



Table of Contents for 1015 E. 12th Street Tree Permit
Heritage Tree Variance Package

The variance package is organized as follows:

1. Cover Sheet
2. Staff Memorandum
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4. Exhibits
5. Applicant Memorandum and Documentation



ITEM FOR ENVIRONMENTAL BOARD AGENDA

BOARD MEETING
DATE REQUESTED: August 21, 2013

ADDRESS
OF PROPERTY: 1015 E. 12th Street

TREE PERMIT #: 10949349

NAME OF APPLICANT: Austin Stowell
President
Keep Investment Group, LLC
512-294-8468

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)(2), thus the variance is recommended.



MEMORANDUM

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

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

DATE: August 21, 2013

SUBJECT: 1015 E. 12th Street Heritage Tree Removal

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 number seven of 10 lots located at 1015 E. 12th street (Exhibit 1). The zoning for the lot is CS-MU-NCCD-NP. The lot size is 31.5' (width) x 83.70' (depth) and the tree location is in the center of the lot (Exhibit 2). The desired use is a single-family residence. The property is located in the Waller 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 55 feet and the canopy spread is 60 feet (Exhibit 3).

Canopy Conditions

The canopy architecture displays minor asymmetry. Storm damage and/or dieback in the canopy are evident in most branches (Exhibit 4). Minor cavities and decay are present in several stems (Exhibit 5). Reaction wood, likely compensating for solid wood loss, has occurred in one of the scaffolding branches (Exhibit 6). One of the main leaders has been broken, likely resulting from storm damage (Exhibit 7).

Trunk

Unremarkable (Exhibit 7).

Root System

Root flare is apparent at grade. No defects are apparent. Critical root zone conditions are characterized by turf grass, compacted soil, and a sidewalk (Exhibit 8).

Overall Condition

There are considerable structural and biological defects, but the hazard is not likely imminent. Rather, the tree canopy conditions are symptomatic of typical Pecan decline likely resulting from drought and heat stress coupled with upland environmental conditions ill-suited for Pecan tolerance range. It is reasonable to expect continued decline of the subject tree. The City Arborist Tree Evaluation provides additional details (Exhibit 9).

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.

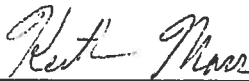
Recommendation

Though not an imminent hazard, the subject tree should not be preserved due to the aforementioned overall conditions. Further, it is not reasonable to incorporate the tree into the design given the location of the tree in the center of the lot and the likely decline of the subject tree with or without development activities. The variance request meets approval criteria for the City Arborist per LDC 25-8-624(A) (2). For the City Arborist determination on reasonable use see Exhibit 10.

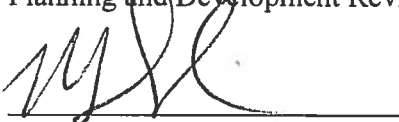
Mitigation

The suggested mitigation is reduced from 300% to 100% due to tree condition as allowed per ECM 3.5.4. Due to the lot dimensions, mitigation in the form of tree planting should be distributed across the 10 lots associated with this property. Mitigation should be 30 inches of native trees planted on the 10 associated lots.

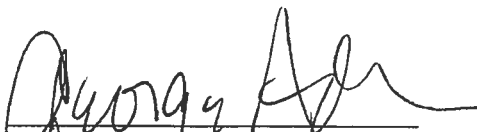
If you need further details, please contact me at 974-2755 or keith.mars@austintexas.gov.



Keith Mars, Environmental Program Coordinator
Planning and Development Review Department



Michael Embesi, City Arborist
Planning and Development Review Department



George Adams, Assistant Director
Planning and Development Review Department



**City Arborist
Planning and Development Review Department
Staff Recommendations Concerning Heritage Tree Variances**

Application Address: 1015 E. 12th Street

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. Please see Exhibit 10 for the reasonable use determination rationale.

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. However, substantial canopy loss has occurred likely due to drought stress.

