



Development CITY OF AUSTIN
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Rainey Tower SPC-2021-0129C

January 19, 2022

Heritage Tree Variance Request

NAME OF APPLICANT OR ORGANIZATION:	Lincoln Ventures LLC
LOCATION:	80 Rainey Street
COUNCIL DISTRICT:	District 9
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 a Heritage tree with a single stem over 30 inches 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.



Reasonable Use

- Heritage Tree Code Criteria
- Project Description
- Zoning
- Site Constraints
- Tree Evaluation
- Staff Recommendation

Heritage Tree Code Criteria

The variance request is to allow removal of a Heritage tree with a stem greater than 30 inches as allowed under LDC [§ 25-8-643](#) and [§ 25-8-624\(A\)\(2\)](#)

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 one-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

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;

Project Description

- The subject property is located at 80 Rainey Street. The lot size is 0.6614 acres and is zoned Central Business District (CBD).
- The property is located in the Waller Creek and Lady Bird Lake watersheds, both classified as urban watersheds.
- The site is currently being operated as a cocktail lounge/office with current impervious cover of 84%. The proposed use is for a 587 residential unit tower with retail, onsite parking and cocktail lounge with impervious cover of 92%.
- The applicant requested a predevelopment site consultation with the City Arborist. There are currently two Protected trees and three Heritage trees on site. One Protected tree and one Heritage tree are proposed to be removed.
- A 32.5 inch Heritage pecan is requested for removal and per Land Development Code would require a Land Use Commission variance.

Zoning

- Zoned Central Business District (CBD)
- Waterfront Overlay Combining District
- Participating in Downtown Density Bonus Program
- Compliance with Rainey St. Subdistrict regulations and providing additional affordability
- Green Building Mandatory
- National Register of Historic Districts



Zoning Code Compliance

- Participating in Downtown Density Bonus Program §25-2-739(c)(4) and §25-2-739(c)(5)
- Compliance with Rainey St. Subdistrict regulations and providing additional affordability §25-2-739
- Participation in Great Streets Master Plan

