

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPCTED:** ETJ

**PROJECT:** TRE-APP-APP22-38802050– The Crescent

**POSTING LANGUAGE:**

REQ-CMRORAEVR-23-44400282: Requested by Leticia Zavala with CFZ Group for a variance to remove trees in excess of the 80% significant tree preservation requirement within the Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance for The Crescent, generally located on the west side of Interstate 10 north of Two Creek Road. Staff recommends approval. (Charles Johnson, Senior Plans Examiner, (210)-207-0170, Charles.Johnson2@sanantonio.gov, Development Services Department).

**SUBJECT:**

Variance Request to mitigate for removal of significant trees in excess of the 80% preservation requirement within the Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance.

**BACKGROUND INFORMATION:**

Council District: ETJ

Filing Date: July 17,, 2023

Applicant: Leticia Zavala with CFZ Group

Staff Coordinator: Charles Johnson, Senior Plans Examiner, 210-207- 0170

Charles.Johnson2@sanantonio.gov

**SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Ms. Leticia Zavala’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 requirement within the Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for The Crescent. The proposed project focuses on developing business park. DSD staff does agree with the applicant’s request to mitigate for the removal of significant trees below 80% tree preservation for the following reasons:

1. *Tree Removal* – This site is comprised of 8.94 acres with a rapid break in slope of approximately 10% near the northwest side of the property including in the ESA. The site underwent 4 design changes to minimize tree impacts. The property’s steep slopes near the ESA where the buildings were located, size of the lots, easements, required grading, tree location in the ESA and fire lane placement all contributed to the ESA’s significant tree removal. The fire lane was required to

reach the back of the buildings. The fire lane traversed the ESA and resulted in the significant tree being removed. The proposed tree preservation ratios are as follows:

- a. Environmentally Sensitive Area Significant Trees = 248 inches removed (27 trees), 356 inches preserved (35 trees), 57% preservation ratio, 122 inches of required mitigation.
2. *Tree mitigation*– The total mitigation required for the removal of significant trees within the ESA is 122 inches. The owner proposes to mitigate by planting 62 new trees equal to 137 mitigation inches and 24,440.00 into the Tree mitigation Fund. The 62 new trees will include small, medium, and large species trees thereby increasing the area's species diversity.

DSD staff supports the applicant's request to fall below the minimum 80% tree preservation of significant trees within the ESA based on the conditions of the site, design constraints, required fire lane placement and exceeding canopy requirements. 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 trees in the ESA and does not meet the required minimum preservation of 80% significant trees within the 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.