



City of San Antonio

Agenda Memorandum

File Number: 17-5822

Agenda Item Number: 13.

Agenda Date: 10/25/2017

In Control: Planning Commission

DEPARTMENT: Development Services

SUBJECT: TPV 17-019 Tree Preservation Variance for Ruby City Art Museum

SUMMARY:

1. Request by Mr. Karl Baker., for approval of a tree preservation variance request from Unified Development Code 35-523 (h), “significant trees shall be preserved at eighty (80) percent and heritage trees at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas.” The Ruby City Art Museum Project is located adjacent to the San Pedro Creek Improvements Project which is being developed by the San Antonio River Authority (SARA). Nearly forty percent (40%) of the Ruby City property along the 100-year floodplain is anticipated to be donated to the Creek Project. Coordination between the Owner and SARA on the Creek Project and Ruby City Museum design will remove 2 protected trees in the Environmentally Sensitive Area (ESA) which includes the 100-year floodplain and the 30 foot floodplain buffer. The required mitigation for the project will be met by planting 14 small to large native species trees which increases the species diversity as well as increasing the overall future tree canopy cover. The applicant will also pay into the tree mitigation fund. (Mark C Bird, 210.207.0278, mark.bird@sanantonio.gov <mailto:mark.bird@sanantonio.gov>), Development Services Department)

Due to existing site conditions, design and layout constraints, and the contractor not following the previously approved tree plan, the project is unable to preserve the minimum 80% of significant trees and 100% of heritage trees within the 100-year Floodplain and Environmentally Sensitive Area (ESA). The required mitigation for both the 100-year floodplain and Environmentally Sensitive Area will be met by upsizing the required 2 trees per lot, adding an additional 2 trees per lot (for a total of 4 trees per lot) and paying the remaining portion of mitigation with tree credits. (Herminio Griego, (210) 207-6042, herminio.griego@sanantonio.gov, Development Services Department)

BACKGROUND INFORMATION:

Project A/P# IM2259314

Council District: Outside City Limits

Consultant: Karl P. Baker, Partner, Golden Steves & Gordon, LLP

Staff Coordinator: Mark C Bird, City Arborist, (210) 207-0278

ANALYSIS:

The Development Services Department (DSD) has reviewed the information presented in Mr. Karl Baker’s

letter dated October 9, 2017.

The Unified Development Code (UDC) - Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas 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 protected trees within the 100-year floodplain and ESA in excess of the 80% minimum preservation of protected trees in place under the 2015 Tree Preservation Ordinance for the development of the Ruby City Art Museum by Pace Exhibitions, LLC, and the Linda Pace Foundation. DSD staff does agree with the applicant’s request to mitigate for removal of 2 protected trees which brings overall tree preservation in the floodplain and ESA below 80% preservation for the following reasons:

2. *Project Information* - The Ruby City project is located adjacent to the San Pedro Creek Improvements Project which is being developed by the San Antonio River Authority (SARA). Nearly forty percent (40%) of the Ruby City property along the 100-year floodplain is anticipated to be donated to the Creek Project. Coordination between the Owner and SARA on the Creek Project and Ruby City design will remove 2 protected trees in the Environmentally Sensitive Area (ESA) which includes the 100-year floodplain and the 30 foot floodplain buffer.
3. *Tree Preservation* - Due to the proposed scope of work for the Creek Project and development of the Ruby City Art Museum, the project is unable to preserve the minimum 80% of significant trees within the 100-year floodplain and Environmentally Sensitive Area (ESA). There are three protected trees in the ESA totaling 45 inches. Removal of 2 protected trees (14 inch Hackberry & 19 inch Pecan) will reduce the tree preservation percentage within the ESA to 26.6% for a total of twenty-four (24) inches of mitigation.
4. *Tree mitigation* - The Owner proposes to meet required mitigation of 24 inches for below 80% preservation by a combination of planting trees and payment into the Tree Mitigation Fund. Mitigation tree planting includes: 6-6 inch Bald cypress, 2-Texas Mountain laurel, 2 Mexican olive, 2 Texas Redbud, and 2 Texas persimmon. The Owner will also make payment into the Tree Mitigation Fund a total of \$10,000.00 which represents fifty (50) inches of mitigation.

DSD staff supports the applicant’s request to fall below 80% of tree preservation requirements based on the proposed improvements that will greatly increase tree canopy and environmental benefits in this area. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.