



Development CITY OF AUSTIN
SERVICES DEPARTMENT

Building a Better and Safer Austin Together

Shoal Cycle SP-2021-0350C

September 7, 2022

Heritage Tree Variance Request

| | |
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| NAME OF APPLICANT OR ORGANIZATION: | CJI Properties Inc. |
| LOCATION: | 812 West 11 th Street, Austin, Texas, 78701 |
| 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 City Arborist approval criteria set forth in LDC 25-8-624(A)(2). 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 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

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:

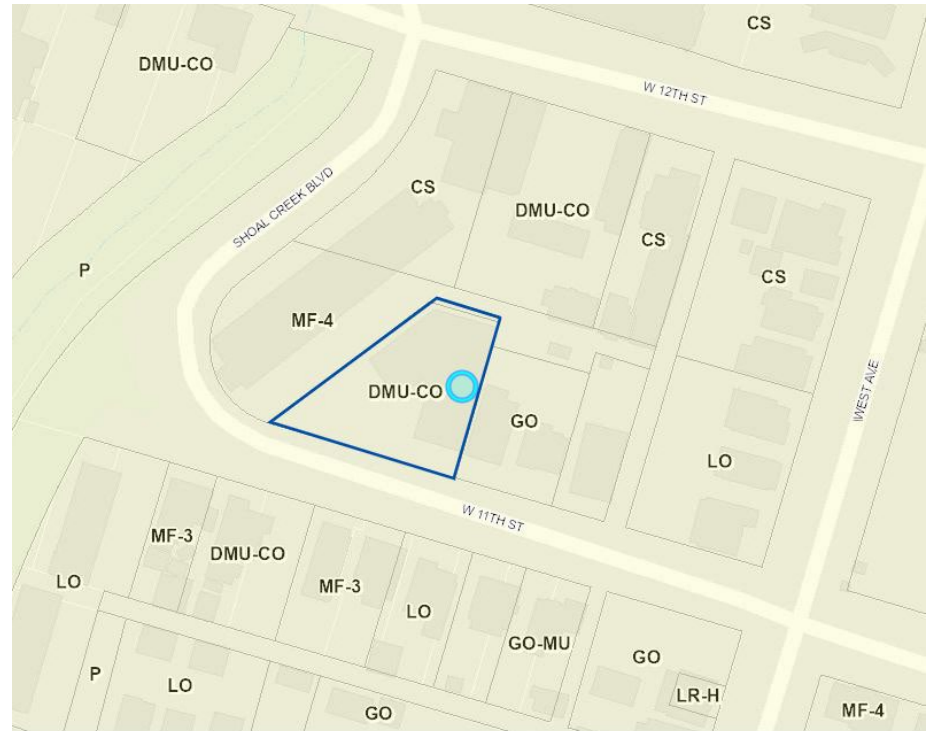
- (2) prevents a reasonable use of the Property;

Project Description

- The subject property is located at 812 West 11th Street. The lot size is 0.4052 acres and is zoned Downtown Mixed Use – Conditional Overlay (DMU-CO) Combing District.
- The property is located in the Northwest Subdistrict of the Downtown Austin Plan.
- The site is currently being operated as an office building with associated tuck-under and surface parking. The proposed use is for a 67-unit workforce multifamily project and 3,500 square feet of ground floor retail.
- The applicant requested a predevelopment site consultation with the City Arborist. There is one (1) Heritage Live Oak with a single stem of 32” diameter that is centrally located on the property.
- The 32” Heritage pecan is requested for removal.

Zoning

- The subject property was rezoned from Limited Office (LO) to Downtown Mixed Use – Conditional Overlay (DMU-CO) Combining District in August 2021.

