

Exhibit A: Environmental Criteria Manual

The Environmental Criteria Manual can be accessed online at: <https://library.municode.com/index.aspx?clientId=15306>

SECTION 5 • CONSTRUCTION IN PARKS

5.1.0 GENERAL

The information in this section is intended to define the technical design criteria needed for construction on parkland owned by the City of Austin.

Although parkland construction is generally achieved through contractual agreement, this section provides guidelines that coordinate the special requirements for park construction with the general development requirements of the Land Development Code and the Technical Manual Series.

Appeals concerning the enforcement of these rules shall be brought to the Director of the Parks and Recreation Department.

Construction activities that disrupt the environment are an inevitable part of the growth and maintenance of a city and as a city develops, the open areas of parks, creeks and greenbelts become more attractive as routes for underground utilities. This is the case in Austin where the many creeks and greenbelts, under the control of the Parks and Recreation Department, have and will continue to provide a convenient route. In many cases, such installation of underground utility lines, causes only temporary disruption and the environment eventually returns by natural means to its original state. The length of time required for recovery of the original vegetation may be great, however, depending on the proximity of seed sources and the suitability of soil conditions for plant establishment and growth. The purpose of these guidelines is to reduce and control the construction impact upon the City's park areas and to speed the recovery of natural vegetation. This can be done by minimizing the initial environmental impact of construction, restoring suitable soil conditions and introducing appropriate plant species.

Construction impact can be minimized by selecting the least destructive route that is feasible within the constraints of the budget. It also involves the avoidance of unnecessary impacts during the course of construction, such as the excessive destruction of vegetation and the loss of soil through uncontrolled erosion.

Restoration of soils involves restoring the original contours of the land and ensuring that soil physical conditions are suitable for plant growth. Soils of construction sites have generally been compacted by heavy machinery and topsoil has been lost or at least diluted by subsoils. These and other conditions must usually be improved before vegetation can be established.

5.2.0 ADVANTAGES OF RESTORATION AND REVEGETATION

Restoring natural vegetation in disturbed areas has practical advantages as well as ecological and aesthetic ones. On the practical side, natural vegetation provides low maintenance landscaping while also helping to minimize precipitation runoff and the consequent problems of soil erosion, siltation and flooding. Ecological and aesthetic advantages stem from the fact that natural vegetation is diverse in terms of species composition and growth forms. This diversity results not only in a more interesting landscape, but also one that provides suitable living space for native wildlife in an increasingly urbanized area.

A particular advantage of restoring natural vegetation in Austin is that of helping to conserve the city's unique flora. These guidelines should be used in conjunction with the Revegetation Criteria

found in Section 1.4.0 of this manual.

The objective of the revegetation criteria is to provide information on the processes involved in planning the restoration of natural vegetation in disturbed areas.

The procedures for route selection, reconnaissance survey and preconstruction inventory should be followed. The information compiled should be presented as an environmental report and used in conjunction with the Parks and Recreation Department in selecting a route and for restoration and revegetation.

The initial environmental impact of construction can be minimized by proper planning. Effective and efficient restoration of the site upon completion of construction also calls for planning.

Ecologically or aesthetically valuable areas can often be avoided with little or no increase in construction costs. The resulting environmental savings is doubled by the fact that restoration of topography and vegetation is consequently less complex and less expensive. Once a final project alignment is selected, further savings are possible by planning resource salvaging efforts, erosion control and restoration of topography and vegetation.

5.3.0 ROUTE SELECTION

A reconnaissance survey is necessary in order to select the least expensive alignment of the construction right-of-way corridor. Included in the expense estimate is the cost of restoring the pre-existing vegetation following construction, as well as the cost of the construction itself. In most cases, the cost of restoration will be insignificant compared to the expense of moving the alignment to avoid vegetation, but not always. If planning is done well in advance, it is probable that an alignment can be achieved which will not be significantly more expensive, but will be considerably less destructive than some other alignment that is made without reference to the vegetation.

Using information obtained during the reconnaissance surveys, select the least destructive route through the area. In comparing the costs of various alternatives, the costs of restoration should be considered. For example, it may be less expensive to realign a potential construction corridor to avoid important vegetational or topographic features than to restore the features later. Rare plant populations must be avoided at all costs. Transplanting the rare species elsewhere is no solution, since habitats suitable for rare species are frequently protected.