STREETSCAPE ELEMENTS AND STANDARDS STREETSCAPE PLANTING AND ACCESSORIES - TREES

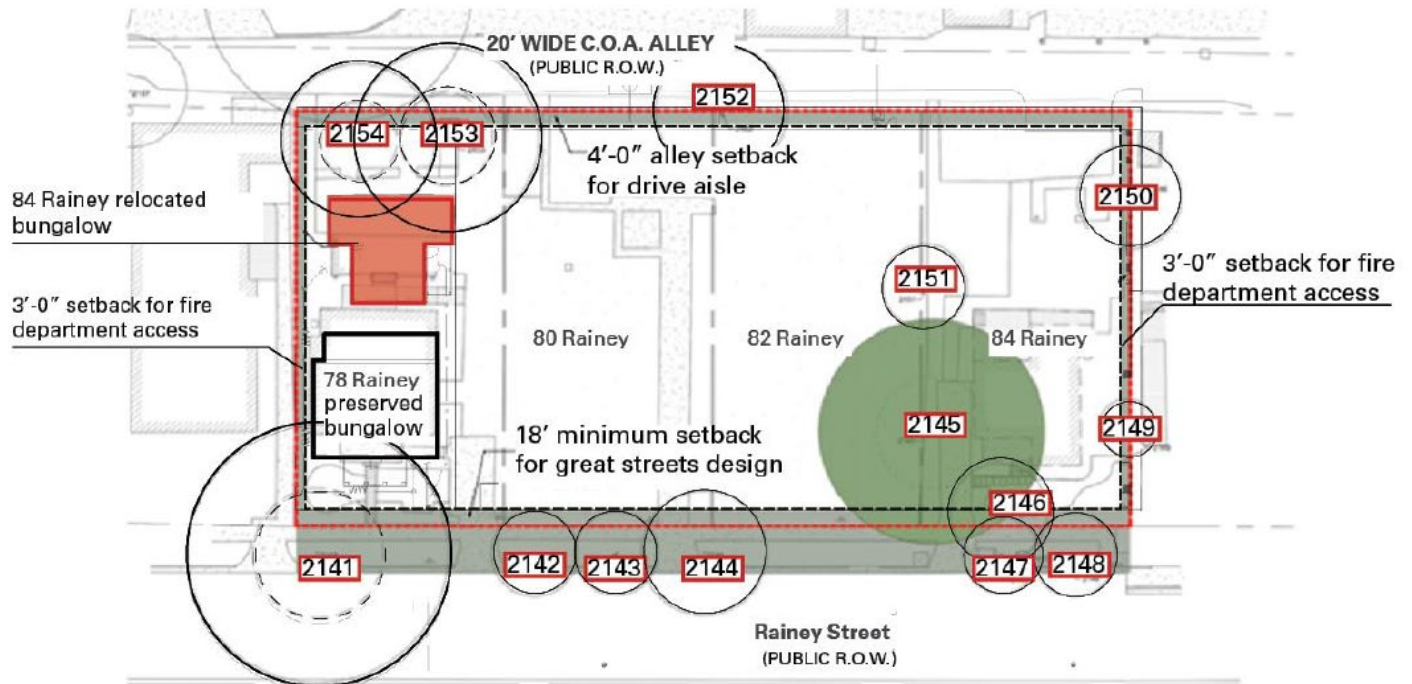


Sketch indicating alternating street tree grid pattern throughout downtown



Site Constraints: Great Streets Master Plan

- Requires 18 ft. setback along Rainey St.
- Limits the developable footprint
- 4' alley setback for drive aisle
- 3' setbacks both north and south sides of property from fire department
- Tree #2145 is centrally located at the property (middle third)



Site Constrains- buildable floorplates

Tree #2145 impacts 11% of site

- Prevents structured parking – 14% reduction of buildable area
- Prevents workable building floorplates



Mitigation

- The [Environmental Criteria Manual](#) standard is 300% mitigation for a Heritage Tree.
- Mitigation for this site shall be addressed by further enhancing the streetscape planting conditions. Great Streets, installed at the owner's expense, is the baseline requirement.
- The applicant has proposed a menu of options that support greater tree health and longevity such as:
 - Structural soil cells
 - Permeable paving
 - Continuous planting beds
 - 5-year tree care maintenance plan
- Cost of transplanting #2145 to be used on-site streetscape improvements

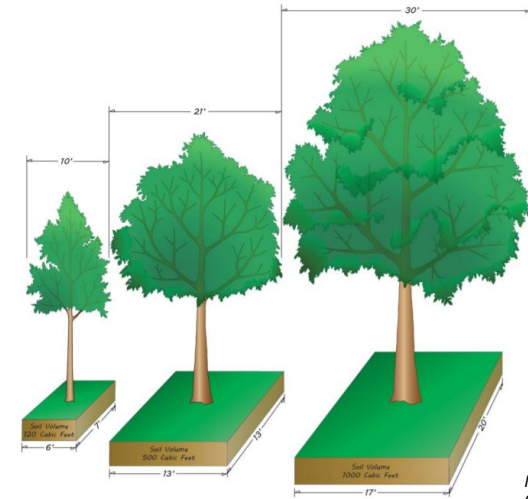


Illustration from Casey Trees 2008

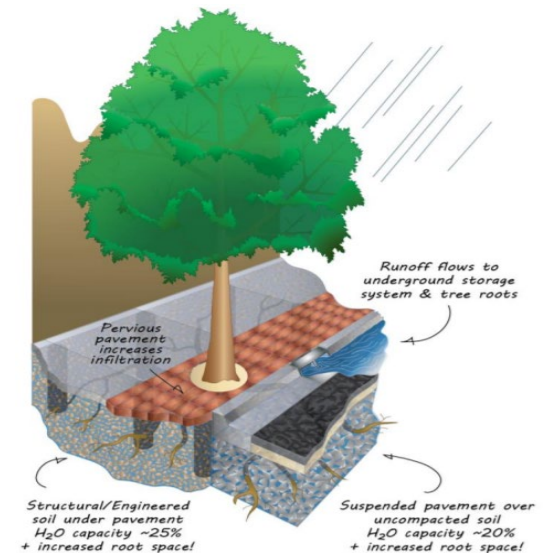


Illustration courtesy of epa.gov

Further information and case studies on enhanced streetscapes can be found at:

