O01/19

W: New Tree Review Status for 2009 Lakeshore Dr. - 2016-156405 TP

Tue 1/24/2017 12:33 PM

To [redacted]

mportance: High

Print email and attachment for file

Kind Regards,
David C. Cancialosi
Permit Partners LLC
105 W. Riverside Dr. #225
Austin, Texas 78704
512.593.5361 O
512.593.5368 D
512.494.4561 F

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From: Dave < [redacted]
Dat [redacted]
To: [redacted]
Cc: [redacted]
Subject: Re: New Tree Review [redacted]

Keith,

For the record, the AMANDA status was just changed to "denied" within the past few minutes. It appears a formal decision was rendered by the department approximately 16 working (business) days (today) after the December 29, 2016 submittal.

Before today there was no decision other than "pending" status in the review system. It is not 100% clear to me that "pending" is an official determination. See the attached AMANDA copy of the application and tree plan. There are no COA notes on either, nor in AMANDA. It appears to me that the city failed to make a formal determination within the 10 day period.

Just so I understand - the tree application in which we are requesting removal of the protected trees is now denied despite not having been reviewed in accordance with 25-8-625(A), correct?

Please understand I am not being adversarial. I am only proceeding the way the code is written.

Michael – what is your opinion on this matter?

O01/20

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From [redacted]
Date
To:
Cc:
Subject: RE: New Tree Review Status for 2009 Lakeshore Dr

David,

The application has already been statutorily denied pending a review of reasonable use and/or access to the property. At this point, given the failure to provide material in which to review for code compliance it does not appear the trees prevent reasonable use or access to the property. Should you disagree with my determination you have the right of appeal to the Land Use Commission per LDC 25-8-627 and 25-8-644.

Keith W. Mars
City Arborist & Urban Forest Conservation Program Manager
City of Austin Development Services Department
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505 Barton Springs Road
Office: 512-974-2755

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From [redacted]
Sent:
To:
Cc:
Subject: Re: New Tree Review Status for 2009 Lakeshore Dr. - 2016-156405 TP
Importance: High

Keith,

O01/21

Thank you for the quick response.

As you know 25-8 requires a site plan for certain projects seeking tree permit approval. However, a single family project does not require a site plan per LDC 25-5; therefore, how can your department require a site plan for a tree application? What practical good does it do for your staff to see conceptual plans of potential improvements when we are only proposing to remove the identified trees? I'm not seeing the correlation. We are proposing development of a new single family project. The trees are inhibiting our ability to comply with various codes.

The code is clear:

§ 25-8-625 - ACTION ON APPLICATION.

(A) The Planning and Development Review Department shall take action on an application to remove a protected tree:

(1) not later than the 10th working day after the complete application is filed; or

(2) if a variance, waiver, exemption, modification, or alternative compliance request is required by Subsection 25-8-624(C) (*Approval Criteria*), not later than the 10th working day after the request is denied.

(B) An application to remove a tree that is not associated with a pending subdivision, site plan, or building permit application submitted to the City is automatically granted if the Planning and Development Review Department does not take action on the application before the expiration of the applicable deadline in Subsection (A).

On Dec. 29, 2016 my office filed the application. The COA intake office took the application and the $323.44 fee. The status is "pending" in AMANDA. No denial or approval has been indicated as of today, and thus, no action has been taken by the city at this point. The 10th working day was about Jan 12, 2017.

One could argue the application needs to be approved at this point.

Please advise.

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