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<u>Table of Contents for Block 36 Site Plan</u> <u>Heritage Tree Variance Package</u>

The variance package is organized as follows:

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City Arborist Tree Assessments	
Applicant Memorandum and Documentation	





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ITEM FOR ENVIRONMENTAL COMMISSION AGENDA

COMMISSION

DATE REQUESTED: September 5, 2018

ADDRESS

OF PROPERTY: 710 East 3rd Street Austin, TX

SITE PLAN #: SP-2018-0015C

NAME OF APPLICANT: KBGE Engineering

CITY ARBORIST: Keith Mars, 512-974-2755

keith.mars@austintexas.gov

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

REQUEST: The applicant is requesting to remove two heritage trees, each with a

single-stem greater than 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.





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MEMORANDUM

TO: Ms. Linda H. Guerrero, Chair

Environmental Commissioners

FROM: Keith Mars, AICP, City Arborist

Development Services Department

DATE: September 5, 2018

SITE PLAN: Block 36 (SP-2018-0015C)

REQUEST: The applicant is requesting to remove two heritage trees, each with a single-stem

greater than 30 inches as allowed under LDC 25-8-643

Project Description

The subject property is located at 710 E. 3rd Street. The lot size is 1.8 acres and is located within the central business zoning district (CBD) and within the desired development zone. The current use is commercial and the desired use is mixed use – multifamily/retail. The proposed impervious cover is ~69.6% and the maximum allowable impervious cover is 100%. The proposed building height is ~55 feet and the FAR is 3:1. Capitol View Corridor applies to the property. The property is located in the Waller Creek Watershed classified as an urban watershed.

There are two heritage trees onsite, one is a Pecan and one is an American Elm. Both trees have structural health concerns as per onsite evaluations and tree risk assessments. These two trees exceed 30 inches in diameter. Per the Land Development Code a Land Use Commission variance is necessary to remove these trees.

Tree Evaluation

Measurements

The two subject heritage trees are a 37.5" Pecan tree (tree #4008) and a 34" American Elm tree (tree #4009).

Canopy Conditions

Tree #4008 – Has significant dead/dying scaffold limbs and canopy has been improperly pruned at multiple points. (Exhibit 3)

Tree #4009 – Only retains approximately 50% of canopy of similar-sized specimen. Has heavily unbalanced canopy to east/southeast. Tree previously cut back aggressively from power lines. (Exhibit 7)

Trunk/Major stems

Tree #4008 – Trunk splits into four large stems with included bark between the stems. Some old decay/wounds are present higher up on major limbs likely a result of past storm damage. (Exhibit 2)

Tree #4009 – Has multiple codominant (2-3 tightly fused) stems with weak unions (included bark) which could present future structural issues. Some old decay and cavities are present in very brittle branches. (Exhibit 6)

Root System

Tree #4008- Approximately 80% of its roots have been covered by pavement for many years. Poor growing environment and compaction present. (Exhibit 1)

Tree #4009 – This tree is also in a poor location with previous development. Compaction present. (Exhibit 5)

Overall Condition

Tree #4008 – This tree is not an active hazard, but is structural compromised and the branch structure cannot be corrected without significant canopy removal. There is also concern about existing rooting conditions due to the majority of rooting area covered by impervious cover. (Exhibit 4).

Tree #4009 – This tree is not an active hazard, but it is structurally compromised and that structure cannot be corrected. More details on the overall condition can be found in the City Arborist Tree Evaluations (Exhibit 8).

Variance Request

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

Recommendation

The City Arborist recommends removal of both trees due to long-term structural health concerns and public health, safety and welfare. Since both trees are not imminent hazards a Land Use Commission variance is necessary.

On November 30, 2017, the applicant and city arborist staff met onsite for a predevelopment consultation. Subsequent meetings with the City Arborist and city arborist staff were held to discuss both trees. In addition to reviewing the two trees requested for removal, their condition, and their locations in relation to the proposed development onsite, a third party certified arborist report and tree risk assessment for each tree was provided verifying structural health concerns.

The City Arborist recommends it is not reasonable to incorporate the two trees into the design. Both trees are in poor structural condition and that condition is not recoverable. Given the tree conditions and the proposed use, it is not reasonable to incorporate these trees into the design. The variance request meets approval criteria for the City Arborist per LDC 25-8-624(A) (2).