- <https://www.epa.gov/sites/default/files/2015-11/documents/stormwater2streettrees.pdf>
- The Journal of Arboriculture & Urban Forestry [Nov2019, Vol. 45 Issue 6, p303-314. 12p](#)

Condition Evaluation Tree #2145

Tree #2145 Pecan

The tree was assessed by four qualified City Arborist Staff over the course of several years. Staff found that it did not meet Code criteria as dead, diseased, or imminent hazard under § 25-8-642 at the time of previous applications.

Measurements

- The subject tree is one Heritage 32.5 inch pecan

Canopy Conditions

- Unbalanced crown; thin canopy; 12+ limb breaks 3-6" diameter in canopy; heavily pruned likely due to several previous failures

Structure / Trunk

- Co-dominant leaders; previous 10" limb failure south side of trunk; previous 8" limb failure north side resulting in damage to roof and house of adjacent building; 27" longitudinal crack in main trunk (west side) 7 ft from grade. Tomography was done at the supporting union of the canopy, results indicate it may be structurally compromised.

Root System

- Buried root flare – compacted 7-12" fill; damage to buttress root

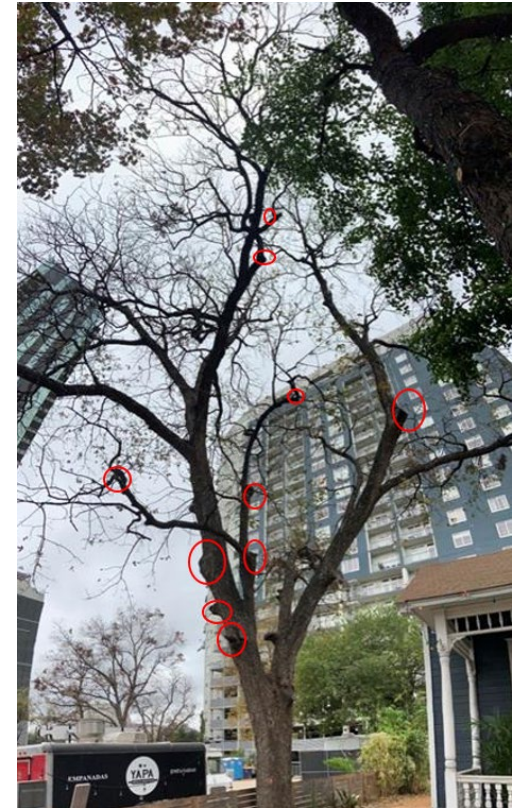
Overall Condition

- Fair condition; poor structure; history of large previous failures



Tree structure

Large previous failures and damage to present building



Tree structure (cont.)

Horizontal and longitudinal cracks developing seven feet above grade. May be an imminent hazard within 5-10 yrs.

