

9-28-23

Administrative Exception / Variance Request Review<sup>1</sup>  
c/o Development Services Staff  
Development Services Department  
City of San Antonio  
1901 S. Alamo  
San Antonio, TX 78204

Re: The Crescent Tree Master Plan  
TRE-APP-APP 21-38801379  
UDC Code Section 35-523

- ☐ Administrative Exception
- X Environmental Variance
- ☐ Subdivision Platting Variance – Time Extension

Dear COSA DSD,

The Owner of The Crescent Development is submitting plans for the construction of a new commercial subdivision. The site is fronts IH-10, north of Two Creeks. The site is 8.94 acres and will be divided into four lots. Due to the location of the existing trees and new building, the Owner is requesting a variance from Minimum Tree Preservation Requirements UDC Article V, Section 35-523, (f)(2)A. Table 523-1A.

Due to the existing topography of the lots, the location of existing trees, proper grading requirements, the percentage of preserved significant trees falls below 80% in the ESA area. The mitigation of required trees will be addressed through payment to the tree fund.

The Environmentally Sensitive Area preservation percentage is at 60.57% for significant trees, 0% for heritage trees. Required preservation is 80%, which is 503 inches. Significant trees are 122 inches below minimum preservation and one 24" heritage tree. Payment to the tree fund of \$24,400.00 is scheduled. The heritage tree, #3171 will fall in the foot print of the new building. It is in declining condition. Its removal is recommended, see attached Arborist report. CFZ Group concurs with the Arborist's recommendation that the tree in not in good health and should be removed.

Tree numbers 3177-3191, 3193, and 3196 are all significant trees that are within the ESA. This cluster of trees fall within a proposed fire lane which is why they are proposed to be removed. The fire department requires hose lay to reach all points of a building so this portion of the fire lane has been positioned to reach the sides and backs of the proposed buildings that abut the floodplain. There were several design iterations done to pull the fire lane away from the ESA and save this grouping of trees, however, the further the fire lane was pulled from the buildings the less hose length could be achieved leaving the buildings not full covered. In addition, do to

existing slopes and the layout of these trees, it would be difficult for fire department personnel to pull fire hose through this small forest. This grouping of trees counts for 137 total ESA inches.

The entire site has gone through 3-4 design changes in attempts to preserve trees. Retaining walls have been deleted to preserve trees in the ESA. The back wall of the building is the retaining wall designed to minimize impacts to trees in the ESA.

All practicable measures to minimize any adverse impacts on the public health, safety and public welfare have been explored.

In addition:

If the applicants comply strictly with UDC Sec. 35-523 (e) (1), he cannot make reasonable use of his property. The Owner is unable to preserve the Significant and Heritage trees and provide mitigation as required by the UDC due to the size of the lots, grading and drainage and building development. The site is commercial use and abuts the flood plain. The design effort is to minimize impact on the ESA. Originally, there was to be a retaining wall to protect the trees. During design, the retaining wall became the back wall of the building to avoid encroachment in the ESA. This helped preserve about 8-10 trees. The ESA is wooded in one particular area. In steep sloped areas, it is not wooded. Due to the slope of the site, the building foundation will be 10'-18' height along the ESA line. The overbuild clearance, normally is 15', is estimated to be 8'-10' in an effort to preserve the ESA.

The hardship relates to the Owner's land, not personal circumstances: The size of the lots, grading, easements and new buildings prevent the preservation of the Significant trees. The shape of the site is rectangular. The slope fall crosswise the rectangle. While the slope at the high point falls gently across towards the ESA, within 700' it begins to fall fairly quickly. The grade falls 10' in 100' (10%) towards the ESA. This area is where the buildings are to be placed. At some points it becomes a cliff. This is why the foundation is 18' above the ESA. This is a feature of the land, not the Owner's circumstances.

The hardship is unique to the Owner's land: The size of the lots, grading, easements and new buildings prevent the preservation of the Significant trees. As above, due to the existing grade falling quickly and some areas becoming a cliff, preserving the trees is not possible. The buildings are set to allow parking requirements to be met.

The hardship is not the result of the Owner's actions: The size of the lots, grading, easements and new buildings prevent the preservation of the Significant trees. The Owner is building to minimize impact on the ESA. The ESA is wooded in areas due the steep slopes. The Owner is designing to minimize impact to the ESA.

Granting the variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.

In our professional opinion, the proposed variance remains in harmony with the spirit and intent of the UDS as it will not adversely affect the health, safety, or welfare of the public.

Sincerely,



\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Owner (if applicable)

Attachment(s)

<b><u>For Office Use Only:</u></b>		AEVR #:	_____	Date Received:	_____
<b><u>DSD – Director Official Action:</u></b>					
<input type="checkbox"/>	APPROVED	<input type="checkbox"/>	APPROVED W/ COMMENTS	<input type="checkbox"/>	DENIED
Signature:			Date: _____		
Printed Name: _____			Title: _____		
Comments: _____			_____		
_____			_____		