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:



Date:

8/5/13



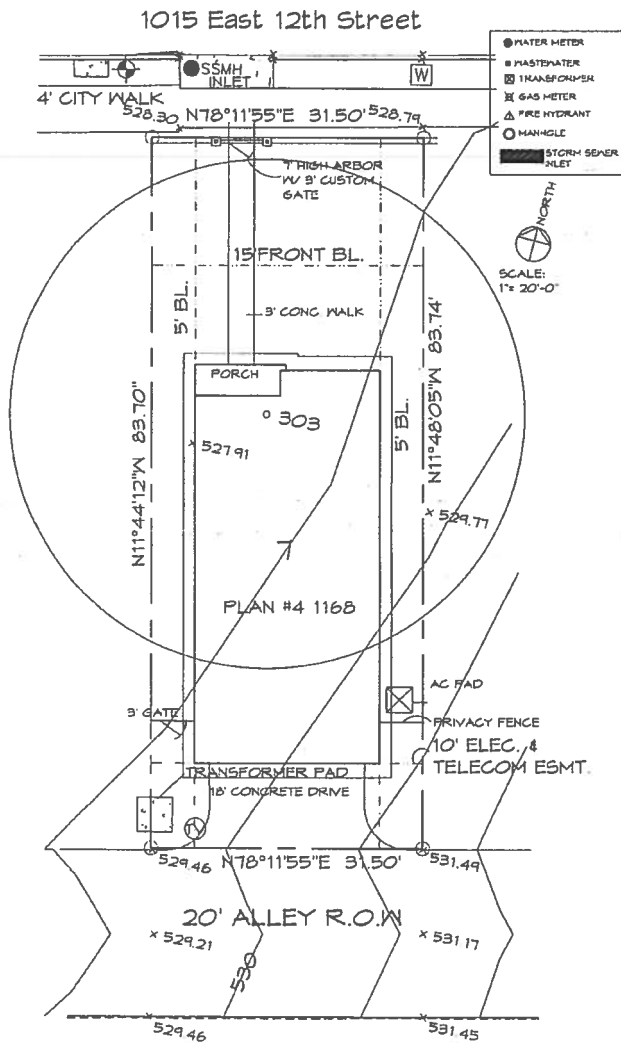
Exhibit 1



The City Arborist Program

Tree Preservation and Replenishment

Exhibit 2



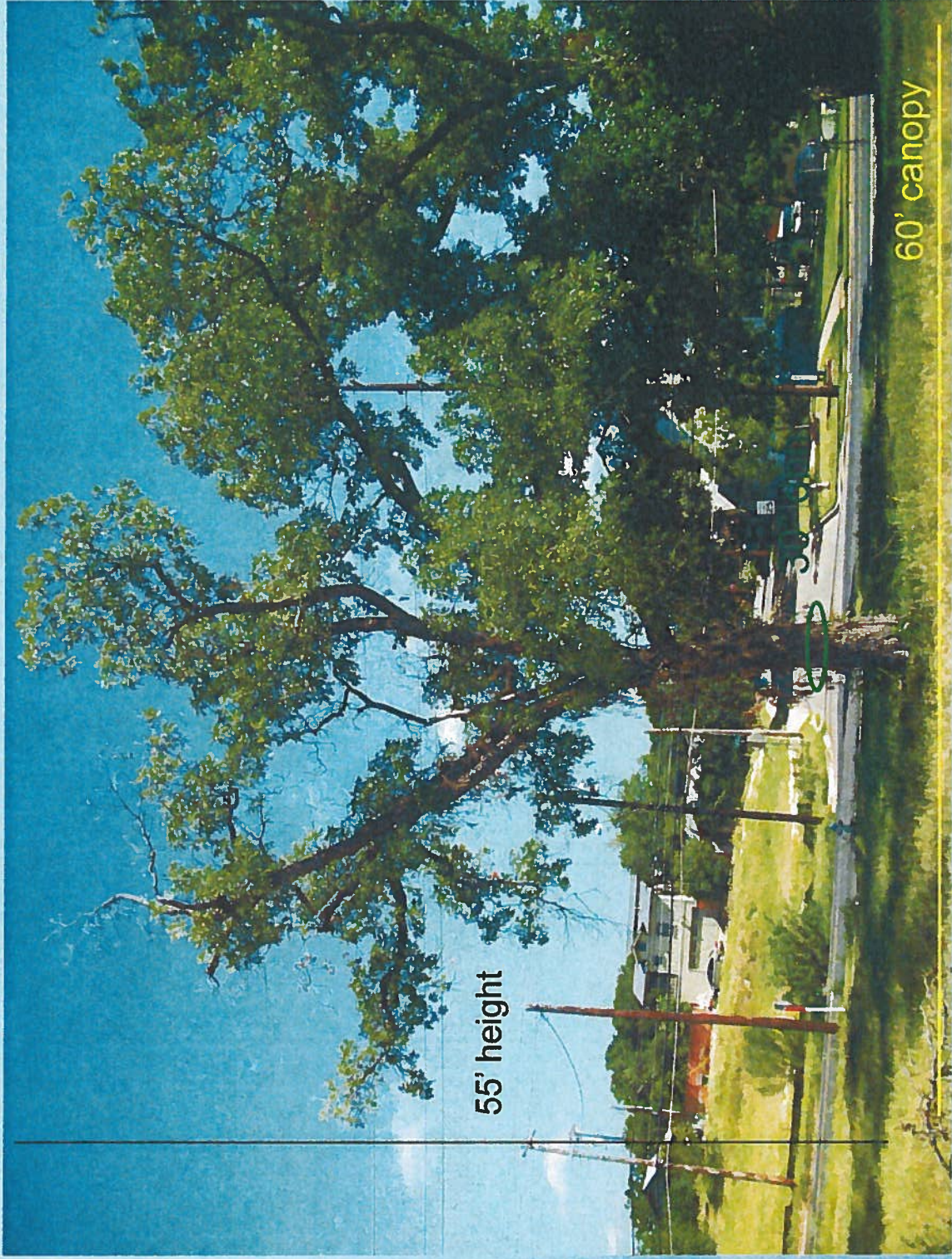


Exhibit 3



The City Arborist Program

Tree Preservation and Replenishment

Storm Damage and
Canopy Dieback



Exhibit 4



The City Arborist Program

Tree Preservation and Replenishment

