



# City of San Antonio

## Agenda Memorandum

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

**Agenda Date:** June 12, 2024

**In Control:** Planning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 4

### **SUBJECT:**

Variance Request to mitigate for removal of significant trees in excess of the 80% preservation requirement within the floodplain buffer/ESA in place under the 2010 Tree Preservation Ordinance.

### **SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Jim Vater's letter. 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 trees in excess

of the 80% significant tree preservation requirements within the floodplain buffer/Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for the Vida San Antonio Phase 1 project. The proposed project is a 266-lot single family residential development. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% tree preservation requirements with the floodplain buffer/ESA for the following reasons:

1) Current Site Condition – The initially approved tree plan called for all 3 trees in the floodplain buffer/ESA to be preserved. However, during construction of a detention pond tree #13004, a 15” Hackberry, was not protected and was buried under 4 feet of fill. Due to the construction impacts the tree plan was revised to account for this tree as removed. As a result of the tree removal within the floodplain buffer/ESA, the revised tree preservation ratios are as follows:  
a. Floodplain buffer/ESA significant trees = 15 inches removed (1 tree), 32 inches preserved (2 trees), 68.08% preservation ratio, 6 inches of required mitigation.

2) Tree Mitigation– The total mitigation required for the removal of significant trees within the floodplain buffer/ESA is 6 inches. The owner proposes to mitigate by planting (2)-2.5” caliper native medium to large shade trees per 266 residential lots, planting (1)-3” caliper native medium to large shade trees per 22 townhome lots, and planting (67)-3” to 5” native medium to large shade trees in landscape areas throughout Phase 1 for a total of 796.5” of mitigation provided.

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

## **BACKGROUND INFORMATION:**

Council District: 4

Filing Date: April 11th, 2024

Applicant: Jim Vater with Southstar at Verano Investments, LLC.

Staff Coordinator: Herminio Griego, Assistant City Arborist, 210-207-6042, herminio.griego@sanantonio.gov

## **ISSUE:**

The applicant's project proposes removal of significant trees within the floodplain buffer/ESA and does not meet the required minimum preservation of 80% significant trees within the ESA.

## **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.