After the final alignment is selected, an inventory of the resources in and near the construction easement should be conducted. This is necessary in order to plan restoration efforts and to minimize the immediate environmental impact of the project.

The simplest, most effective model for restoring vegetation is the original vegetation. If this is described prior to construction there will be fewer decisions to make concerning what species and densities to restore. If the original vegetation is weedy, however, it would be advisable to restore a more desirable community.

5.3.1 TreeSurvey

When suitable alignment has been decided, a detailed tree survey of the construction and access easements is required. The survey is to include those trees adjacent to the easement whose driplines come within the easement.

The survey is to show all Class 2 or Class 3 trees whose diameter is larger than four (4) inches and all Class 1 trees, regardless of size. Particular attention should be paid to identifying Class 1 trees with a view to transplanting. (See Appendix F)

The survey is to show:

- The location of the tree.

- The diameter of the trunk at 4% feet above natural grade.
- The approximate crown size of the large trees.
- The species and/or common name of the tree.

Trees to be removed should be indicated and the locations approved by the Parks and Recreation Department. All trees that are to be retained are to be protected with tree protection fences (see Appendix K). These tree protection fences are to be shown on the construction drawings.

5.3.2 Tree Evaluation

A tree evaluation is required to establish a relative value of the trees that will be removed or impacted by the construction works (see Section 3.5.1).

These evaluations will provide the basis for replacement of those trees removed or to assign a monetary value to them.

The tree evaluation system is shown in detail in Section 3. Trees to be removed will be carried out in accordance with the methods shown in Section 5.4.6, Site Clearing.

5.3.3 Disturbed Natural Areas

Natural areas within the Parks and Recreation Department's jurisdiction are greenbelts, wilderness parks and nature preserves. Any areas that are disturbed within these natural parkland areas will require restoration as detailed in Appendix L, to ensure that their character as natural areas are maintained.

5.4.0 CONSTRUCTION

5.4.1 General

The Texas Parks and Wildlife Code, Chapter 26, prohibits any construction activity on public land designated for park and recreation use unless an easement has first been granted by the City Council. This easement process is described below in Section 5.4.4.

All construction activity on lands under the jurisdiction of the Parks and Recreation Department shall conform to the requirements of these guidelines.

If not covered by these guidelines all construction activity shall, with the approval of the Parks and Recreation Department, be in accordance with the City of Austin Standard Specifications.

Particular attention is drawn to the following paragraphs of the "General Conditions of Agreement - Bidding and Contract Requirements," in Section 00140 of City of Austin Standard Specifications particularly 3.14 "Laws and Ordinances", and 10.10 "Safety Of Persons and Property".

5.4.2 Laws and Ordinances

The contractor shall at all times observe and comply with all federal, state and local laws, ordinances, codes and regulations which in any manner affect the contract or the work and shall indemnify and save harmless the owner and engineer/architect against any claim arising from the violation of any such laws, ordinances and regulations whether by the contractor or his employees. If the contractor observes that the project is at variance therewith, he shall promptly notify the engineer/architect in writing, and any necessary changes shall be prepared as provided in writing, and any necessary changes shall be prepared as provided in the contract for changes in the work. If the contractor performs any work knowing it to be contrary to such laws, ordinances, rules and regulations and without such notice to the engineer/architect, he shall bear all costs arising therefrom. The ordinances and regulations of the City shall be controlling and shall be considered as part of this contract to the same effect as though embodied herein.

Maintaining clean water, air and earth or improving thereon shall be regarded as of prime importance. The contractor shall plan and execute his operations in compliance with applicable federal, state and local laws and regulations concerning the control and abatement of water pollution and the prevention and control of air pollution.

Care shall be exercised to preserve the natural landscape within the project site and shall conduct his construction operations so as to prevent any unnecessary destruction, scarring or defacing of the natural surroundings in the vicinity of the work. Except where clearing is required for permanent construction, trees and vegetation shall be preserved and protected from damage which may be caused by equipment and construction operations. Where unnecessary destruction or damage occurs as a result of the contractor's operations to trees, replacement or correction shall be made at the contractor's expense as directed by the engineer/architect. Prevention of noise pollution shall be a responsibility of the contractor. Garbage, trash and material debris shall be picked up daily and deposited in a suitable receptacle provided and maintained by the contractor. Measures shall also be implemented to prevent the escape of mud and excess concrete.