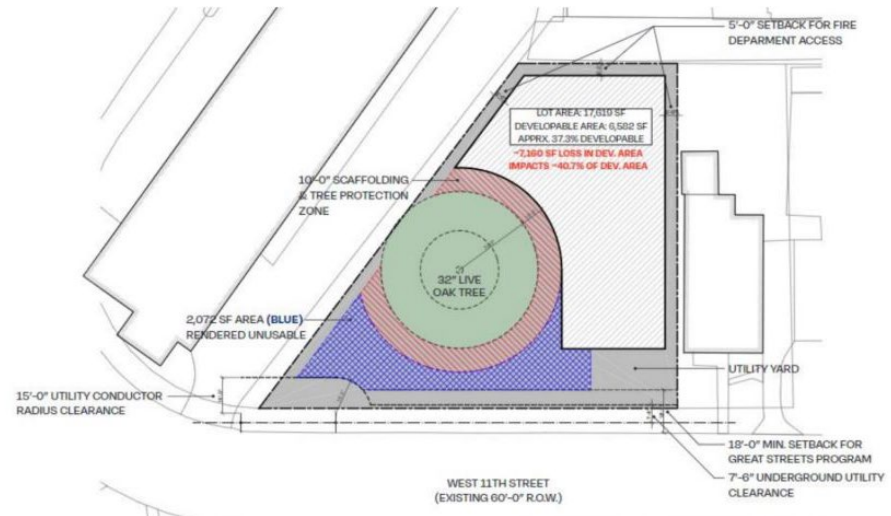


Zoning Code Compliance

- Per Ordinance 20210826-091, the Conditional Overlay requires the following conditions:
 - Maximum height of building/structure limited to 90 feet.
 - Administrative and business offices land uses is a conditional use above the ground floor of a building
- Upon rezoning the property, additional requirement were agreed upon under restrictive covenant (2021199382) that include:
 - Streetscape improvements along West 11th Street to be consistent with COA Great Streets Standards – requires at least an 18'-0" setback along the street.

Site Constraints:

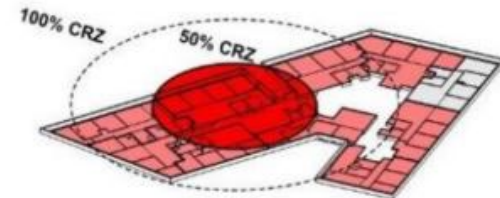
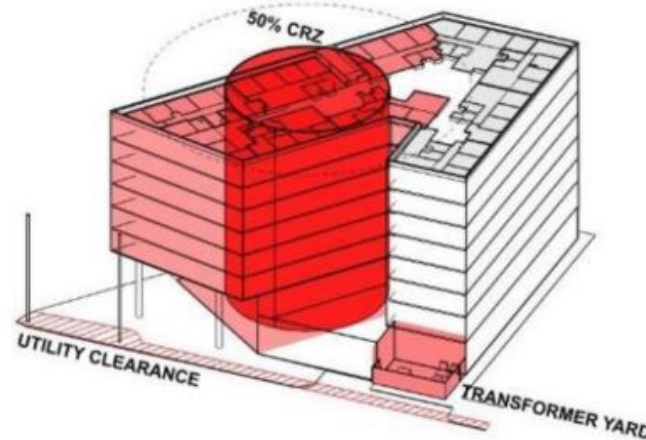
- The property is located in a portion of Downtown Austin that is ineligible for participation in the Downtown Density Bonus Program
- Restrictive Covenant requires 18'-0" setback along West 11th Street to align with Great Street Standards
- 5'-0" setback required along the northern, eastern and western property lines for fire department access
- The 32" Live Oak is centrally located on the property which divides the property and renders the southwestern portion (hatched in blue) unbuildable



Site Constraints- buildable floorplates

The root zone of the 32" Heritage Live Oak occupies 28.9% of site

- Current location results in a reduction of over 50% of the gross square feet of buildable area
- Preservation of the Half critical root zone would result in a loss of 28 units (or 42%) of the proposed 67 units
- Preservation of the Full critical root zone would result in a loss of 60 units (or 91%) of the proposed 67 units



50% CRITICAL ROOT ZONE

67 UNITS → 39 UNITS

42% UNIT LOSS

100% CRITICAL ROOT ZONE

67 UNITS → 7 UNITS

91% UNIT LOSS

Mitigation

- The [Environmental Criteria Manual](#) standard is 300% mitigation for a Heritage Tree.
- Mitigation for this site shall be addressed by:
 - Planting two (2) 5" caliper Live Oaks to be planted within improved streetscape with adequate soil mass to ensure survivability.
 - Paying \$18,500 to Urban Forest Replenishment Fund.

