance Prerequisites); and

RESPONSE: The Applicant has no other alternative equivalent compliance available to allow reasonable use of the Property. The required compliance with the UNO regulations, § 25-2-758 (D)(3), and § 25-2-758 (B)(1). No variances can be pursued which would eliminate the removal of the heritage trees.

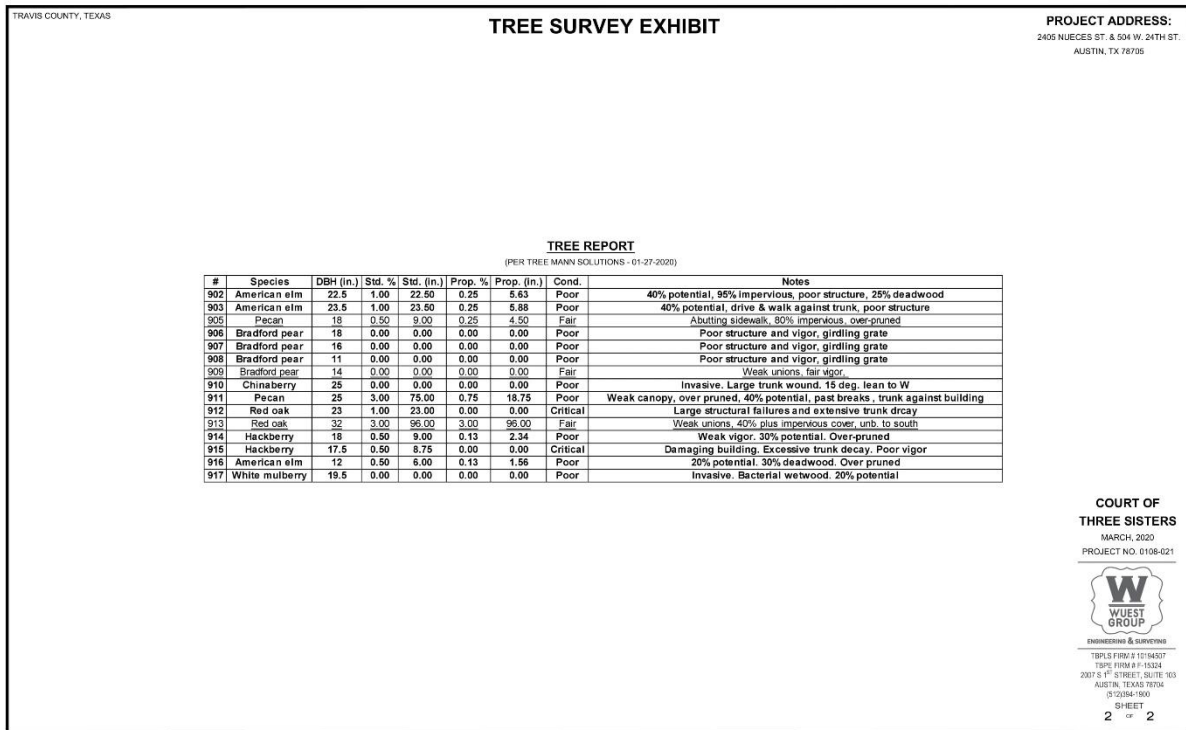
(2) Removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site.

RESPONSE: We are seeking removal as the building floorplates do not work with the trees in their current location. The requested removal of trees 911 and 913 is not based on a condition caused by the method chosen to develop the Property. The trees are in poor and fair health. The current root zones and canopy would render the Property undevelopable given the limited width of the site and that UNO requires 75% (§ 25-2-758 (D)(3)) of parking to be below-grade.

EXHIBIT F: SITE SURVEY



Drawing: C:\0108\Kane\021 Court of Three Sisters @ 504 W 24th\Survey\GIS\455\kane_504@60_00_00.dwg Last Plotted: Wed Mar 04, 2020 - 1:38pm By: mduvalier



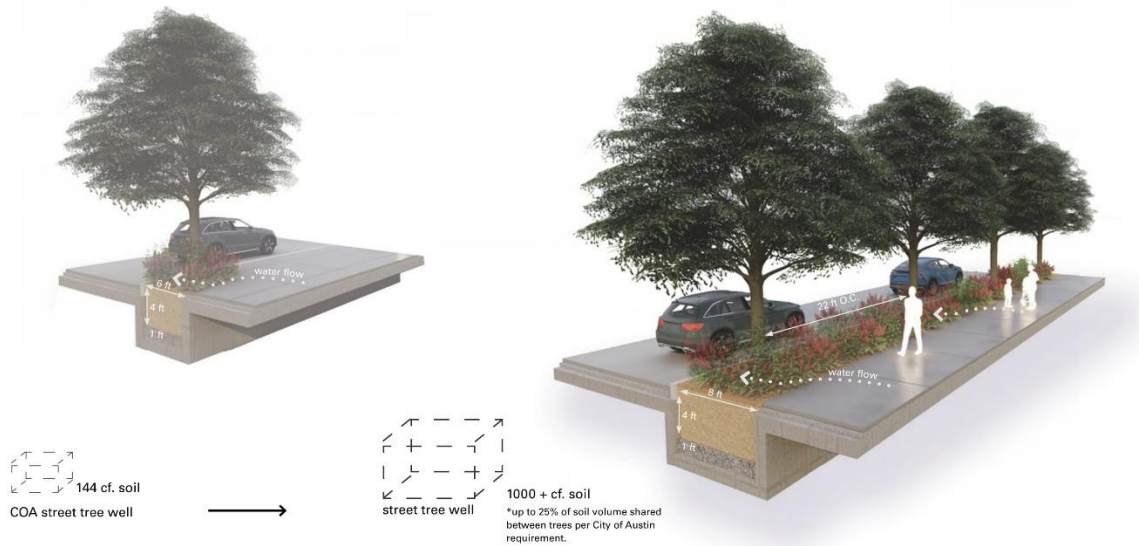
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EXHIBIT G: COA UNO – MINIMUM STREETScape STANDARDS



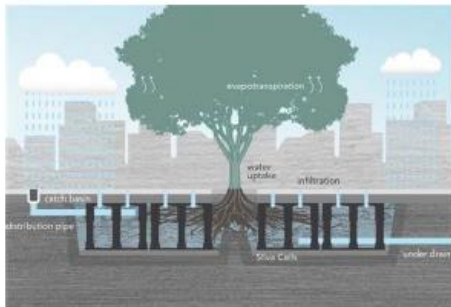
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EXHIBIT H: PROPOSED CONTINUOUS PLANTING BEDS / SOIL CELLS



Continuous planting beds

- Increased soil volume for root zones
- Increased stormwater infiltration
- Increased aeration of roots



Silva Cells with permeable paving

- Increased soil volume for roots
- Decreased compaction over root zone
- Increased stormwater infiltration

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EXHIBIT I: COA UNO – STREETScape STANDARDS WITH CONTINUOUS PLANTING BEDS