Mitigation

The Environmental Criteria Manual prescribes 300% mitigation. Due to the tree condition it is standard practice per the Environmental Criteria Manual to reduce the mitigation. Consequently, the suggested mitigation rates are 150% for each of the trees. That would equate to 107 inches of mitigation. The City Arborist recommends the use of a suspended pavement system for newly planted street trees to be put towards overall mitigation. This suspended pavement system would provide increased soil volume to ensure longevity and healthier street trees. In turn, these new trees will provide maximum long-term shade potential, reducing the heat island effect and creating a more walkable streetscape.

Please contact 512-974-2755 or keith.mars@austintexas.gov if you have questions.

Keith W. Mars

Keith Mars, City Arborist Development Services Department



Exhibit 1-Tree #4008 Root System





Exhibit 2 -Tree #4008 Trunk/Major stems





Exhibit 3-Tree #4008 Canopy Condition





Exhibit 4-Tree #4008 Overall Condition





Exhibit 5-Tree #4009 Root System



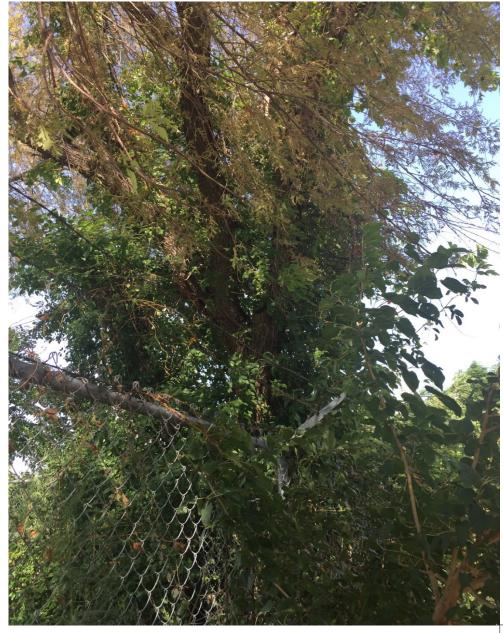


Exhibit 6-Tree #4009 Trunk/Major stems



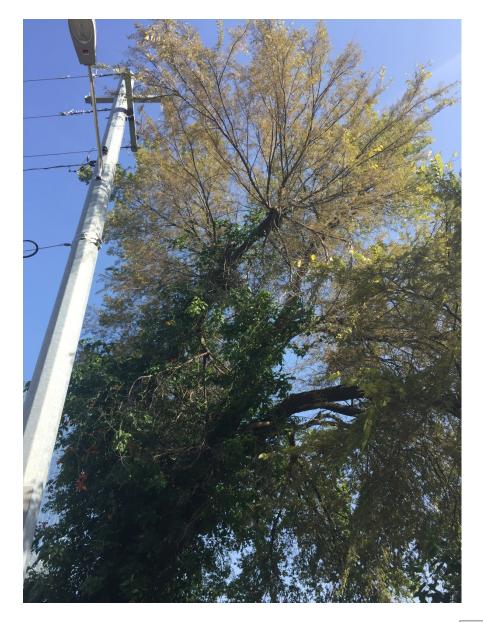


Exhibit 7-Tree #4009 Canopy Condition



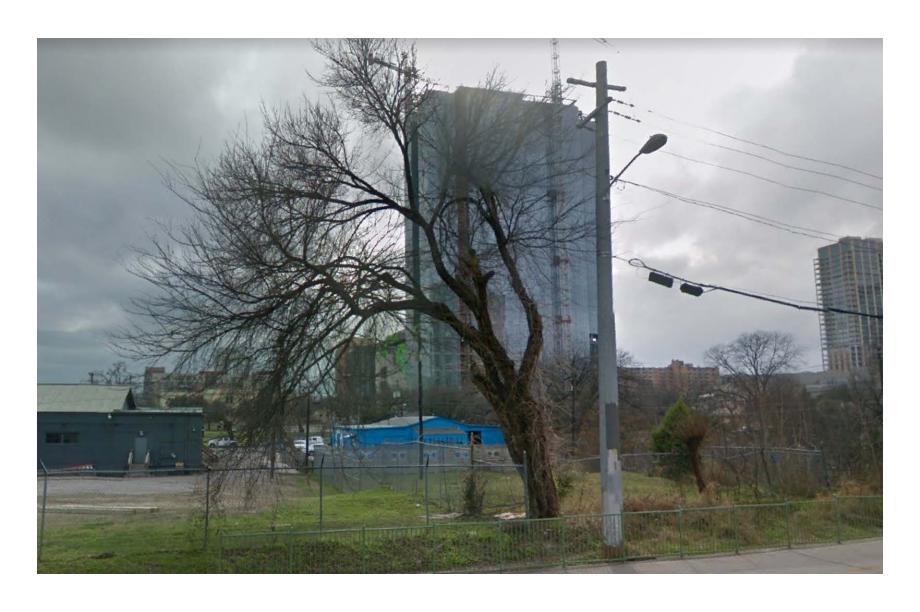


Exhibit 8-Tree #4009 Overall Condition





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Memo

Linda H. Guerrero, Chair, City of Austin Environmental Commission, and

To: Honorable Environmental Commissioners

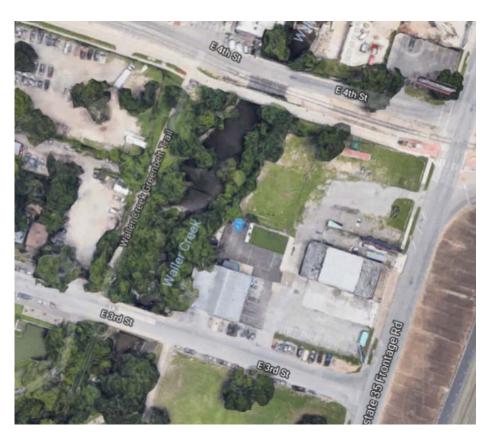
From: Transwestern Development Company

Date: August 16, 2018

Re: Block 36

SITE: 710 East 3rd Street, Austin, TX 78701 which is Block 36 of the Original City of

Austin subdivision (the "Property").



SITE CONDITIONS: Currently, the entire site is being operated as a gymnasium and surface parking

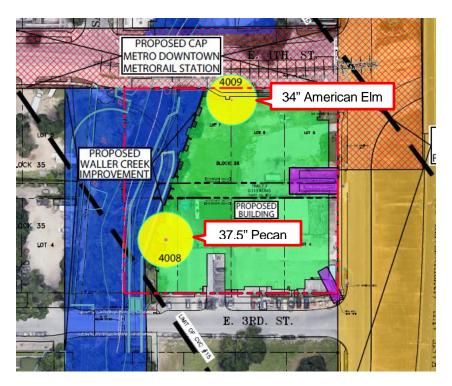
lot. The site currently has 54% impervious cover.

REQUEST: There are two heritage trees on the site that are being requested for removal:

a 37.5" Pecan located at the southwestern corner of the property, and a 34" American Elm located along the northern edge of the property along East 4th