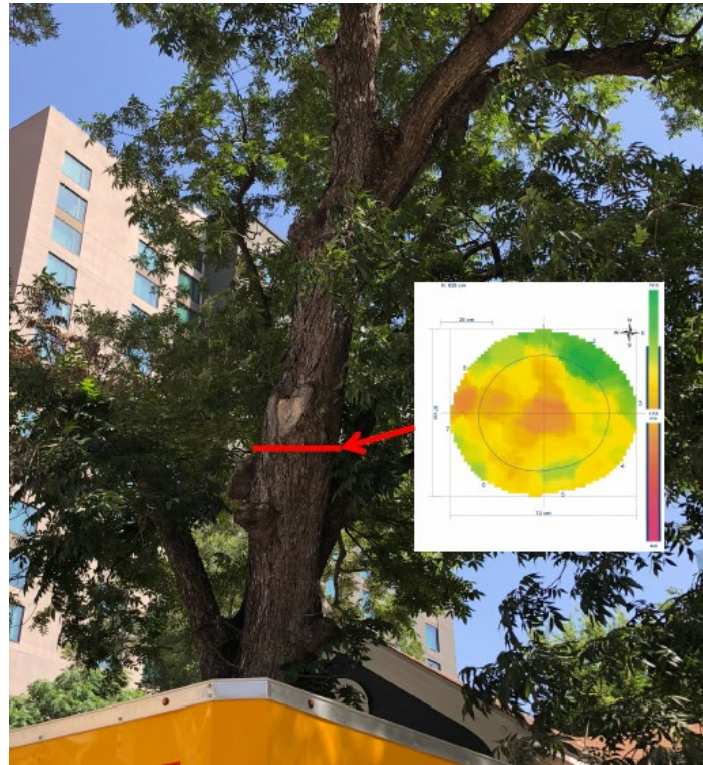


Tree structure (cont.)

Sonic tomography report

Scan at 625 cm

This scan shows less sound wood in the center and extending outwards through the shell wall between sensors 3-8, and between 8-1. This scan was taken below an old, exposed pruning wound, and above branch nubs. Failure of this portion of the tree would result in the loss of a significant part of the tree canopy (Image 2). Eight sensors were used in this scan. The scan at this level is structurally compromised.



The green areas represent sound wood, where the sound traveled quickly between the sensors.

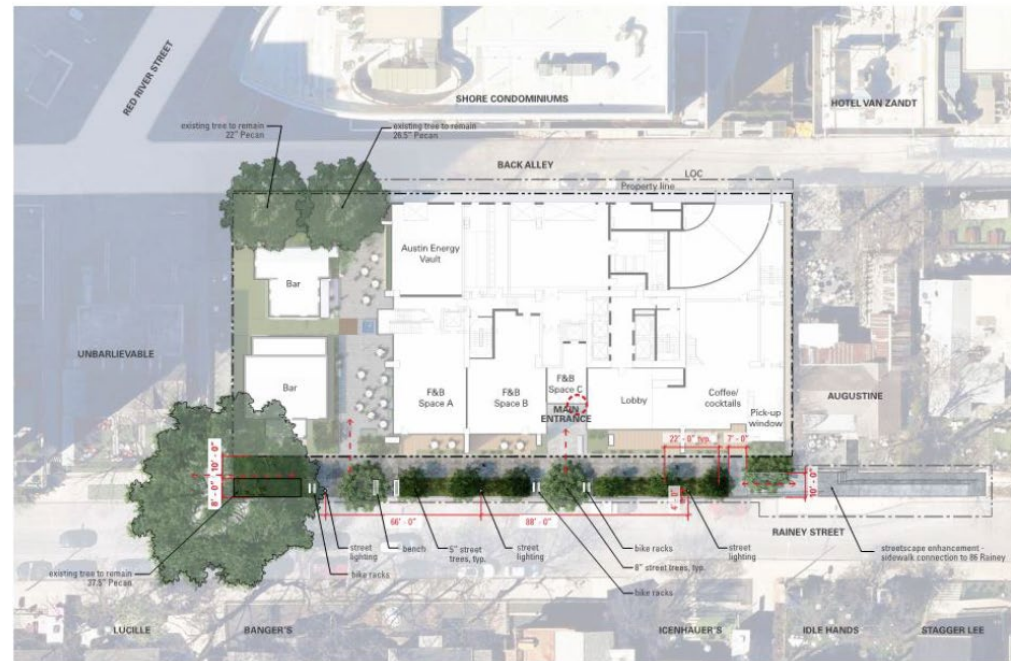
The yellow suggests less sound wood, where the sound traveled slower.

The orange and red suggest cracks or pockets of decay where the sound moved very slowly between the sensors.

Staff Recommendation

The City Arborist recommends removal of the tree due to the applicant demonstrating that the tree prevents reasonable use of the site.

- Healthier and structurally sound trees preserved impacting 18.5% of site.
- 78 Rainey St. historic bungalow preserved and 84 Rainey St. bungalow will be relocated.
- 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 the tree.
- Applicant design team has worked with COA City Arborist and COA Urban Design to develop menu of superior streetscape improvements.





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