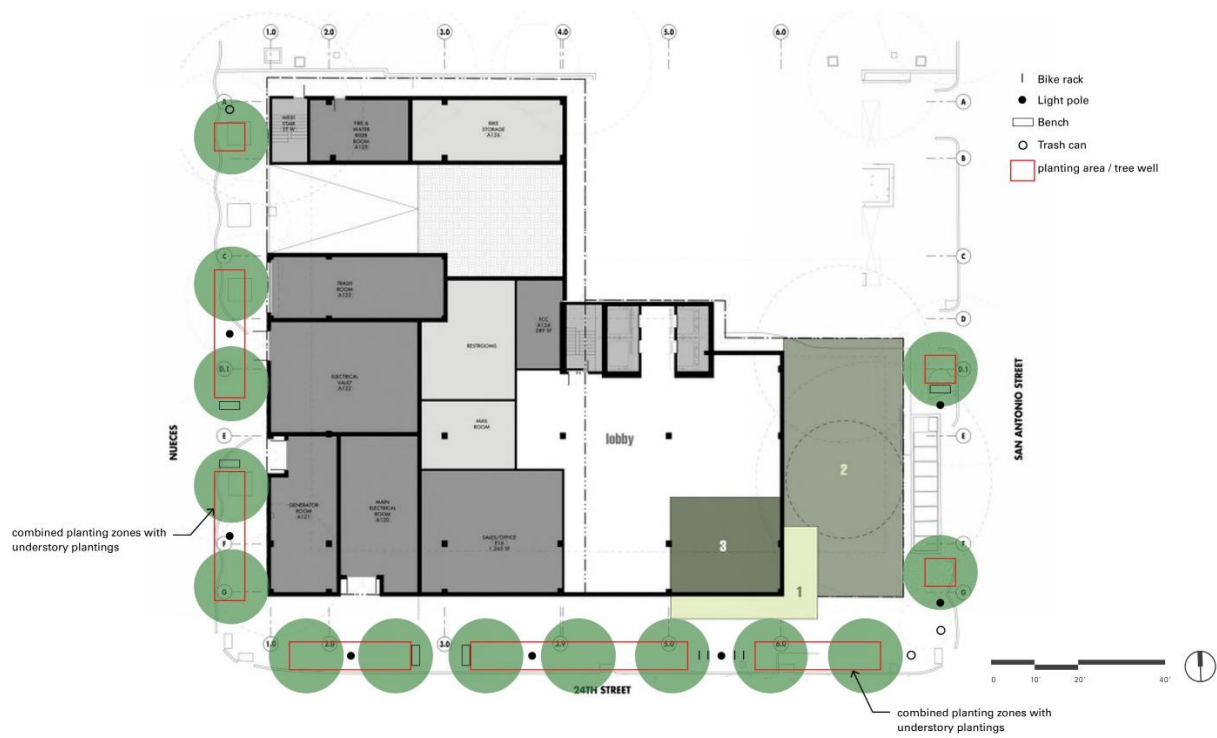
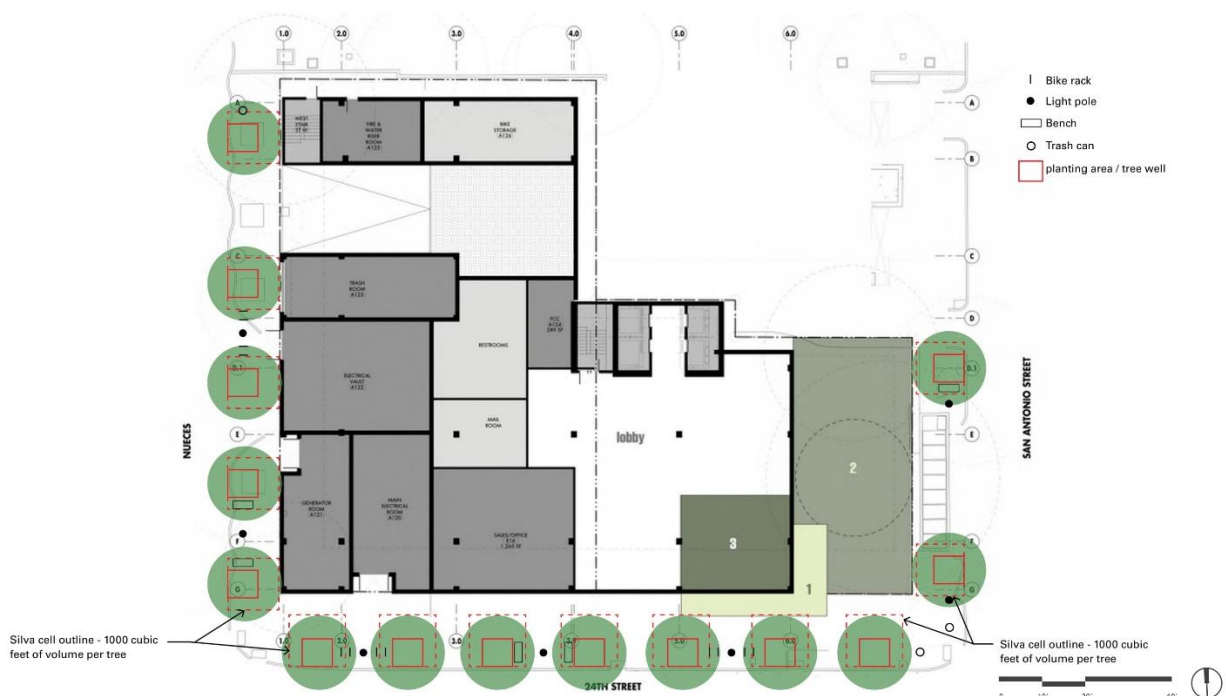