Street. See Exhibit A for tree locations.

EXHIBIT A: Site Constraints Exhibit with 37.5" Pecan and 34" American Elm Tree Locations



CONSTRAINTS:

The Property consists of 1.82 acres (79,279.2 square feet) and it is zoned Central Business District (CBD) (Exhibit B).

First, the majority of the site is located within the "North-Bound Lanes of IH-35 Between Third Street and The Waller Creek Plaza" Capitol View Corridor (see Exhibit C, and also shown as long black hatches on the site constraints exhibit). Capitol View Corridors restrict the maximum height achievable on impacted properties and will limit what can be built on this important downtown site. Under the CBD zoning designation, there would not be a height limitation on the site. However, with the above mentioned Capitol View Corridor, the site is limited to a height of approximately 55 feet and 4 stories.

Second, Waller Creek traverses the Property along the western edge. As such, creek improvements are proposed by The Waller Creek Conservancy that will encumber the Property along this western boundary, including the removal of Tree 4008, and will restrict what may be built based upon these established plans. The Waller Creek Improvement area is shown in blue on the Site Constraints Exhibit. These proposed plans call for a pedestrian path along the western boundary of the Property.

Third, the Capital Metro Downtown MetroRail Station is located adjacent to the site in the East 4th Street right-of-way. As part of an effort to revitalize this critical downtown station and improve mobility options in the City, there are mobility and station improvements proposed along the 4th Street frontage of the Property that will impact the developable area of the site as well as impact tree

4009. The Capital Metro improvements are within in the red hatched area of the Site Constraints Exhibit.

A public sidewalk parallel to East 4th Street must be constructed on private property as a result of Capital Metro utilizing the entire width of the East 4th Street right-of-way.

