



City of San Antonio

Agenda Memorandum

File Number:
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Agenda Item Number: {{item.number}}

Agenda Date: October 12, 2023

In Control: Planning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:

Variance Request to mitigate for removal of heritage trees in excess of the 100% preservation requirement of heritage trees within Environmentally Sensitive Areas & to remove trees in excess of the 80% significant tree preservation requirement within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance.

SUMMARY:

The Development Services Department (DSD) has reviewed the information presented in Mr. Scott Weaver's letter dated June 9, 2023. 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 heritage trees in excess

of the 100% preservation requirement of heritage trees within the Environmentally Sensitive Areas & to remove trees in excess of the 80% significant tree preservation requirement within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance for the RODRIGO PINHEIRO - BRAZILIAN JIU-JITUS.

The proposed project focuses on developing a small mix martial arts studio and associated parking lot for the Brazilian Jiu-Jitus. DSD staff has coordinated extensively with the applicant through the process and does agree with the applicant's request to mitigate for the removal of significant trees below 80% tree preservation & removal of heritage trees in excess of the 100% preservation requirement of heritage trees for the following reasons:

1. Existing site conditions –The project is a platted 1.52-acre site located behind an existing commercial development with no public right of way frontage. The only access is through a Variable Width Ingress & Egress Utility and Drainage Easement Drive. Of the 1.52-acre site there is 1.09 acres of existing tree canopy. Due to the property's flag shaped configuration, the development was challenged with trying to maximum tree preservation while providing the minimum required parking count for the 7,600'sf studio. Due to the narrow parking configuration abutting the existing 100-year Floodplain and parallel to 60'ft ESA the minimum 80% Tree Preservation for Floodplain and ESA was not achievable. In addition to not meeting minimum tree canopy preservation one existing heritage tree within the ESA was not able to be preserved due to the location of the proposed structure's footprint.

a. 100-Year Floodplain Tree Stand Delineation = 3,387' sf total tree stand area

- $3,387' \times 80\% = 2,710'$ total required tree preservation canopy area
- (0.05 acres) 2,021' total tree canopy preserved
- (0.01 acres) 1,366' total tree canopy removed
- 59.6% preservation ratio
- 11.6 total required mitigation

b. Environmentally Sensitive Area Significant Tree Stand Delineation = 33,122' sf total tree stand area.

- $33,122' \times 80\% = 26,498'$ total required tree preservation canopy area.
- (0.44 acres) 19,142' total tree canopy preserved
- (0.30 acres) 13,980' total tree canopy removed
- 57.7% preservation ratio.
- 140.2" total required mitigation.

c. Environmentally Sensitive Area – Heritage Tree (1)

- 28" inches removed (1 tree),
- 57" inches preserved (2 trees).
- 67% preservation ratio.
- 84" inches of required mitigation.

Total combined tree preservation mitigation for the tree canopy in the Environmentally Sensitive Areas, Floodplain and Heritage tree removal is 235.8 inches.

2. Tree mitigation – The total mitigation required for removal of one heritage tree in the ESA and below the minimum 80% preservation of significant tree canopy in both the 100-year Floodplain and ESA is 235.8 inches. The applicant proposes to mitigate by planting eight (8) 3” caliper native species trees. The remaining tree mitigation balance of 218.4 inches will be paid into the Tree Mitigation Fund at \$200.00 per inch totaling \$43,680.00.

DSD staff supports the applicant’s request to mitigate for removal of heritage trees in excess of the 100% preservation requirement of heritage trees within the Environmentally Sensitive Areas and to remove tree canopy in excess of the 80% significant tree preservation requirement within both the 100- year Floodplain and Environmentally Sensitive Areas based on the conditions of the site, design constraints, and the platted lot configuration. The applicant is providing 35% overall tree canopy for the site which is an additional 21,603 sf over the minimum 25% required final tree canopy by a combination of preservation of existing trees, planted mitigation trees and meeting parking lot shading requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

BACKGROUND INFORMATION:

Council District: 8

Filing Date: November 23, 2022

Applicant: Scott Weaver, P.L.A., with Weaver Design Studio

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

ISSUE:

The applicants project proposes removal of heritage trees in excess of the 100% preservation requirement of heritage trees within Environmentally Sensitive Areas & to remove trees in excess of the 80% significant tree preservation requirement within both the 100-year Floodplain and Environmentally Sensitive Areas.

ALTERNATIVES:

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

RECOMMENDATION:

DSD staff recommends approval of the proposed variance.