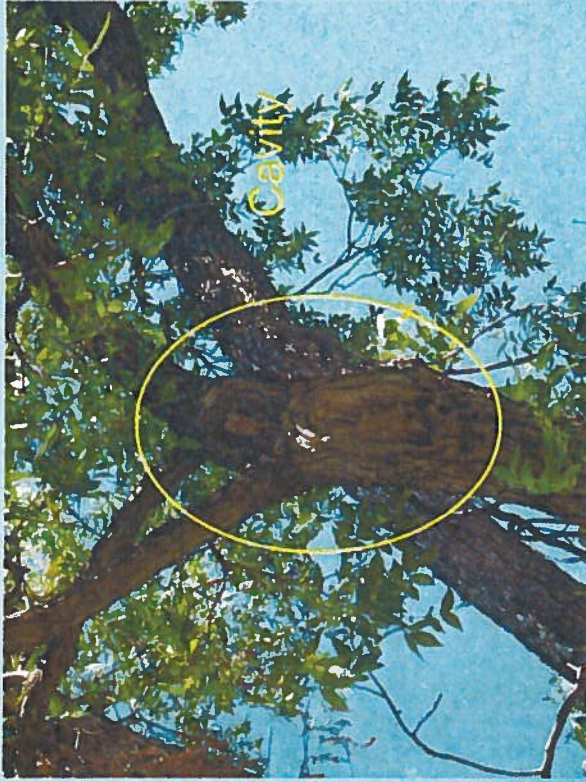


Exhibit 5



The City Arborist Program

Tree Preservation and Replenishment



Exhibit 6



The City Arborist Program

Tree Preservation and Replenishment



Exhibit 7



The City Arborist Program

Tree Preservation and Replenishment



Exhibit 8



The City Arborist Program

Tree Preservation and Replenishment



Exhibit 9

TREE EVALUATION

Property address: 1015 E. 12th St.