5.4.3 Safety of Persons and Property

All reasonable precautions for the safety of and shall provide all reasonable protection to prevent damage, injury or loss to:

1. All employees on the work and all other persons who may be affected thereby;
2. All the work and all materials and equipment to be incorporated therein, whether in storage or off the site, under the care, custody or control of the contractor or any of his subcontractors or sub- subcontractors; and
3. Other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, fences, roadways, structures and utilities not designed for removal, relocation or replacement in the course of construction.

The contractor shall comply with all applicable laws, ordinances, rules, regulations and lawful orders of any public authority having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss. He shall erect and maintain, as required by existing conditions and progress of the work, all reasonable safeguards for safety and protection, including posting danger signs and other warnings against hazards, promulgating safety regulations and notifying owners and users of adjacent utilities.

When the use or storage of explosives or other hazardous materials or equipment is necessary for the execution of the work, the contractor shall exercise the utmost care and shall carry on such activities under the supervision of properly qualified personnel.

All blasting, including methods of storing and handling explosives and highly flammable materials, shall conform to federal, state and local laws and Ordinances.

5.4.4 Easements

For information and procedures for obtaining easements through City of Austin Parkland see the Administrative Criteria manual.

5.4.5 Access and Security

All permanent easements, temporary construction easements, access roads, work areas and materials storage sites should be shown on the construction drawings in locations agreed and approved by the Parks and Recreation Department. All construction shall be confined to the marked easements. No material, equipment, plant, vehicle parking or storage shall occur outside this easement or within the dripline of trees retained in or adjacent to the easement. The contractor will be responsible for all damages to work areas, storage sites and access roads which are a result of his use or negligence in protection and for all damage that is caused by the contractor working outside of these areas. Spillage or

discharge of oil or other toxic fluids shall be contained and removed from the site.

Prior to bringing major construction equipment into unpaved areas, the contractor shall outline the limits of the construction and access easements which will be disturbed, with a barrier in accordance with City standards.

If the construction works are carried out in a park location where the public has access, an eight (8) foot high chain link security fence is to be provided around the immediate area of construction operations, all work areas and storage sites. This fence is to be secured to prevent unauthorized entry at all times when contractors personnel are not at the site.

The contractor shall exercise utmost care in preventing damage to trees and other items in the Parks and Recreation Department area. Any damaged item shall be repaired or replaced, at no expense to the City, to a condition equal to or better than their condition before construction.

All workers should be informed of the special efforts to salvage and restore the vegetation and they should be encouraged to prevent unnecessary damage.

5.4.6 Site Clearing/Erosion Control

To prevent erosion, clearing of easements and access routes will only be carried out for a distance of 1,000 feet in advance of construction or seven (7) days prior to construction being at that location.

Trees that are to be removed shall be taken down in a manner which will not impact any of the adjacent trees to be retained.

All trees will have crown and limbs removed before being felled and depending upon the density of vegetation the trunk shall be felled before the stump is removed.

The City may require that limbs and underbrush be chipped/shredded and retained on site to be spread as a mulch after construction has finished.

The boundary of the access route and working easement clearing shall be marked with a barrier described above. The boundary shall be reviewed with the Parks and Recreation Department prior to marking. No clearing operations will be allowed in an unmarked area.

Salvaging and placing existing topsoil shall be in accordance with City of Austin Standard Specifications, Item No. 601.

Spoil shall not be placed within the drip line of trees. In locations where the line runs along the creek bank, care is taken to prevent excavated material from spilling into or blocking the creek. At the end of the work day, all spoil shall be cleaned up, ditches backfilled and excess spoil removed from the job site.

5.4.7 Temporary Erosion Control

Temporary erosion controls during the construction period shall be carried out in accordance with the measures contained in Section 1.4.0 of this manual.

5.4.8 Construction in Creeks

Every effort shall be made to keep the zone of immediate construction free of surface water. For construction in the creek channel, a pipe of adequate size to divert normal stream flow shall be provided around the construction area. Diversion may be by pumping or gravity flow using temporary dams.

A Discharge of Pumped water.

Where water must be pumped from the construction zone, discharges shall be in a manner that will not cause scouring or erosion. All discharges shall be on the upstream or upslope side of emplaced erosion

control structures. If discharges are necessary in easily erodible areas, a stabilized, energy-dissipating discharge apron shall be constructed of riprap with minimum stone diameter of six (6) inches and minimum depth of 12 inches. Size of the apron in linear dimensions shall be approximately ten (10) times the diameter of the discharge pipe. Discharges into creeks or major drainages should be as identified by the site development permit.

