



City of San Antonio

Agenda Memorandum

File Number:

Agenda Item Number: {{item.number}}

Agenda Date: January 27, 2022

In Control: City Council A Session

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 6

SUBJECT:

Planning Commission Case COM-PRJ-APP21-39801977/ Tree AEVR Request – TPV 21-147

SUMMARY:

Consideration of an Administrative Tree Variance to the Tree Preservation Code, located at 3545 Wiseman Blvd., as provided by City Code, Chapter 35, Article V, Section 35-523 (f) and Table 523-1A.

Planning Commission approved, in a vote of 6 in favor and 1 opposed, a request by Microsoft Corporation to mitigate below minimum preservation of significant and heritage trees pursuant to the Unified Development Code Section 35-523(n)(5). The Director of Development Services Department is appealing the decision of the Planning Commission to City Council.

BACKGROUND INFORMATION:

The project is SAT-14 Data Center, located at 3545 Wiseman Blvd and is comprised of a 33-acre commercial tract zoned I-1. The applicant wishes to remove significant and heritage trees in excess of the minimum preservation requirements for the site. The Unified Development Code – Article V, Section 35-523 (f) Table 523-1A, that “Up to 80% of Significant and Heritage Trees may be mitigated rather than preserved”. DSD staff does not support the applicant’s request to mitigate

below minimum preservation of significant trees and heritage trees as requested.

Development Services Department reviewed the information presented in Mr. David Lundberg's letter submitted October 18, 2021, and staff worked with the applicant to clarify their hardship and potential save areas. The applicant revised the application and resubmitted on November 1, 2021; staff denied the request on November 4, 2021, because removal of trees in the quantity proposed below the required minimum would be contrary to the public interest of the area.

The applicant submitted an appeal to the Director of Development Services on November 16 and the request was denied on November 18, 2021. In accordance with Unified Development Code Article V, Section 35-523 (n)(5), the applicant appealed the Director's decision to the Planning Commission and the case was heard on December 15, 2021. Planning Commission approved the request in a vote of 6 in favor and 1 opposed. The preservation breakdown that was proposed by the applicant on November 1 and proposed as part of their appeal, is below and is identified in inches in accordance with code:

Large Significant Trees 6"-23" - (2,155 Existing Trees; 2,087 Removed Trees= 68 Remaining Trees)

Total Significant Trees – 20,041"

20% Significant Min. Preservation – 20,041" x 20% = 4,008.2"

Significant Trees Preserved – 606"

Significant Trees Removed - 19,435"

Inches to Mitigate – 7,410.4"

Small Significant Trees 1"-5"- (52 Existing Trees; 52 Removed Trees= 0 Remaining Trees)

Total Significant Trees – 287"

20% Significant Min. Preservation – 287" x 20% = 57.4"

Significant Trees Preserved – 0"

Significant Trees Removed– 287"

Inches to Mitigate – 114.8"

Heritage Trees 24" or greater - (19 Existing Trees; 18 Removed Trees= 1 Remaining Tree)

Total Heritage Trees– 534"

20% Heritage Min. Preservation – 534" x 20% = 106.8"

Heritage Trees Preserved – 24"

Heritage Trees Removed – 510"

Inches to Mitigate – 1530"

Minimum Tree preservation required is 20% for Significant trees and 20% for Heritage trees. Based on the information submitted by the applicant, staff has determined that the Large Significant is shown to preserve 3.02%, Small Significant is shown to preserve 0% and Heritage trees are being preserved at 4.49% all below the required 20% minimum.

The applicant proposes to mitigate and preserve by the methods shown below:

Preserving 91" of non-significant trees to count towards mitigation

Total Mitigation required – 9,055.2”

Add the non-significant preservation Mitigation required – 8,964.2”

Plant 833 – 1.5-4” trees (1,578 planted inches).

121 – 3” trees

162 – 4” trees

550 – 1.5” trees

Remaining inches to mitigated after planting – 7,386.2”

Proposed Payment of \$1,477,240.00 for the remainder of the mitigation.

ISSUE:

The applicant’s site proposal does not meet the required minimum preservation of 20% for Small Significant, Large Significant, and Heritage tree classifications.

ALTERNATIVES:

Approval of the Tree Variance will affirm the Planning Commission’s decision as proposed by the project owner resulting in the removal of a total of 19,435” of Significant Trees and a total of 510” of Heritage Trees.

Denial of the Tree Variance will overturn Planning Commission’s decision and will require the applicant to revise their project such that a variance is not needed.

FISCAL IMPACT:

There is no fiscal impact.

RECOMMENDATION:

Development Services Director recommends denial of the Tree Variance which would overturn the Planning Commission’s decision.