Finally, there are two existing billboards owned by Reagan Outdoor Advertising on the Property shown in purple on the site constraint map. One is located along the eastern boundary line of the site midway between 3rd Street and 4th Street. The second is located at the southeast corner of the site. billboards may not be removed as part of this development as they are owned by a third party. Therefore, development of the Property must be conducted around the existing billboards further limiting the developable area of the site.

Given (a) these numerous site constraints causing undue hardship for development, (b) the fact that both trees will be removed as part of the Waller Creek improvements and the Capital Metro improvements, and (c) the tree condition report prepared by Davey Tree Expert Company, we respectfully request the removal of trees 4008 and 4009.

DESIRED REASON: The current intent is to develop a 263-unit multifamily project with a 3.075 square foot commercial space on the ground floor to meet the requirements of the TOD overlay. Per a report prepared by the Davey Tree Expert Company on October 12, 2017, there are two (2) heritage trees in fair and/or average health on the property. The trees discussed are both planned for removal in association with adjacent projects, as outlined above. This development is moving forward prior to the public initiatives thus necessitating the request for removal.

> The 37.5" Pecan tree located near the southwest property line is shown as removed as part of the Waller Creek Improvement Plans. Construction of the Waller Creek tunnel project, which was established to mitigate flooding in downtown Austin, is ongoing. The Waller Creek tunnel plans ultimately will result in bringing several acres of downtown real estate out of the floodplain and allow for increased development in Austin's densest neighborhood. Following acceptance of the Waller Creek tunnel, the Waller Creek Improvement Plan will be implemented along the creek, resulting in removal of this 37.5" Pecan tree.

> A tree evaluation for the 37.5" Pecan tree was completed by Davey Tree Expert Company on October 12, 2017. The tree is listed in Fair/Average condition. It has some significant dead and/or dying scaffold limbs. The canopy has been previously improperly topped back at multiple points. Old decay and wounds higher up on major limbs exist, and there is evidence of past storm damage. Because of these reasons, this tree is listed as a fair candidate for removal and is not viable for preservation through construction due to approximately 80% of its roots being covered by pavement for many years.

> The 34" American Elm tree to the north is proposed for removal as part of the Capital Metro Downtown MetroRail Station improvements. The Downtown Station is currently undergoing significant redevelopment in order to expand

and enhance the existing commuter rail station. The entire East 4th Street right-of-way abutting the subject site is proposed to be closed to vehicular traffic and will be re-established as a safely walkable urban transit center and plaza, the plans for which include sidewalk improvements and street trees for shade. As part of these plans, the 34" American Elm tree is already slated for removal, with the understanding that the Downtown Station will mitigate for removed trees.

A tree evaluation for the 34" American Elm tree was completed by Davey Tree Expert Company on October 12, 2017. The tree is listed in Average condition. It only retains 50% of the canopy of similar-sized specimen and has a heavily unbalanced canopy to the east and southeast and multiple codominant stems with weak unions, which could present future structural issues. Heavy poison infestation is present, and there is evidence of previous over-trimming near power lines. Because of these reasons, the tree is listed as a fair candidate for removal due to its poor condition and location.

Due to the poor environment in which the trees are located, the health of the trees, the significant site constraints, and the existing documentation that these two trees have been planned for removal, it is the Applicant's desire to mitigate for the removal of both of these trees from the site. As part of the mitigation, the applicant will provide on-site inches, enhancements to trees provided and payment of the appropriate fee towards the Urban Forest Replenishment Fund.

LAND DEVELOPMENT CODE § 25-8-643 – LAND USE COMMISSION VARIANCE

Responses provided by: Mark Mann, Austin Tree Specialist (ISA Certified Arborist #TX-0731374) Full tree assessment reports provided as Exhibits D and E to this report

34" American Elm and 37.5" Pecan

Land Development Code § 25-8-642 – 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

