

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPCTED:** ETJ

**PROJECT:** TRE-APP-APP23-38800856 – SAWS Fox Falls Offsite Sewer

**POSTING LANGUAGE:**

REQ-CMRORAEVR-23-44400286: Requested by Andrew Lowry P.E. with Cude Engineers for a variance to remove trees in excess of the 80% significant and 100% heritage tree preservation requirements within the Environmentally Sensitive Areas and floodplain as stated under the 2010 Tree Preservation Ordinance for the CIP SAWS Fox Falls Offsite Gravity Sewer, generally located 300 feet northwest of the intersection of Interstate Highway 10 and Old Fredericksburg 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 and heritage trees in excess of the 80% and 100% respective preservation requirements within the Environmentally Sensitive Areas and floodplain in place under the 2010 Tree Preservation Ordinance.

**BACKGROUND INFORMATION:**

Council District: ETJ

Filing Date: September 18, 2023

Applicant: Andrew Lowry with Cude Engineers

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 Mr. Andre Lowry'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 and heritage trees in excess of the 80% significant and 100% heritage tree preservation requirements within the Environmentally Sensitive Areas (ESA) and floodplain in place under the 2010 Tree Preservation Ordinance for the CIP SAWS Fox Falls Offsite Gravity Sewer. The proposed project focuses on installing a 11,000-foot-long sewer line. The new sewer line replaces the current 12-inch sewer line with a 24 inch sewer line increasing capacity to a larger service area. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% and heritage trees below 100% for the following reasons:

1. *Tree Removal* – The 11,000 foot long sewer line is a planned capital improvement project required to accommodate increased flows within the service area. The new 24-inch sewer line

will be installed in the existing sewer easement. By working within the existing sewer easement SAWS will not be required to acquire new easements which would increase the cost of the project and result in removal of more trees. easements- SAWS requires 100% clearing within the permanent easement. Trees are planned to be saved where possible in the working limits to minimize tree impacts.:

- a. Environmentally Sensitive Area Significant Species Tree trees = 216 inches removed (2 trees), 95 inches preserved (9 trees), 82% preservation ratio, 17 inches of excess trees saved.
  - b. Environmentally Sensitive Area Heritage Species Tree trees = 24 inches removed (1 trees), 0 inches preserved (0 trees), 0% preservation ratio, 24 inches of required mitigation
  - c. Floodplain Area Significant Species Tree trees = 361 inches removed (18 trees), 891 inches preserved (79 trees), 71% preservation ratio, 111 inches of required mitigation.
  - d. Floodplain Area Heritage Species Tree trees = 137 inches removed (5 trees), 0 inches preserved (0 trees), 0% preservation ratio, 339 inches of required mitigation
2. *Tree mitigation*– The total mitigation required for the removal of significant trees within the ESA is 474 inches. No planting is permitted within the floodplain. Therefore, SAWS plans to pay \$94,800.00 into the Tree Mitigation Fund

DSD staff supports the applicant's request to fall below the minimum 80% tree preservation of significant trees and 100% tree preservation of heritage trees within the ESA and floodplain based on the conditions of the site, design constraints, and requirements to expand the sewer infrastructure for human health and welfare. 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 and heritage trees in the ESA and does not meet the required minimum preservation of 80% significant trees and 100% of heritage trees within the Environmentally Sensitive Areas and floodplain.

#### **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.