EXHIBIT J: COA UNO – STREETScape STANDARDS + SOIL CELLS

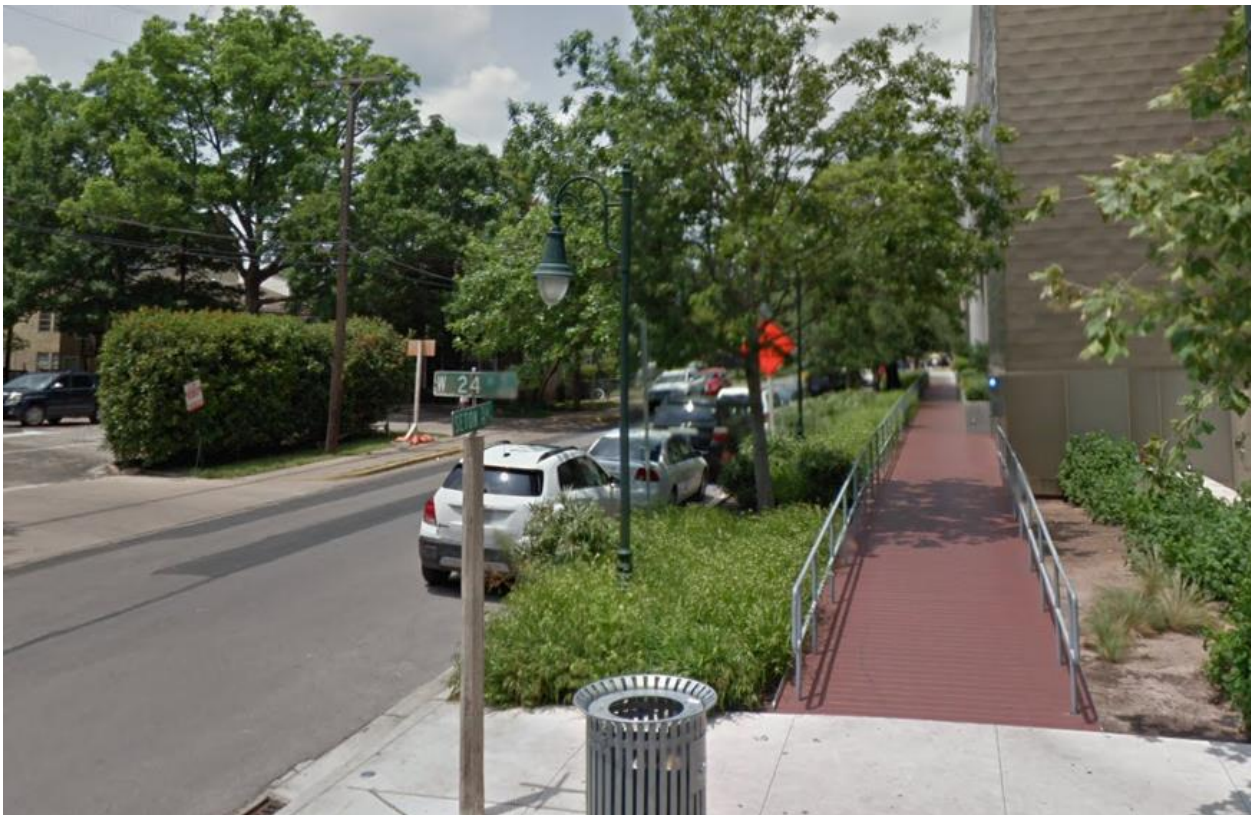


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EXHIBIT K: LOCAL CONTINUOUS PLANTING EXAMPLES



SXSW Center

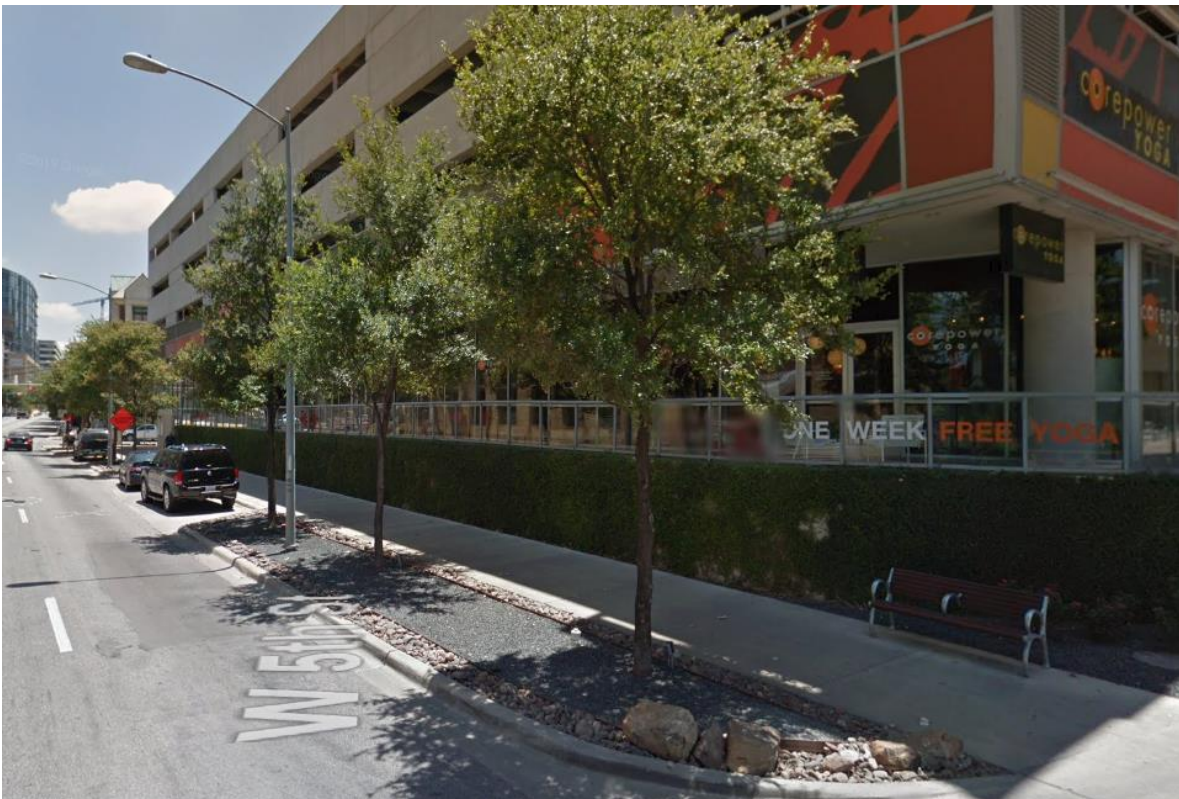


2400 Nueces Apartments

EXHIBIT K: Local Continuous Planting Examples (CONT.)



Austin City Lofts



The Monarch by Windsor



ENVIRONMENTAL COMMISSION MOTION 20210407 004b

Date: April 7, 2021

Subject: Winchestertonfieldville at 2405 Nueces Street and 504 West 24th Street

Motion by: Kevin Ramberg

Seconded by: Andrew Creel

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is seeking removal of two (2) heritage trees, one with a single stem over 30” in diameter; and

WHEREAS, the Environmental Commission recognizes the trees to be a 25-inch heritage pecan and single stem 32-inch heritage red oak; and

WHEREAS, the Environmental Commission recognizes the City Arborist rates the pecan and oak in poor and fair condition, respectively; and

WHEREAS, the Environmental Commission recognizes that the Environmental Criteria Manual standard is 300% mitigation, and mitigation for the site shall be addressed by further enhancing the streetscape planting conditions required under the UNO Great Streets program. The applicant has proposed a menu of options that support greater tree health and longevity such as structural soil cells, permeable paving, and expanded continuous planting beds; and

WHEREAS, the Environmental Commission recognizes the applicant is proposing a five year tree care plan to provide ongoing maintenance for all new trees, and one-time improvements to additional streetscape trees and tree grates as needed and identified; and

WHEREAS, the Environmental Commission recognizes that the request meets the City Arborist’s approval criteria set forth in LDC 25-8-624(A)(2), and thus the variance is recommended by staff.

THEREFORE, the Environmental Commission recommends the requested variance request with the following Environmental Commission conditions:

- The Applicant continue to work with the City Arborist to select tree species selection and maintenance details to promote the fastest grown and longest-lived street trees.
- The City Arborist work with applicant to determine estimated carbon sequestered over the following ten years and include that in mitigation targets.

VOTE 6-2

For: Bedford, Creel, Coyne, Ramberg, Barrett Bixler, and Guerrero

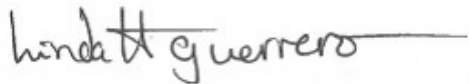
Against: Thompson and Brimer

Abstain: None

Recuse: None

Absent: None

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive style with a long horizontal line extending to the right.

Linda Guerrero, Environmental Commission Chair

Memo

To: Todd Shaw, Chair, City of Austin Planning Commission, and Planning Commissioners

From: Amanda Swor, Drenner Group PC

Date: April 14, 2021

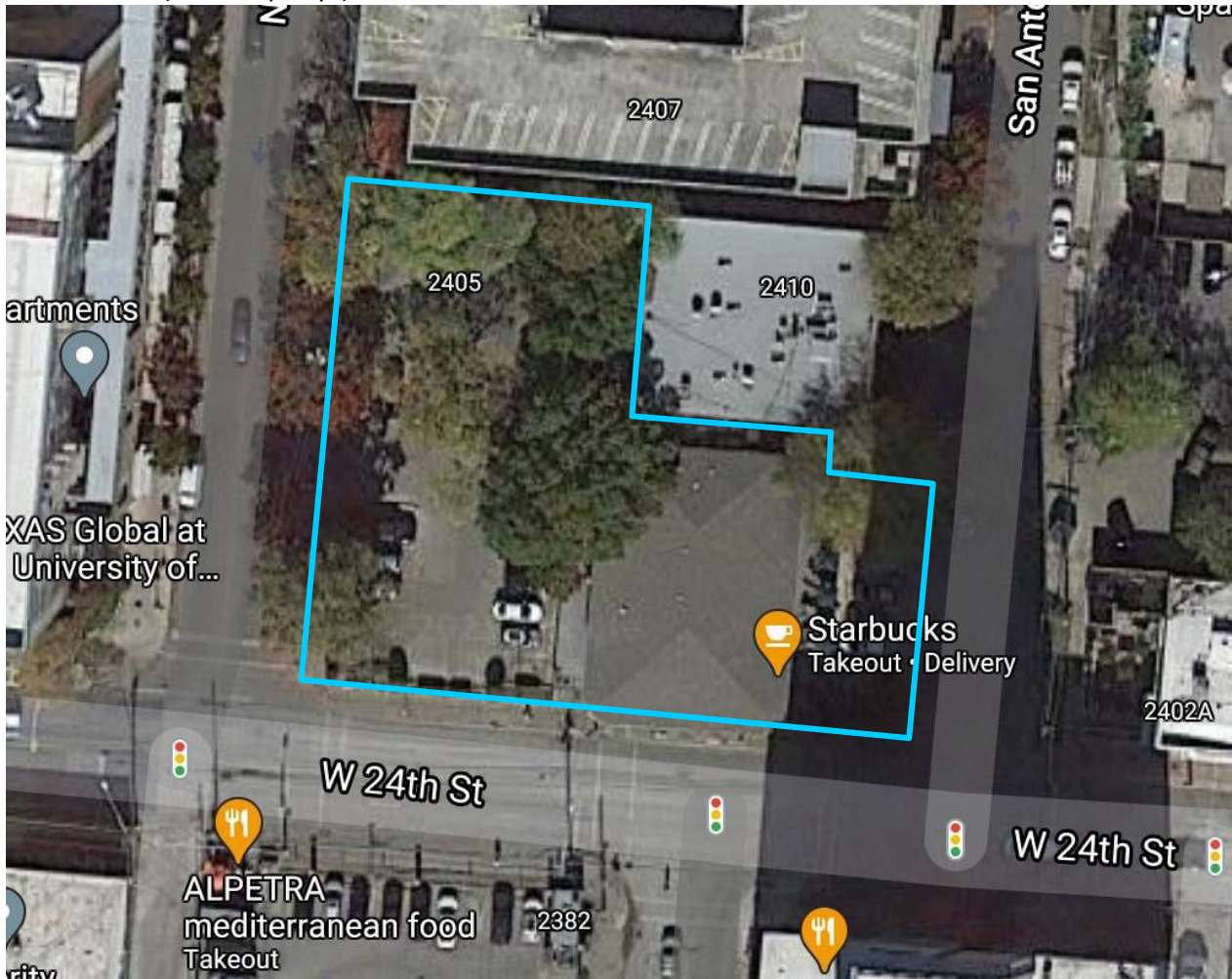
Re: Winchestertonfieldville Reasonable Use Memorandum