Date: 8/5/13

Evaluator: Keith Mars

SIGNATURE: [Signature]

ISA/ASCA Certification #: TX-3677AM

1. TREE CHARACTERISTICS

DBH of each trunk: 30.0 Common & Latin name: Pecan, *Carya illinoensis*

Location: Private / Public Estimated height & canopy spread (ft): 55' x 60'

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 symmetric / 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: 4 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 present

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: _____

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

DEFECT TYPE	DEFECT AREA	DEFECT SEVERITY	NOTES	LEGEND
Poor taper	B	L		AREA T – Trunk(s) R – Root Flare L – Lateral Roots S – Scaffolds B – Branches SEVERITY S – Severe M – Moderate L – Low
Codominants/forks	T, S	L	potential decay	
Multiple attachments				
Included bark				
Excessive end weight				
Cracks/splits				
Hangers				
Girdling				
Wounds				
Decay	S, C	M	storm damage	
Cavity	S, B	M	storm damage	
Conks/Mushrooms				
Bleeding				
Loose/cracked bark				
Nesting hole/bee hive				
Deadwood/stubs	B	M, S	typical symbiotic dieback	
Borers/termites/ants				
Cankers/galls				
Previous failure	C	M		

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

Storm damage and/or dieback in almost every branch,
Main leader likely lost to storm damage.



City Arborist Reasonable Use Determination:
Criteria and Application to the Subject Property

1. Has the applicant 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?

Due to the location of the tree on the lot it does not appear a variance, waiver, exemption, modification or alternative compliance could be sought that would preserve the tree.

2. Is the removal of the heritage tree based on a condition caused by the method chosen by the applicant to develop the property, and if so, will removal of the heritage tree result in a design that will allow for the maximum provision of ecological service, historic, and cultural value of the trees on the site?

Given the central location of the tree, removal does not appear to be based on the method of development chosen.

3. Is this the minimum change necessary?

Yes. No other variances are being sought at this time.

4. What is the zoning and allowable impervious cover for the property? Does intensity of development or size of the lot contribute to reasonable use?

The lot dimensions are 31.5'(width) x 83.70'(depth). This lot is considered non-standard lot dimensions.

5. Is the application to derive reasonable use a result of the actions by the applicant in subdividing the property or adjusting boundary lines (i.e. is this issue self imposed)?

No. The property has not recently been subdivided.

*This document was created by the City Arborist to assist in determining whether a tree proposed for removal prevents a reasonable use of the property. This is not an official or legally binding document, and the considerations used by the City Arborist are subject to change.

6. Does the proposal mitigate the removal to the maximum extent possible?

Staff has provided mitigation options per the Environmental Criteria Manual.

7. Is there a history of non-compliance with the site?

AMANDA records do not indicate a history of non-compliance.

Conclusion: The tree prevents a reasonable use of the property. The City Arborist recommends granting the variance to allow removal of the tree, once mitigation conditions are established and either satisfied or fiscal security posted to ensure performance of the mitigation conditions.

*This document was created by the City Arborist to assist in determining whether a tree proposed for removal prevents a reasonable use of the property. This is not an official or legally binding document, and the considerations used by the City Arborist are subject to change.



Memo RE: Heritage Tree 1015 E 12th Street

Re: Variance request from the Land Use Commission

A request has been submitted by Jon Smiley, President, ion Constructors and Austin Stowell, Development Partner, Butler Family Interests to remove a pecan tree, approximately 30" in size from the center of the lot located at 1015 E 12th Street. Please see attached site plan and survey for reference.