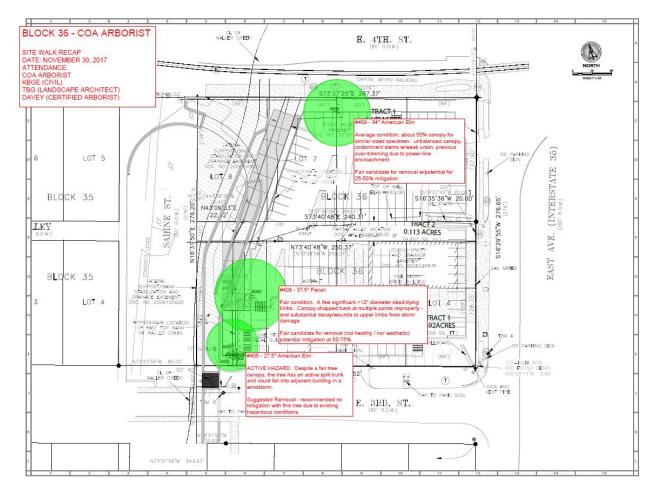
RESPONSE: The Applicant has no other course of action to allow reasonable use of the Property. The required compliance with the TOD regulations, Subchapter E regulations, City and State Capitol View Corridors and planned City initiatives blanket the site significantly restricting development. No variances 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: The requested removal of trees 4008 and 4009 is not based on a condition caused by the method chosen to develop the property. The trees are in fair/average health and are proposed for removal by Capital Metro and the Waller Creek Improvement Plan based on public improvements that will be implements adjacent to the site, Additionally, the constraints mentioned above effectively require the removal of tree 4008 and 4009.