Environmental Commission:

On April 7, 2021, Environmental Commission voted to recommend the requested variance for the removal of two heritage trees, one with a single stem over 30” in diameter. With the following conditions: 1) The Applicant continue to work with the City Arborist to select tree species selection and maintenance details to promote the fastest grown and longest-lived street trees, and 2) The City Arborist work with applicant to determine estimated carbon sequestered over the following ten years and include that in mitigation targets.

Site:

The 0.43-acre piece of property located at 504 W 24th St. and 2405 Nueces Street in Austin, Travis County, Texas 78705 (the “Property”).



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SITE CONDITIONS:

Currently, the entire site is being operated as a multi-tenant retail center (largely vacant) with surface parking. The site is currently 80% impervious cover.

REQUEST:

There are two heritage trees on the site – one (1) 25" Pecan and one (1) 32" Red Oak – that are being requested for removal. Both trees are centrally located on the Property. See Exhibit A for tree locations.

EXHIBIT A: Site Constraints Exhibit

Tree locations of 25" Pecan (#911) and 32" Red Oak (#913) with 12-foot stepback around site.



CONSTRAINTS:

The Property consists of approximately 0.43 acres (18,944 SF), is zoned CS-NP (Commercial Services – Neighborhood Plan) and is located in the University Neighborhood Overlay (UNO) in the Inner West Campus subdistrict. The Inner West Campus subdistrict allows for a density premium of between 175 feet to 300 feet so long as 20% of the units (or beds) are reserved as affordable, including 10% that will be reserved for people making a maximum of 60% of the median income and another 10% for those making a maximum of 50% of the median income.

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structured parking, thus severely impacting the reasonable use of the Property for a residential tower. Leaving the trees will prohibit the ability to provide structured parking and results in a 50% reduction in gross square feet of developable area, see Exhibit B below. Further, Exhibit C, below, illustrates different design layouts assuming the trees remain, showing that even if there was a way to address the impact to parking, keeping the trees renders the site unable to provide a working building floorplates or insufficient natural light for the health of the tree.

EXHIBIT B: Developable Area Impact

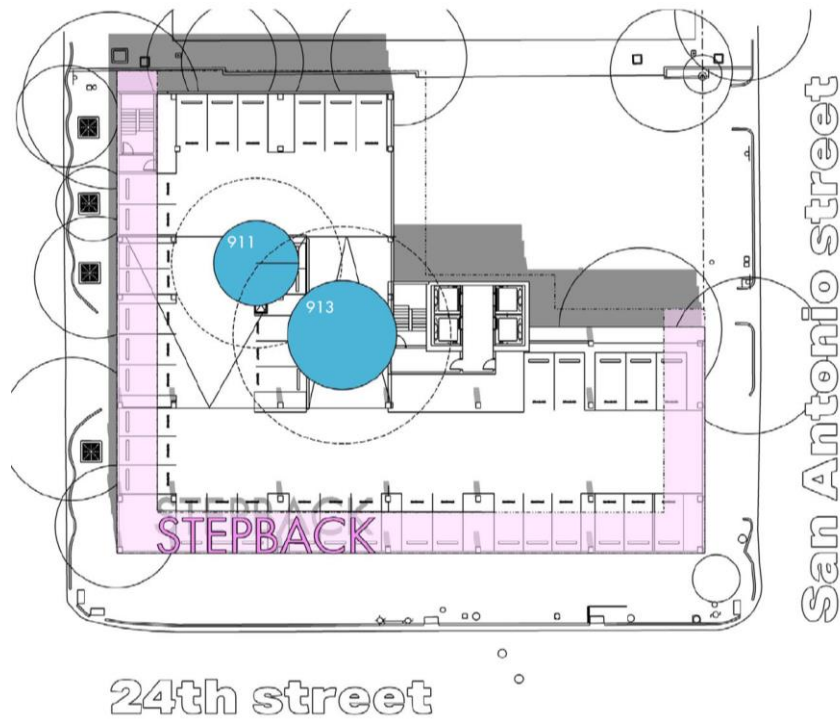
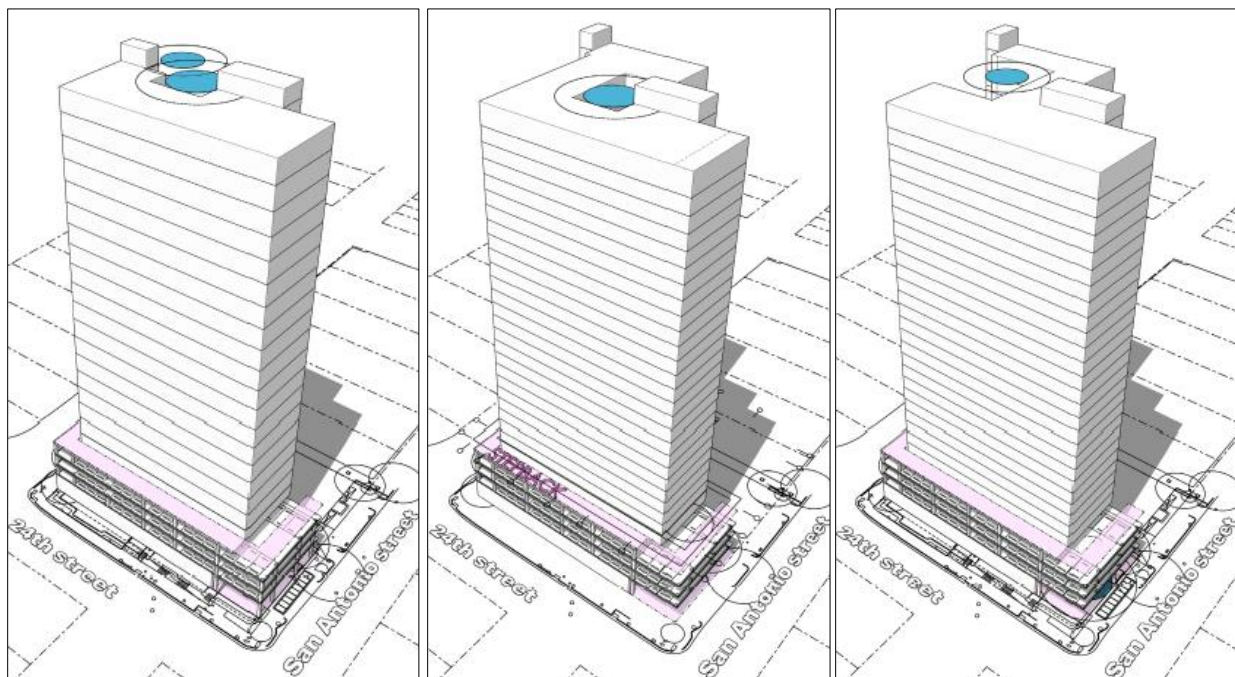


Exhibit C: Considered Building Layouts



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Given the (a) stepback constraint; (b) location of the trees; (c) limited acreage of the site; and (d) the tree survey report prepared by Wuest Group, we respectfully request the removal of trees 911 and 913.