The size is as follows as referenced in the City of Austin IFB when these lots were purchased:

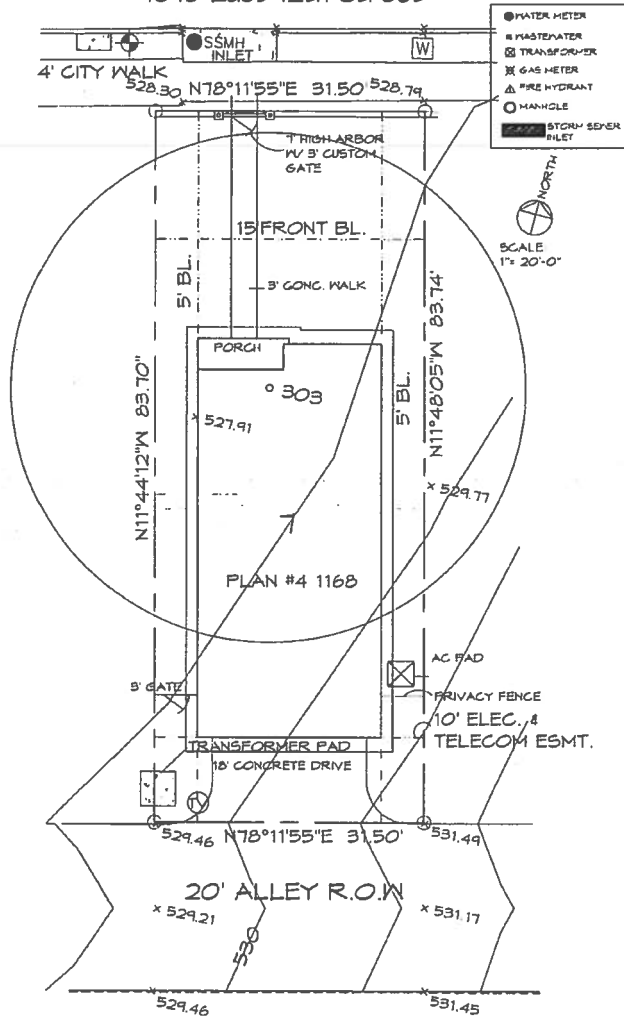
1015 W 12th St 31.5' (width) x 83.70' (depth) Size 2637 sq ft

The presence of this particular tree prevents reasonable use and development of this lot due to the size of the lots and size of the critical root zone (CRZ). The size of the lot and the required setbacks leave us with little option other than removal. We have exhausted efforts to create a reasonable alternative design. The side setbacks provide us with only 21.5' of width in which to build. The trees central location in this parcel prevents a lateral design change. In addition, the front setback of 15' and rear setback of 10' further restrict our options and force us to remove the tree in order to maintain reasonable use of this particular parcel. There is not an alternative orientation of the structure that would allow us to both build on the lot and retain the tree. We are therefore seeking a variance for it's removal. We have met with both Keith Mars and Michael Embesi of the City of Austin Arborist Program and have retained staff recommendation to remove the tree.

Sincerely,

Austin Stowell
President
Keep Investment Group, LLC
Austin@keeprealestate.com
C: 512.294.8468
F: 512.590.8709