B. In-Channel Erosion and Siltation Controls.

The contractor will be responsible for controlling erosion and sedimentation in the construction zone. When leaving the job site for more than 12 hours, the contractor shall remove loose excavated materials from the creek channel, except all excavated trench sections shall be backfilled when the contractor leaves for the weekend.

C. Creek Banks.

Creek banks shall be restored wherever they have been disturbed during the construction process. The contractor shall be responsible for the costs of repair and restoration for all damage to the creek banks, whether caused by personnel or equipment. Stone riprap or gabions shall be used to stabilize cut banks where line enters and exits channel or as otherwise approved by Parks and Recreation Department.

D. Excavation in Creek Channel.

Material excavated from the trench in the creek channel shall not be deposited on the channel banks. Excavation shall be hauled out of the channel or used in backfill of open trench. No loose excavated material shall be left in the channel at the end of a work day.

E. Trench Cap in Creek Channel.

The contractor shall cap the trench in the creek channel with two (2) square feet or larger job excavated rock material or similar. This cap shall extend a minimum of 30 inches from the top of the trench.

5.4.9 Site Cleanup

Upon completion of the work and before restoration and revegetation, the contractor shall clean and remove from the site of the work, all surplus and discarded materials, temporary structures and debris of every kind. He shall leave the site of the work in a neat and orderly condition at least equal to that which originally existed. Surplus and waste materials removed from the site of the work shall be disposed of in a permitted disposal area.

In the event the contractor fails or refuses to clean up and remove surplus materials and debris as above provided, the City may do so or cause same to be done, at the contractor's expense and the reasonable cost thereof shall be deducted from the final payment.

5.4.10 Restoration/Revegetation

The Parks and Recreation Department will provide detailed planting requirements for revegetation of all disturbed areas. These requirements will consider and be based upon the submitted Environmental Report, the Tree Evaluation Survey and Restoration of Disturbed Natural Areas, Appendix L. The revegetation shall be carried out in accordance with the City of Austin Standard Specifications.

5.5.1 PARK RULES

5.5.2 Smoking Policy

Per Austin City Code, Chapter 10-6, smoking is prohibited in all City parks and any other city-owned land used for a park or recreational purpose that is under the administrative control of the Parks and Recreation Department. However, an exemption can be made for temporary designated smoking areas in a park for special events.

1. In order to have temporary designated smoking areas, an application must be submitted through the Parks and Recreation Department's Office of Special Events. The department director will then make a recommendation to City Council as to whether the exemption should be granted, and City Council will have the final approval of granting an exemption for temporary designated smoking areas.

2. The application for temporary designated smoking areas must be submitted to the Office of Special Events at the close out of the current calendar year for the upcoming year's events, or at the time the Applicant submit their application for the special event (whichever timeline is greater), but in no event no later than 8 weeks prior to the event. If the deadline is missed, an appeal may be made to the Director. On appeal, the director may waive the deadline provided that the applicant shows good cause that the waiver should be granted. In order to show good cause, the applicant must show at a minimum that failure to comply with the deadline was unintentional, that granting the waiver will not unduly prejudice the City in anyway, and that the applicant can still comply with all other laws and legal requirements regulating the special event. The Director may consider any other factor that the Director deems relevant to determining the existence of good cause.

3. Temporary designated smoking areas are permitted only during special events. Special events are those events which are having or anticipating 1,000 or more persons and must occur in approved special event venues. Special event sites include Auditorium Shores, Brush Square Park, Fiesta Gardens West End, Republic Square Park, Walter E. Long Park, Waterloo Park, Woolridge Square and other specially approved sites.

4. The minimum physical requirements for a temporary designated smoking area include:

a. The area must be at least 15-feet away from any heavily trafficked areas and areas where people can congregate. Heavily trafficked areas include those areas where pedestrian traffic is constantly flowing within the special event venue. Areas where people can congregate include those areas where patrons (more than 3 people) gather within a special event venue, such as food courts, audience-viewing stage area, vendor booths, portable toilets' queue space, water stations, and other areas which attract gatherers.

b. The area must be surrounded by a chain-link type fencing of preformed 6-feet-high freestanding panels;

c. The area must have at a minimum two entries/exits, and at least one uniformed security officer shall be positioned at each entry/exit to check an age-bearing photo identification of patrons entering the temporary designated smoking area;

d. Fireproof receptacles for cigarette/cigar litter must be placed throughout the area; throughout the duration of the event there should be no cigarette/cigar litter on the park grounds, and the applicant is responsible for this ongoing cleanup;

e. There should be no structures such as roofs or walls that would diminish the dispersion and dilution of smoke; and

f. Signs that read "DESIGNATED SMOKING AREA" must be placed in prominent locations throughout the area. These signs must be at a minimum 10" Wide x 15" High in size.