DESIRED REASONS:

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EXHIBIT D: Pecan #911 – Over Pruning Exhibit



A tree evaluation of the 32" Red Oak (#913), Exhibit E, was completed by Tree Mann Solutions. The tree is listed in fair condition. The tree has weak unions and is unbalanced to the south, all which could possibly present future structural issues, as well as potential root damage due to extensive impervious coverage over this large tree's critical root zone. Because of these reasons, it is a candidate for removal and replacement with thorough mitigation.

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EXHIBIT E: Red Oak #913 – Weak Unions and Unbalanced



Concrete

Decking

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Due to the poor environment in which the trees are located, the health of the trees, and the significant site constraints it is the applicants desire to mitigate for the removal of both of these trees from the Property.

As part of the mitigation the applicant proposes a menu approach that includes substantial contributions to the on-site streetscape and other UNO improvements agreed upon with City of Austin Arborists in an effort to increase the long-term health and vitality of the UNO urban forest and to add to the diversity of the streetscape for pedestrians as well as contribution of appropriate fee towards the Urban Forest Replenishment Fund. The cost of these improvements would be equal to the proposed cost for relocating the tree in fair condition and maintaining for 5 years, which was approximately between \$140,000 – \$150,000. This cost is in addition to the tree removal mitigation costs in code which are approximately \$18,000 - \$38,000, depending upon tree health valuation by staff, which we propose be used in on-site streetscape improvements. Therefore, we are proposing to provide an approximate total of \$158,000 - \$188,000 of improvements in lieu of preserving the fair conditioned tree for comprehensive and enhanced viability improvements to the pedestrian streetscape.

Highly urbanized areas like the west campus neighborhood can create difficult environments for street trees to thrive due to soil compaction, small root zones, irregular water and lack of biodiversity. Therefore, urban trees have a much shorter lifespan than trees in their natural setting. Through up-front investment and long-term maintenance, the health and longevity of new trees can be improved. Healthy street trees add immense value to the pedestrian realm through increased shade protection and appropriate human scale.

Although UNO has specific tree and streetscape standards, Building Criteria Manual 12.1.7 (l)(h), these standards may be modified to provide an enhanced pedestrian experience.

Given the timing of the removal request, the applicant is requesting to provide a menu of mitigation options that will enhance street trees both on this Property and in the UNO area. In addition to providing the required street trees along the Property, the ultimate mitigations will be finalized in consort with the City Arborist at the time of site development permit for the Property.

At this preliminary concept stage of design, the project streetscape will yield approximately (14) 5" street trees; (5) on 24th Street, (7) on Nueces Street, (2) on San Antonio Street. Reference Exhibit 'G' COA UNO – MINIMUM STREETScape STANDARDS, attached to this memo.

****Please note:** the arborist may allow alternative compliance due to an unforeseen constructability issue due to the location of items such as, but not limited to: utilities, loading docks, and entrances into the parking garage.

Secondarily, the design team has worked with the COA Arborists to develop this menu of superior streetscape improvements with an order of magnitude as follows, please reference items 'a' through 'd' below. The design team will continue to be accountable to both COA Arborists and COA Urban Design team members throughout the future Site Development Permit / License Agreement Process to achieve the following improvements in this order (a through d) to the specified amount of money as shown above. The menu will allow elasticity for unforeseen variables that could arrive during the future, detailed design process.

Please reference the menu below, items a through d, plus Exhibits F through K, to see how this menu would apply to the proposed subject site and precedents around town:

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- a. Provide approximately \$60,000 to plant 14, 5" trees with voluntary continuous planting bed improvements which will provide increased soil volume for root zones, increased stormwater infiltration, increased aeration of roots and under story plantings that create and maintain a healthy Mycorrhizal fungi network, reference Exhibit 'H' and Exhibit 'I' attached to this memo.
- b. Propose planting 14, 5" trees with voluntary soil cells installation, or a combination with continuous planters, with permeable paving at a cost of approximately \$100,000 - \$140,000 which will increase soil volume for roots and increase stormwater infiltration while decreasing compaction over root zones, reference Exhibit 'H' and Exhibit 'J' attached to this memo.
- c. Implement a thorough 5-year tree care and maintenance plan at the cost of approximately \$25,000 to increase tree viability over time for the 14 planted trees (monitor, water, fertilize, prune, etc.).
- d. Provide approximately \$30,000 - \$50,000 in funding for one-time maintenance of street trees in the neighborhood including repair and replacement of damaged tree grates and pruning and fertilizing of trees on adjacent properties. Note: Participation in the UNO program requires the license holder to maintain the trees and grates. When the Property's streetscape was completed, the current maintenance regulations were not in place. Therefore, maintenance was the responsibility of the Public Works Department. Future developments will be under the UNO for streetscape license requirements, therefore future maintenance will be the responsibility of the developer.

With this request, we believe we can contribute to the UNO urban forest, add to the pedestrian comfort, and prevent soil restrictions with the street tree improvements.

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LAND DEVELOPMENT CODE § 25-8-624 – APPROVAL CRITERIA & § 25-8-643 – LAND USE COMMISSION VARIANCE

25” Pecan (#911) and 32” Red Oak (#913)

Land Development Code § 25-8-624 – APPROVAL CRITERIA.

(A) The Planning and Development Review Department may approve an application to remove a protected tree only after determining that the tree:

(2) prevents a reasonable use of the Property;

Land Development Code § 25-8-643 – LAND USE COMMISSION VARIANCE.

(A) The land use commission may grant a variance from Section 25-8-641 (Removal Prohibited) to allow removal of a heritage tree that has at least one stem that is 30 inches or larger in diameter measured four and on-half feet above natural grade only after determining, based on the city arborist's recommendation, that the heritage tree meets the criteria in Section 25-8-624(A) (Approved Criteria) and that:

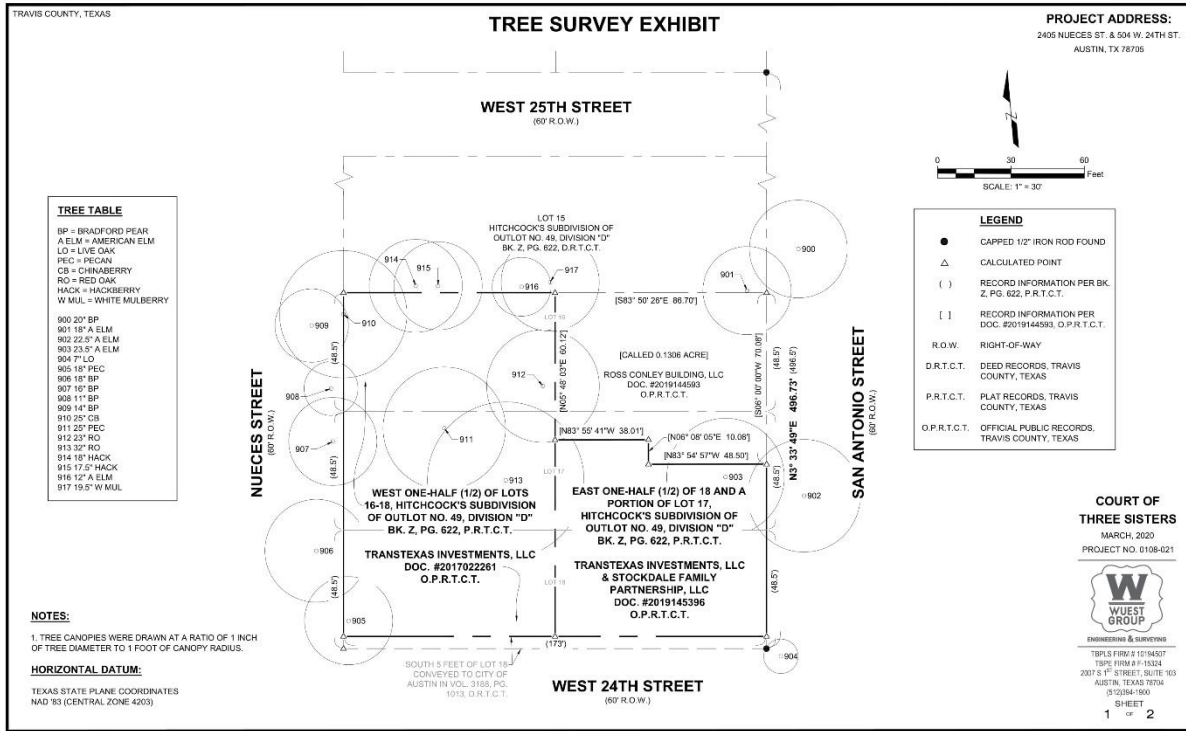
(1) the applicant has applied for and been denied a variance, waiver, exemption modification, or alternative compliance from another City Code provision which would eliminate the need to remove the heritage tree, as required in Section 25-8-646 (Variance Prerequisites); and

RESPONSE: The Applicant has no other alternative equivalent compliance available to allow reasonable use of the Property. The required compliance with the UNO regulations, § 25-2-758 (D)(3), and § 25-2-758 (B)(1). No variances can be pursued which would eliminate the removal of the heritage trees.

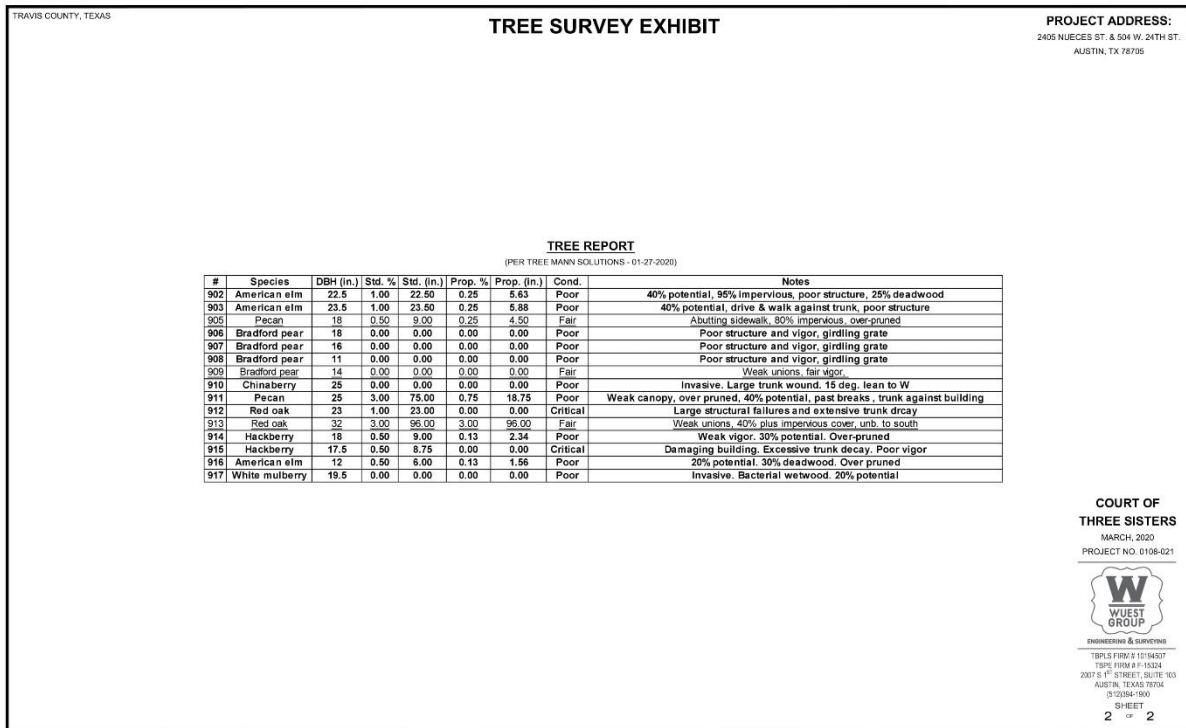
(2) Removal of the heritage tree is not based on a condition caused by the method chosen by the applicant to develop the property, unless removal of the heritage tree will result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site.

RESPONSE: We are seeking removal as the building floorplates do not work with the trees in their current location. The requested removal of trees 911 and 913 is not based on a condition caused by the method chosen to develop the Property. The trees are in poor and fair health. The current root zones and canopy would render the Property undevelopable given the limited width of the site and that UNO requires 75% (§ 25-2-758 (D)(3)) of parking to be below-grade.

EXHIBIT F: SITE SURVEY



Drawing: C:\GIS\Kane\021 Court of Three Sisters @ 504 W 24th\Survey\GIS\455\Kane_S0146140_021-1-13p.mxd Last Printed: Wed Mar 04, 2020 - 1:38pm By: mduvalier



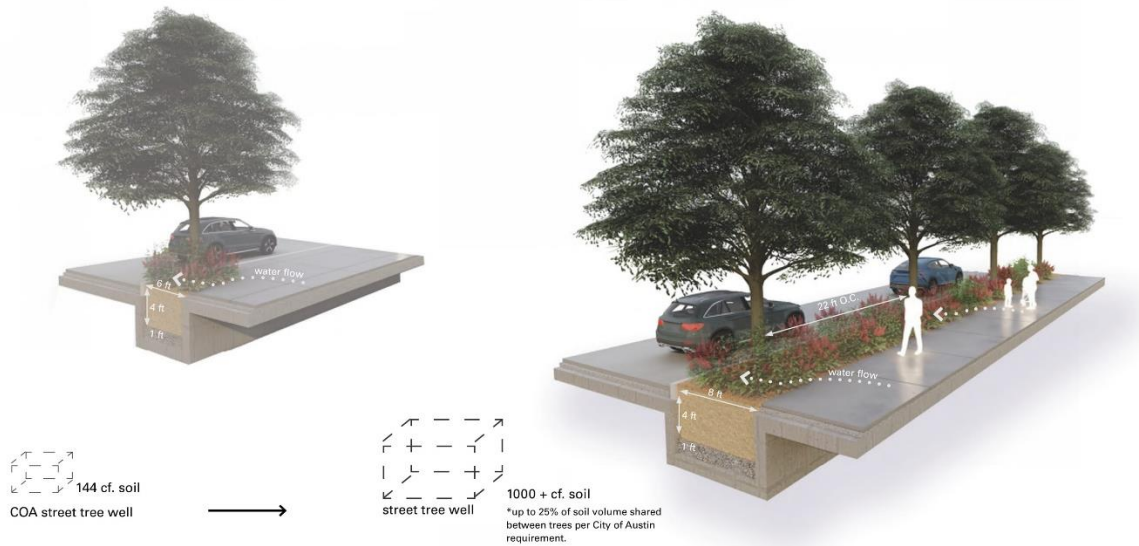
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EXHIBIT G: COA UNO – MINIMUM STREETScape STANDARDS