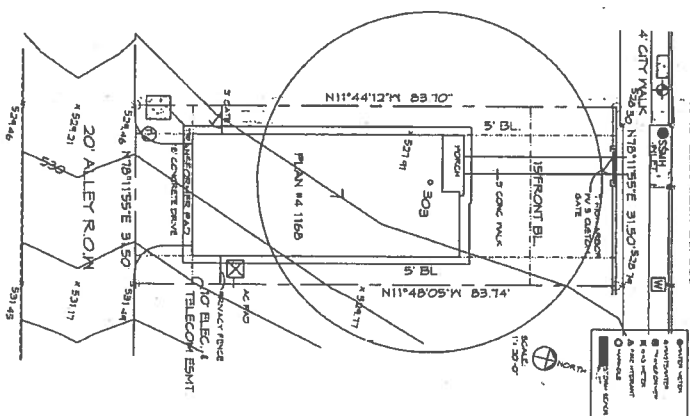
1015 East 12th Street



- 5.34.4.1.1. Escapes
- 1. The escape route from the first floor shall be a minimum width of 3'6" and clear opening required, when there is a balcony, door to a landing and located on the first story. The door must be served by a ramp or a stairway entrance, and must connect to an accessible route, such as a public ramp, driveway, or sidewalk. The maximum distance between the interior floor level of the building entrance and the adjacent accessible route shall not be greater than one-half inch. If ramps or handrails are required, they must comply with the International Building Code.
 - 2. The escape route from the first floor shall be a minimum width of 3'6" and clear opening of 3'6" (except doors leading into closets less than 15 square feet in area). A 3'6" door or window or sliding patio door assembly usually complies with this requirement.
 - 3. The escape route from the first floor shall be a minimum width of 3'6" and clear opening of 3'6" (except doors leading into closets less than 15 square feet in area). A 3'6" door or window or sliding patio door assembly usually complies with this requirement.
 - 4. A dwelling unit located on the first story must be designed and constructed with a single room on the first story floor containing a toilet and a bathroom. The room's width shall be finished with vinyl flooring that is 1/2 inch thick by 3/4 inch or larger in nominal dimension, and the center line of the building must be 4'6" from and parallel to the interior floor level. If the room is not required in the portion of the wall located within 1/2 inch of the exterior wall, the room must be 4'6" from and parallel to the interior floor level.
 - 5. The interior floor level must be 4'6" from and parallel to the exterior floor level.
 - 6. The main entrance door, which is located on the first story of a building, must be no higher than 4'6" above the interior floor level, making access to adjacent grade and at least 3'6" above the exterior floor level, making access to adjacent grade.

City of Austin Ordinance No. 20080618-044

1. 5322.2 Accessible bathrooms with dwelling units. If a water closet room or bathroom is provided on the first story of a dwelling unit, the water closet room or bathroom must have a minimum clear opening of at least 3'0" (762mm).
2. 5322.3 Rail Reinforcement in bathrooms. If a water closet room or bathroom is provided on the first story of a dwelling unit, the water closet room or bathroom must contain a toilet and a vanity and have reinforced walls that meet the following criteria:
 - a) lateral two inch x six inch or larger nominal wood blocking must be installed flush with the side edges of the bathroom walls and
 - b) the center-line of the blocking must be 54 inches from and parallel to the interior floor level



Legal Description	
Subdivision	Anderson Hill
Lot	7
Block	A
Address	1015 E. 12th St.
Plan Number	#4-1168
Date	5.29.13

Plan Footage Calculations	
1st floor	533
Front porch	37
Side porch	434
Garage	
2nd floor	635
Master deck	
Rear deck	
3rd floor	
Open Deck	
Total Heated:	1168
Total Unheated:	471
Slab	1003
Total Project:	1638

Site Footage Calculations	
Lot Size	2637
Allowable IC (65%)	1714
Slab	1003
Drive	188
Walk	81
Other	21
AC Pad	9
Total	1302
Imp. Cover %	49.37%

Plan Options for this Address Only	
1. Brushed Chrome Hardware	
2. Stained Front door	

This plan has been reviewed by Chris Mott (1996) in relation to the City of Austin's Ordinance 160911, which requires that all new construction comply with the City of Austin's International Residential Code as well as Federal, State, and local requirements of the City of Austin. These plans are intended to be in compliance with 2006 International Residential Code and the City of Austin local amendments.

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 chris@barroncustomdesign.com



12TH ST. CITY HOMES
 PLAN # 4
 1168 sq. ft.

NUMBER	DESCRIPTION	DATE
01	Engineering	5.29.13
Site Plan		
A100		
SCALE: 1" = 20'-0"		