

**DEPARTMENT:** Development Services

**SUBJECT:** TPV 21-145 Tree Preservation Variance for McCrary Subdivision Units 1, 2, 4, & 5

**SUMMARY:**

Request by Mr. Sean McFarland, P.E., 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”, general located off Swayback Ranch and Davis Ranch. Staff recommendation: Pending. (Herminio Griego, (210) 207-6042, herminio.griego@sanantonio.gov, Development Services Department)

**BACKGROUND INFORMATION:**

Tree Record Number: AP#2529434/TRE-APP-APP21-38801076

Council District: ETJ

Consultant: Sean McFarland, P.E. with Cude Engineers

Staff Coordinator: Herminio Griego, Assistant City Arborist, (210) 207-6042

**ANALYSIS:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Sean McFarland’s letter dated October 12th, 2021.

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 significant tree stand more than the 80% preservation requirements within the 100-year Floodplain and to remove heritage trees in excess of the 100% preservation requirements within both the 100-year Floodplain and Environmental Sensitive Area (ESA) in place under the 2010 Tree Preservation Ordinance for construction of the McCrary Tract Subdivision Units 1, 2, 4, & 5. DSD staff does agree with the applicant’s request to mitigate for the removal of significant tree canopy below 80% and heritage trees below 100% for the following reasons:

1. *Existing site conditions* – McCrary Tract Subdivision Units 1, 2, 4 & 5 currently has a tree preservation plan, AP#2529434, which was approved on 9/14/2021 and complied with the required tree preservation and tree planting requirements. The latest revisions are associated with proposed tree removal within an CPS OHE easement and to tributary floodplain improvements. The owner has no control over the location of the CPS easement needed to provide utility infrastructure to the development and goes through floodplain and ESA areas which will require tree removal. The tributary B floodplain channel improvements are necessary to reclaim floodplain, convey and contain the 100-year WSE of the existing floodplain, and to ensure future homes are not flooded.
  - a. Floodplain Heritage Inches = 632.5 inches total, 111.5 inches removed, 521 inches preserved, 82.37% preservation ratio, 334.5 inches of required mitigation.

- b. ESA Heritage Inches = 428.5 inches total, 26 inches removed, 402.5 inches preserved, 93.93% preservation ratio, 78 inches of required mitigation.
  - c. Floodplain Significant Tree Stand = 1,366,309 square feet, 310,888 square feet removed, 1,055,421 square feet preserved, 77.24% preservation ratio, 718 inches of required mitigation
2. *Tree mitigation and canopy cover* – The total mitigation required for removing the significant tree stand and floodplain/ESA heritage trees is 1,130.5 caliper inches. The owner proposes to mitigate by planting (4)-3-inch caliper trees per 232 lots, (5)-3-inch caliper trees per 176 lots and (65)-2-inch caliper streetscape trees along Swayback Ranch. The total mitigation provided will be 4,330 inches. The 1,873 trees that will be planted for mitigation and canopy requirements, in addition to the existing preserved trees will, at maturity, provide 2,863,420.54 square feet of canopy cover which is 1,845,919.92 square feet, or 42.37 acres, more than required.

DSD staff supports the applicant's request to fall below 80% significant tree stand preservation within the 100-year Floodplain and to fall below 100% of heritage tree preservation requirements within both the 100-year Floodplain and ESA based on the proposed plan to meet tree mitigation requirements by planting trees on residential lots and exceeding final tree canopy cover requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.