

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPCTED:** District 2

**PROJECT:** TPV 21-161 COM-PRJ-APP21-39802143 – Lofts at Creekview Multifamily

**SUBJECT:** TPV 21-161 COM-PRJ-APP21-39802143 – Lofts at Creekview Multifamily

Variance Request to mitigate for removal of large significant species trees in excess of the 80% tree preservation requirements within the Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance

**SUMMARY:**

Requested by Caleb Etheredge, Coral Studio, on behalf of Tim Minson, Cohen-Esrey Development Group, LLC for a variance to remove large significant species in excess of the 80% preservation requirement within the Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance.

Staff supports the variance request

**BACKGROUND INFORMATION:**

Council District: 2

Filing Date: December 7, 2021

Owner: Tim Minson, Cohen-Esrey Development Group, LLC

Applicant/Engineer: Caleb Etheredge, Coral Studio

Staff Coordinator: Jacob Sanchez, Assistant City Arborist, 210-207-0161 [jacob.sanchez@sanantonio.gov](mailto:jacob.sanchez@sanantonio.gov)

**ANALYSIS:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Caleb Etheredge's letter dated December 7<sup>th</sup>, 2021. The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas (ESA) states that, "Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. Heritage trees shall be preserved at one hundred (100) percent preservation within both the 100-year floodplain and environmentally sensitive areas. Mitigation shall be prohibited in floodplains and environmentally sensitive area except when a variance is granted by the Planning Commission."

The applicant is requesting a Variance Request to mitigate for removal of large significant species trees in excess of the 80% tree preservation requirements within the Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance for construction of the Lofts at Creekview Multifamily Development. DSD staff does agree with the applicant's request to mitigate for the removal of large significant species trees below the minimum 80% for the following reasons:

1. *Existing site conditions* – The proposed commercial development resides over an undeveloped 12.8-acre parcel that consist of 3.7 total acres of 100 Year-Floodplain. The portion of the site that borders the 100-Year Floodplain has been previously used as an illegal dumpsite for over several decades. The consistent dumping of construction material containing large pieces concrete and

rebar have attributed to the large existing slope causing a significant change in grade that has also allowed the existing vegetation to grow and acclimate amongst concrete rubble. To effectively develop the site, the concrete rubble and neighboring trees must be removed to allow for the proposed retaining wall and parking lot. This area of impact resides within the 30' ESA bordering the existing 100-Year Floodplain. Currently, there are 33 existing large and small significant species trees within the ESA. The existing trees combined make up 336" inches of which 137" total inches will be removed. That consists of 11 total trees to be removed within the ESA. 1 of the 33 trees is a small significant species tree that will remain at 100% Tree Preservation. There are no existing heritage trees within the ESA.

- a. Environmentally Sensitive Area Inches = 336" total large significant inches, 137" inches removed, 199" inches preserved, 59.2% preservation ratio, 71" inches of required mitigation
2. *Tree mitigation*– The total mitigation required for removal of large significant species trees in excess of the 80% tree preservation requirements within the Environmentally Sensitive Area is 71" total caliper inches. The owner proposes to mitigate by planting 141 medium and large species trees at 4" & 6" caliper to include Shumard Red Oak, Bald Cypress, Mexican Sycamore, and native Pecan. The total mitigation for the site provided is 626.5". The 141 trees to be planted provides added species diversity to include native medium and large species trees per San Antonio Recommended Plant List. Final canopy coverage for the project will be 43.5%, 73,409 sf above the required 25% final canopy coverage.

DSD staff supports the applicant's request to fall below the minimum 80% tree preservation of large significant species within the ESA based on the conditions of the site, design constraints, and exceeding mitigation requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

#### **ISSUE:**

The applicants site proposal does not meet the required minimum preservation of 80% for Large Significant within the Environmentally Sensitive Areas.

#### **ALTERNATIVES:**

Planning Commission may decide to deny the variance, which means the applicant will have to comply with the Tree Preservation Ordinance.

#### **RECOMMENDATION:**

DSD staff recommends approval of the proposed variance.