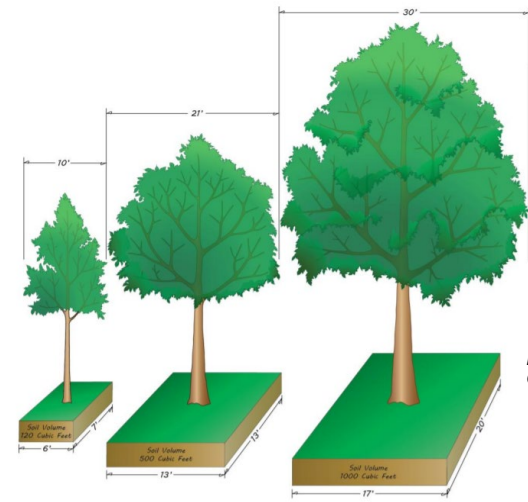


Illustration from
Casey Trees 2008

Condition Evaluation Tree #287

Tree #287 – 32-inch Live Oak

The tree was assessed by City Arborist Staff on February 16, 2022. Staff found that it did not meet Code criteria as dead, diseased, or imminent hazard but that removal under § 25-8-642 at the time of previous applications.

Measurements

- The subject tree is one Heritage 32-inch Live Oak.

Canopy Conditions

- Asymmetric crown; thin canopy; chlorotic (likely due to nutrient deficiency); copious amount of epiphytic ball moss usually prevalent on declining trees; leans southwest due to existing location of existing building; overhead utility lines run through the canopy.

Structure / Trunk

- Trunk leans over the parking lot. Sonic tomography was conducted of the trunk which indicated moderate decay present at three different vertical planes with the tree – estimates 22-24% loss in structural integrity of the tree. Large decay pockets on upper side of two scaffolding limbs observed.

Root System

- 95% of the critical root zone is impacted by existing concrete pavement and building envelope; chlorosis in canopy likely due to impervious cover.

Overall Condition

- Fair condition; poor structure; moderate risk determination



Tree structure

Large scaffold leader decay – west stem



Tree structure (cont.)

Large scaffold leader decay – east stem



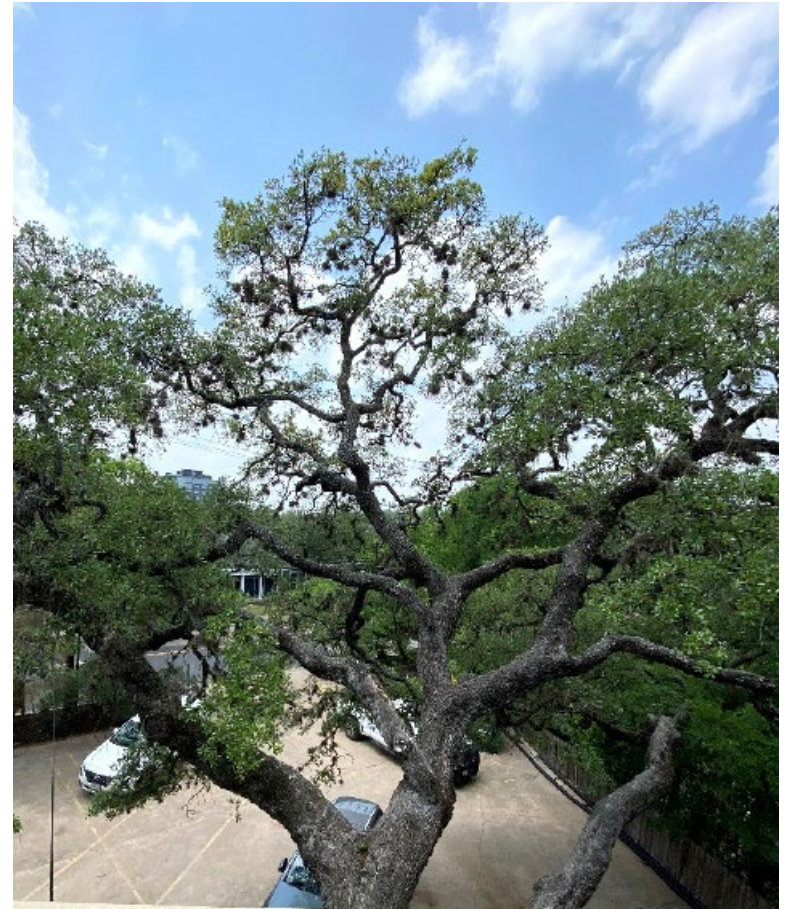
Tree structure (cont.)