5. The temporary designated smoking areas shall be used by patrons for smoking purposes

only.

6. Applicant's event staff should be aware of any temporary designated smoking areas and how to direct smokers to them.

7. At the conclusion of the special event, the temporary designated smoking areas will be thoroughly cleaned and returned to its original state by the applicant.

8. During periods when a Burn Ban is in effect exemptions for temporary designated smoking areas are not granted. Refer to Austin City Code Chapter 8, Article 7, Restrictions on Outdoor Burning. However, during a Burn Ban an Applicant may submit an application for a temporary designated smoking area in the event that the Burn Ban ends prior to the date of the event in which case a temporary designated smoking area would be considered.

9. The Applicant must fill out the Temporary Designated Smoking Area Application.

5.5.3 Smoking Application

TEMPORARY DESIGNATED SMOKING AREA APPLICATION

This form constitutes a request that an exemption be granted to allow smoking in Parks during a special event. The Parks and Recreation Department Director makes a recommendation as to whether the exemption should be granted. Final approvals of temporary designated smoking areas are granted by City Council. Please refer to the Temporary Designated Smoking Area Policies for additional information.

Along with this application please include a site plan (drawn to scale) for the event which shows the location of the proposed temporary designated smoking areas.

APPLICANT AND COMPANY INFORMATION

Event Name:		
Applicant Name & Company Name:		
Billing Address:	State:	Zip:
Mobile#:	Emergency#:	
Email address:		

DETAILS (please type detailed information in the boxes below or attached additional pages as necessary)

Event Description:
Event Location Requested:
Type of Event:
Total Estimated Attendance:
Number and Size of Designated Smoking Areas Requested:
Name of Security Contractor:
Number of dedicated event staff to clean up the proposed

Temporary designated smoking areas:
Describe the clean up process 'or the proposed temporary designated smoking areas after the event:
How many cigarette disposal receptacles will be provided in the proposed temporary designated smoking areas? Will
cigarette disposal receptacles be provided at entrances/exits to the Special Event? If yes, how many will be provided at each entrance/exit?
What is the distance (in feet) of the proposed temporary designated smoking areas to the nearest residential property?
What is the distance (in feet) of the proposed temporary designated smoking areas to the nearest private commercial property?

Is it anticipated that patrons attending the special event will park their vehicles in adjacent neighborhoods and walk to the event?	
What is the distance (in feet) from heavily trafficked areas and the proposed temporary designated smoking areas? Heavily trafficked areas include those areas where pedestrian traffic is constantly flowing within the special event venue.	
What is the distance (in feet) from areas where people can congregate and the proposed temporary designated smoking areas? Areas where people can congregate include those areas where patrons (more than 3 people) gather within a special	

event venue, such as food courts, audience-viewing stage area, vendor booths, portable toilets' queue space, water stations, and other areas which attract gatherers for a period of three minutes or longer.

Are there going to be youth (under the age of 18) attending this event? If so, what are the approximate ages of these youth?

Can special event patrons leave the event and re-enter as they wish?

Is there any more additional information regarding the proposed temporary designated smoking areas that the Department should be aware of?

SIGNATURE AND AGREEMENT

I certify that the information contained in the foregoing request is true and correct to the best of my knowledge. If the request is approved by City Council, Applicant agrees to comply with all Federal, State and City regulations including Austin City Code, Chapter 8 Parks and Recreation and Chapter 10-6 Smoking in Public Places, and to abide by and uphold City of Austin Park Rules.

		I
Applicant Signature		Date
	By BOTH <u>checking</u> this box and <u>typing</u> my name in the above "applicant signature" line, I attest that this constitutes and "electronically".	e in the above "applicant represents my signature"

FOR OFFICE USE ONLY

<u>Office of the Director</u>	<u>I Recommended</u>	<u>I Not Recommended</u>
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Signature: _____

Date: _ _ _ _ _