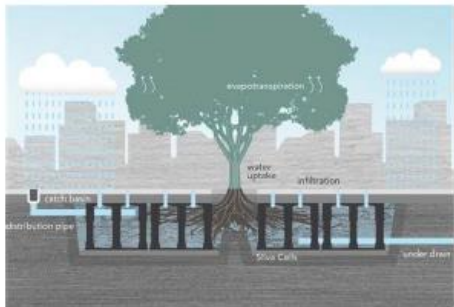
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EXHIBIT H: PROPOSED CONTINUOUS PLANTING BEDS / SOIL CELLS



Continuous planting beds

- Increased soil volume for root zones
- Increased stormwater infiltration
- Increased aeration of roots



Silva Cells with permeable paving

- Increased soil volume for roots
- Decreased compaction over root zone
- Increased stormwater infiltration

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EXHIBIT I: COA UNO – STREETScape STANDARDS WITH CONTINUOUS PLANTING BEDS

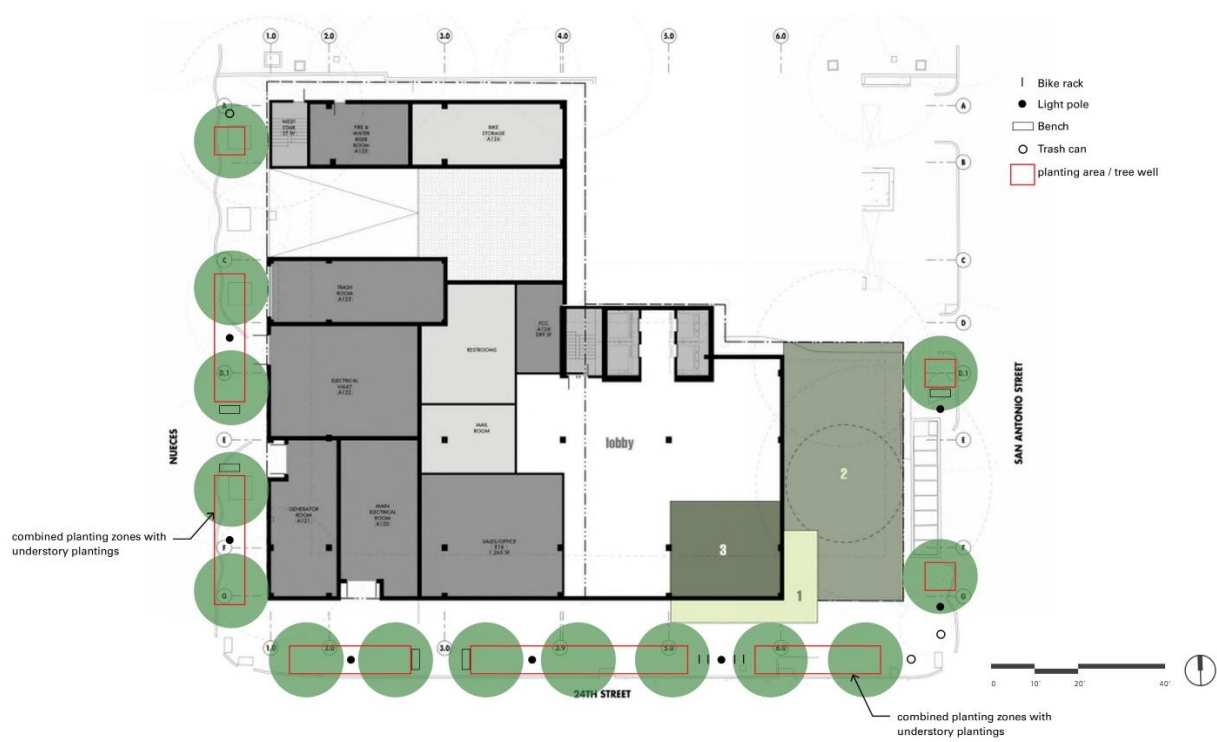
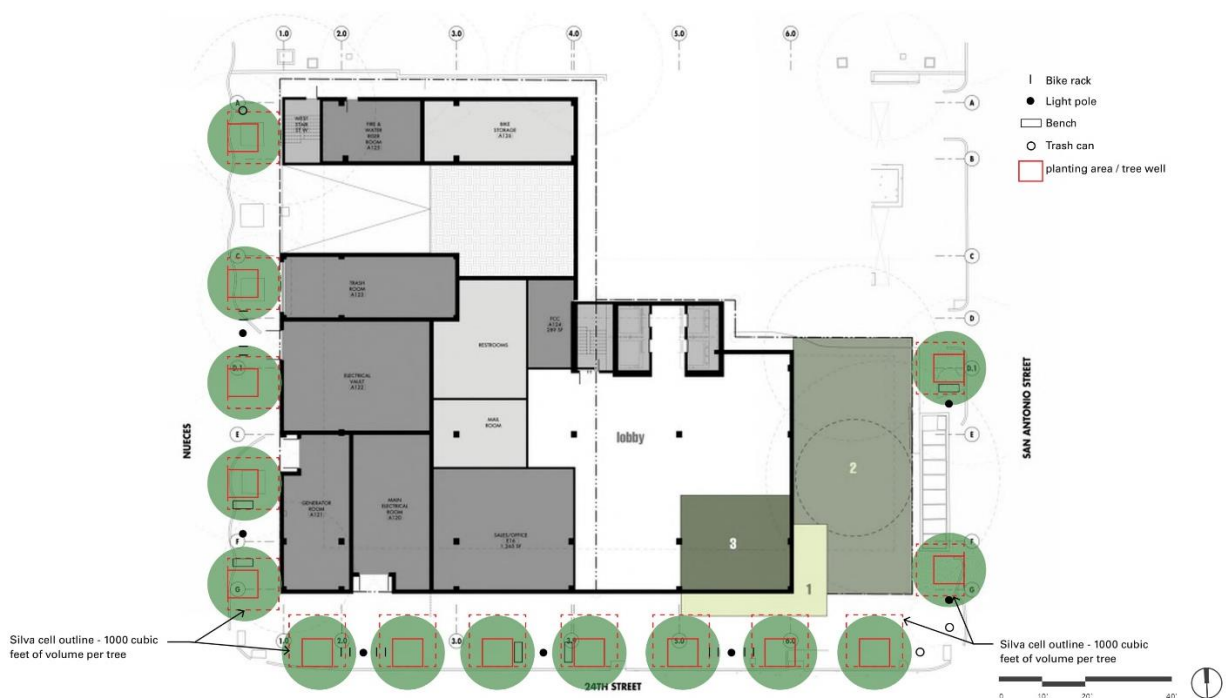