- Unbalanced crown
- High load on top of asymmetrical structure



Tree Canopy/Crown

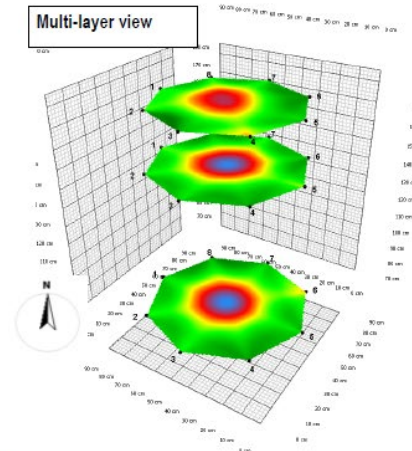
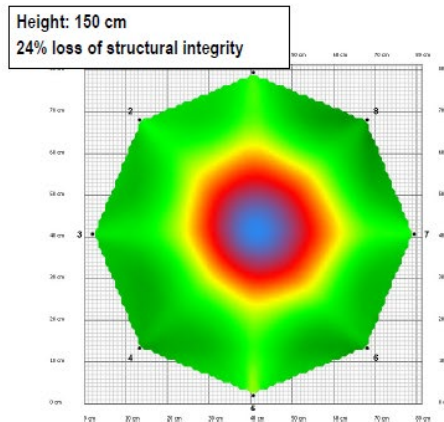
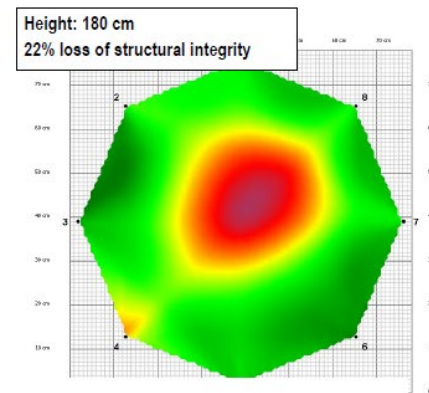
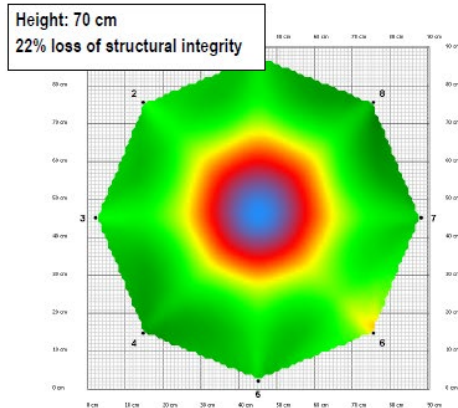
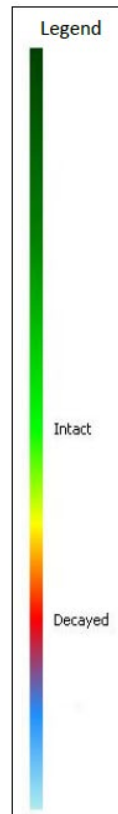
- Thin canopy
- Epiphytic ball moss
- Chlorosis



Tree structure (cont.)

Sonic tomography report

ArborSonic 3D™ Tomograms



The City of Austin Tree Services Department

Staff Recommendation

The City Arborist recommends removal of the tree due to the applicant demonstrating that the tree prevents 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 the tree.
- Early in design phase, applicant met with Shoal Creek Conservancy and PARD for a suitable location to transplant the tree but was denied a location.
- Transplant feasibility analysis by qualified tree moving company proved the tree was unsuitable to be transplanted.
- Applicant has demonstrated that due to the poor health of the tree, relocation is not feasible.



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