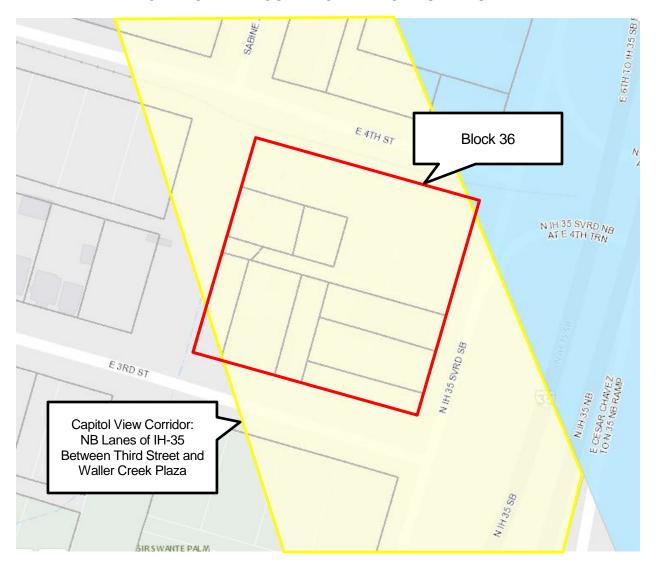
EXHIBIT B

SITE SURVEY

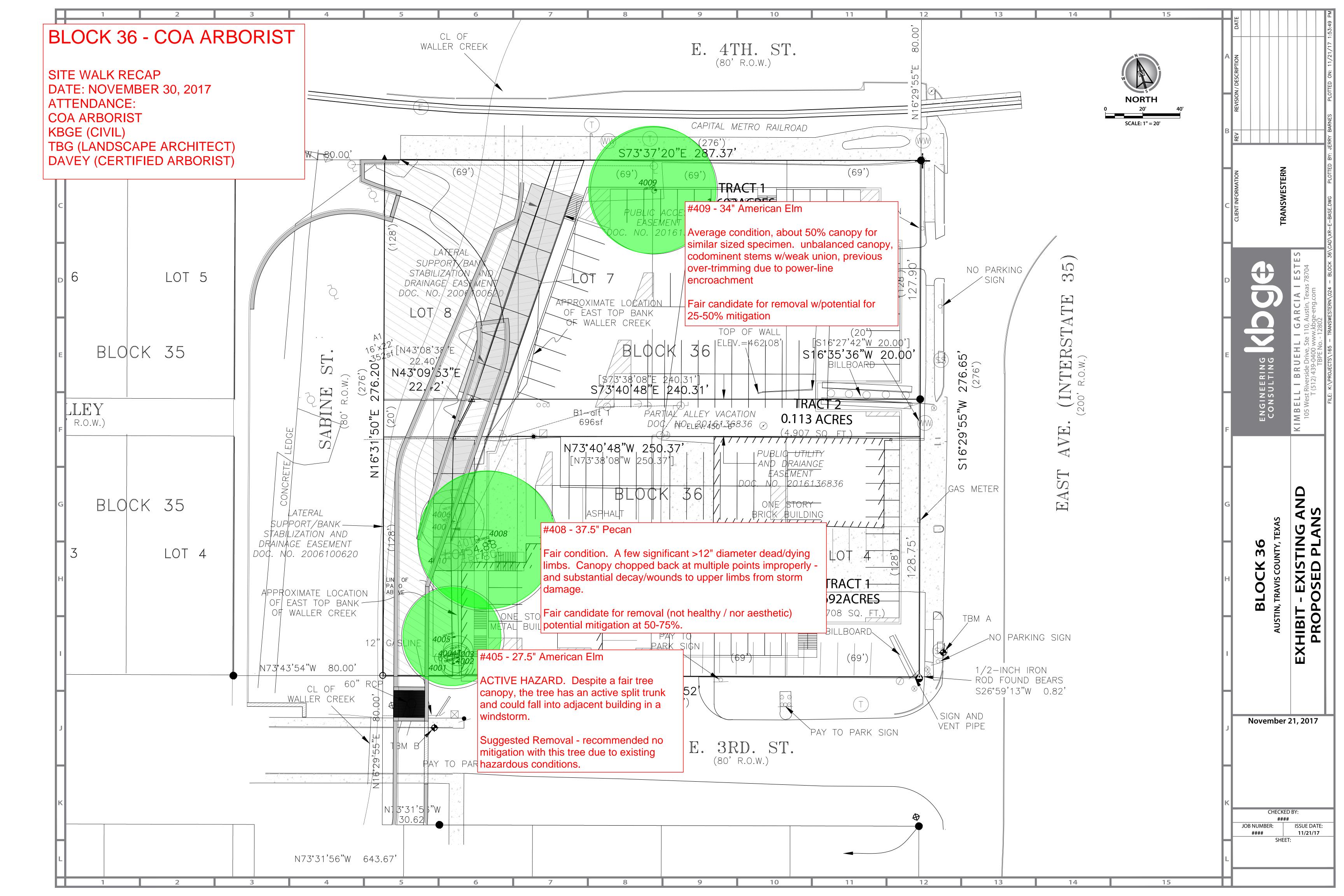


Site survey showing 34" American Elm and 37.5" Pecan trees proposed for Land Use Commission Approved removal. The 27.5" American Elm also shown is proposed for administratively-approved removal.

EXHIBIT C
CAPITOL VIEW CORRIDOR IMPACTING THE SITE



EXHIBITS D & E DAVEY TREE EXPERT COMPANY TREE EVALUATIONS





Tree Evaluations:
Transwestern
Block 36 Project
702 E 3rd
Austin, TX 78701

Thank you for the opportunity to serve you on this task. Tree identification, measurement, inspection, and arboriculture consultation were performed by Davey trained arborists who through related training and on-the-job experience are familiar with the techniques and equipment used in such operations.

10/16/2017

To whom it may concern:

3 designated trees 24" diameter and larger on this project were evaluated to ascertain general health and condition . Below information addresses arborist findings:

409 34" American elm — Average condition. Only retains \sim 50% of canopy of similar-sized specimen. Tree \sim 40' tall x 50' wide. Has heavily unbalanced canopy to east/southeast and multiple codominant stems with weak unions which could present future structural issues. Heavy poison oak infestation (\sim 60%) present and evidence of previous over-trimming near power lines.

- This tree is a fair candidate for removal. It's not an active hazard, but it's not in a great condition and is also in a poor location. I'd *estimate* that this could be dropped down to a 25-50% mitigation rate.

408 37.5" Pecan – Fair/Average condition. $^{\sim}40'$ tall x 55' wide. Has a few significant (12" diameter) dead/dying scaffold limbs. Canopy has been topped back at multiple points in past improperly. Some old decay/wounds higher up on major limbs and a few places of past storm damage.

- This tree is a fair candididate for removal. It's not an active hazard, but its not a healthy/pretty tree that would be viable to preserve thru construction due to ~80% of its roots having been covered by pavement for many years. I'd *estimate* that this could be dropped to a 50-75% mitigation rate.

405 27.5" American elm – Fair condition (was mistakenly labeled a pecan). ACTIVE HAZARD. This tree has a fair canopy but an actively split trunk that could rip over onto the building in the next good windstorm. There would be no mitigation with this tree being hazardous.

If you have any questions about tree health and measurement recommendations on this site, please contact me at 512-451-4986 or by email at mark.mann@davey.com. I look forward to being of further service.

Thank you,

Mark Mann | District Manager ISA Certified Arborist TX-3978A TDA Applicator License No. 0731374 The Davey Tree Expert Company | South Austin Office 136131 9224 Research Blvd. Austin, TX 78758 P: 512.451.4986 | C: 512.828.1358 | F: 512.451.6482



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