EXHIBIT J: COA UNO – STREETScape STANDARDS + SOIL CELLS

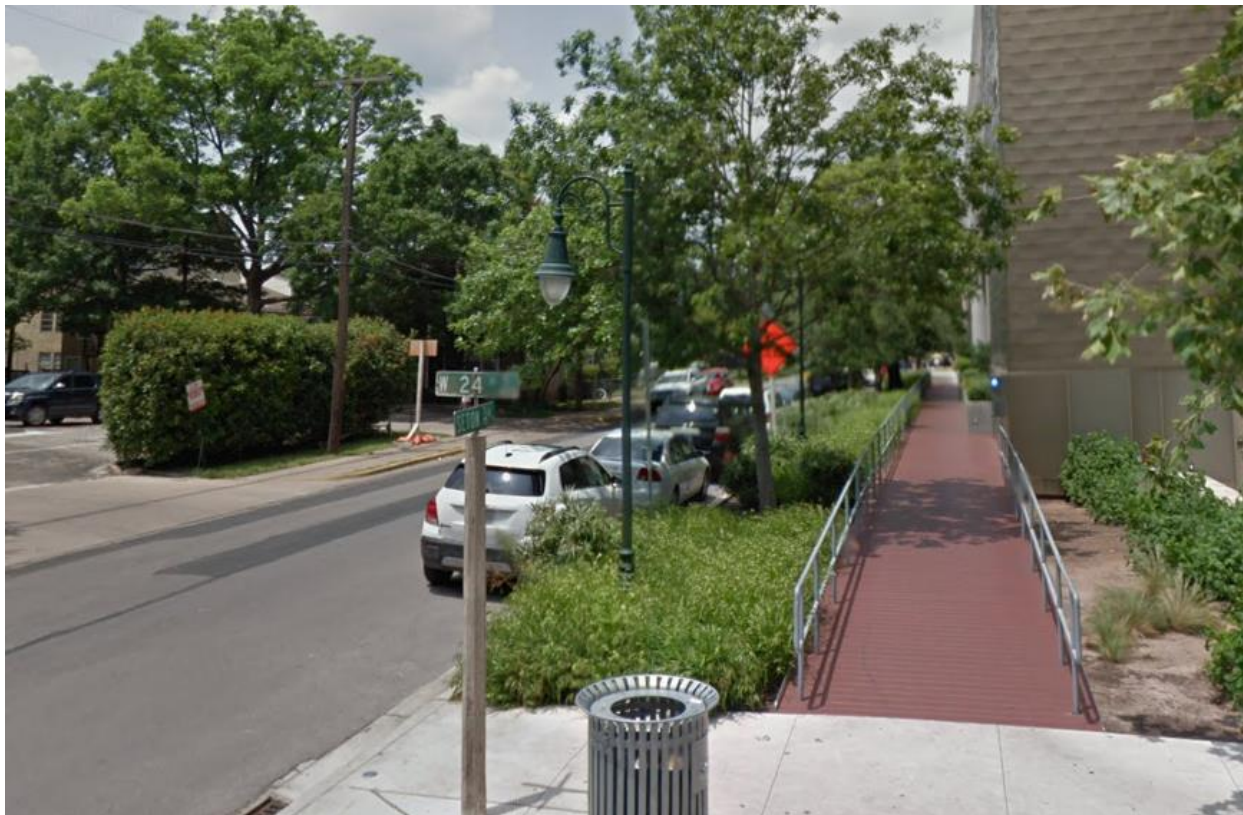


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EXHIBIT K: LOCAL CONTINUOUS PLANTING EXAMPLES



SXSW Center

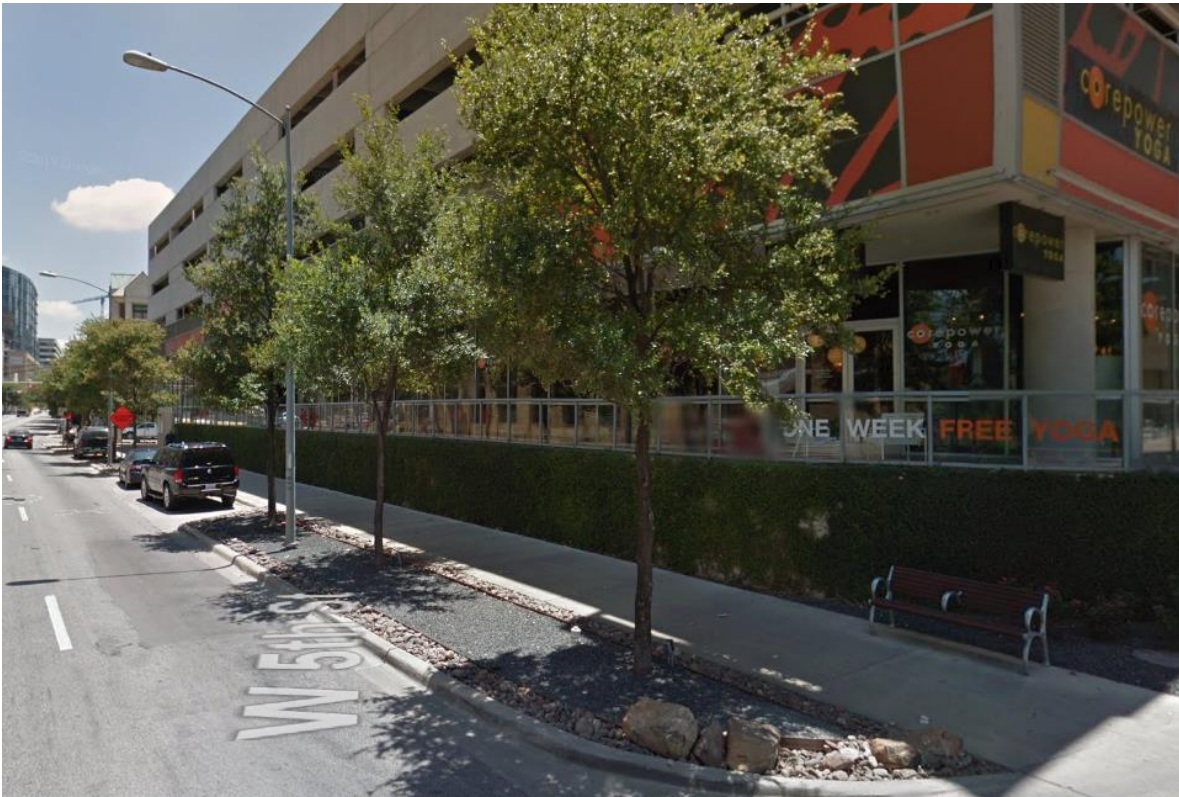


2400 Nueces Apartments

EXHIBIT K: Local Continuous Planting Examples (CONT.)



Austin City Lofts



The Monarch by Windsor



ENVIRONMENTAL COMMISSION MOTION 20210407 004b

Date: April 7, 2021

Subject: Winchestertonfieldville at 2405 Nueces Street and 504 West 24th Street

Motion by: Kevin Ramberg

Seconded by: Andrew Creel

RATIONALE:

WHEREAS, the Environmental Commission recognizes the applicant is seeking removal of two (2) heritage trees, one with a single stem over 30” in diameter; and

WHEREAS, the Environmental Commission recognizes the trees to be a 25-inch heritage pecan and single stem 32-inch heritage red oak; and

WHEREAS, the Environmental Commission recognizes the City Arborist rates the pecan and oak in poor and fair condition, respectively; and

WHEREAS, the Environmental Commission recognizes that the Environmental Criteria Manual standard is 300% mitigation, and mitigation for the site shall be addressed by further enhancing the streetscape planting conditions required under the UNO Great Streets program. The applicant has proposed a menu of options that support greater tree health and longevity such as structural soil cells, permeable paving, and expanded continuous planting beds; and

WHEREAS, the Environmental Commission recognizes the applicant is proposing a five year tree care plan to provide ongoing maintenance for all new trees, and one-time improvements to additional streetscape trees and tree grates as needed and identified; and

WHEREAS, the Environmental Commission recognizes that the request meets the City Arborist’s approval criteria set forth in LDC 25-8-624(A)(2), and thus the variance is recommended by staff.

THEREFORE, the Environmental Commission recommends the requested variance request with the following Environmental Commission conditions:

- The Applicant continue to work with the City Arborist to select tree species selection and maintenance details to promote the fastest grown and longest-lived street trees.
- The City Arborist work with applicant to determine estimated carbon sequestered over the following ten years and include that in mitigation targets.

VOTE 6-2

For: Bedford, Creel, Coyne, Ramberg, Barrett Bixler, and Guerrero

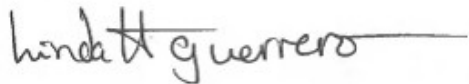
Against: Thompson and Brimer

Abstain: None

Recuse: None

Absent: None

Approved By:

A handwritten signature in black ink that reads "Linda Guerrero". The signature is written in a cursive style with a long horizontal line extending to the right.

Linda Guerrero, Environmental Commission Chair