

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPCTED: District 2

PROJECT: TPV 22-010 COM-PRJ-APP21-39803985 – Brackenridge Park Bond Project

SUBJECT: TPV 22-010 COM-PRJ-APP21-39803985 – Brackenridge Park Bond Project Variance Request

Variance Request to mitigate for removal of significant trees in excess of the 80% tree preservation requirements and below 100% preservation of heritage trees within the Floodplain & Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance

SUMMARY:

Requested by Jamaal Moreno, Project Delivery Division - Vertical Section, Public Works Department, City of San Antonio for a variance to remove trees in excess of the 80% preservation of significant tree preservation and 100% heritage tree preservation requirement within the Floodplain and Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance. Staff supports the variance request.

BACKGROUND INFORMATION:

Council District: 2

Filing Date: January 4, 2022 Public Works Department on behalf of the Parks & Recreation Department, City of San Antonio

Applicant/Project Manager: Jamaal Moreno, Project Delivery Division, Public Works Department

Staff Coordinator: Jacob Sanchez, Assistant City Arborist, 210-207-0161 jacob.sanchez@sanantonio.gov

ANALYSIS:

The Development Services Department (DSD) has reviewed the information presented in Mr. Jamaal Moreno's letter dated January 19th, 2022. 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 (ESA). 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 significant species trees in excess of the 80% significant tree preservation and the 100% heritage tree preservation requirements within the floodplain and Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for a capital improvement project at Brackenridge Park for the Parks and Recreation Department. The proposed project focuses on the rehabilitation and reconstruction of several historically significant cultural resources. DSD staff does agree with the applicant's request to mitigate for the removal of significant species trees below the minimum 80% and heritage tree preservation below 100% for the following reasons:

1. *Existing site conditions* – The current state of some of the cultural resources in Brackenridge Park are in various states of disrepair with some sections leaning, some cracking and crumbling and other sections already completely failed and fallen including: the Lambert Beach River walls, the Lambert Beach Steps, the Brackenridge Pump House, the Upper Labor Acequia and the Upper Labor Dam. These sections of the park have become a health, safety and welfare issue and have been closed to public access.
 - a. Several of these cultural resources have trees either within them or directly adjacent to them or both, making reconstruction, rehabilitation and/or repair of those resources physically impossible without major detriment to, or removal of, the adjacent trees.
 - b. In some cases, the structural infrastructure that is proposed for restoration is intended to prevent future failures. These cultural resources cannot physically be re-constructed without the removal of adjacent trees.
 - c. Some design alternatives were considered in an attempt to lessen the impacts to the trees that are directly adjacent to the cultural resources. However, it was concluded that there was no alternative design that would accomplish this adequately, as their implementation would each require heavy equipment, major excavation, and major infrastructure to properly rebuild and rehabilitate the cultural resources. As such, the design chosen was based on other factors such as cost and ease of construction.
 - d. In addition, The Texas Historical Commission (THC) and the Office of Historic Preservation (OHP) have both weighed in on the importance of reconstructing and repairing all the cultural resources to their original condition and in their original location and configuration in order to preserve the historical significance of each particular cultural resource. For instance, in the case of the Lambert Beach walls and the Upper Labor Acequia walls, we would not be allowed to move walls forward or backward or adjust any configurations (i.e., lines, curves, angles, etc.) to avoid, or otherwise distance the walls from, any of the existing trees.
 - e. Tree removal in Floodplain & ESA
 - i. Floodplain 80% Minimum Preservation Significant
 - ii. 2,128 total significant inches, 969.5 inches preserved = 46% preservation, 733 inches mitigation Floodplain 100% Minimum Preservation Heritage
 1. 1,083 total heritage inches, 779 inches preserved = 72% preservation, 912” inches mitigation (304” @ 3:1)
 - iii. ESA 80% Minimum Preservation Significant
 1. 124 total significant inches, 86 inches preserved (17” exempt) = 69% preservation, 13 inches mitigation
 - iv. ESA 100% Minimum Preservation Heritage
 1. 136 total heritage inches, 111 inches preserved, 82% preservation, 75 inches mitigation (25”@ 3:1)
 - v. Total Mitigation: 1,633 inches (ESA 13”+75”) (FP 733”+912”) (less 100” excess upland)
2. *Tree mitigation*– The total mitigation required for the removal of significant and heritage trees in the floodplain and ESA is 1,633 inches. The owner proposes a two-fold approach to planting trees to meet mitigation requirements. During the construction phase of the capital improvement project – 219 trees totaling 792 inches of mitigation will be planted. The remaining mitigation balance of 840 inches will be planted within Brackenridge Park but outside of the capital project. The most opportune areas to plant trees will be the St. Mary’s Street corridor within the park boundary, the wilderness area along Avenue B, and the San Antonio River corridor south of Tuleta Dr. The proposed planting of these mitigation trees outside of the capital improvement

project will be throughout the 2023 and winter/spring of 2024. Trees proposed to be planted are native small, medium, and large species trees. The planted trees will range in sizes from 2-inch to 6-inch caliper trees and will provide additional species diversity.

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 the applicant is meeting mitigation requirements by planting. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

ISSUE:

The applicants project proposes removal of significant and heritage trees in the floodplain and ESA and does not meet the required minimum preservation of 80% for Large Significant trees and 100% Heritage trees within the Floodplain and 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.