

**DEPARTMENT:** Development Services

**SUBJECT:** TPV 21-146 Tree Preservation Variance for McCrary Unit 3

**SUMMARY:**

Request by Mr. Sean McFarland for approval of a tree preservation variance request from Unified Development Code Section 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”, located approximately 1300 feet north of Swayback Ranch and Davis Ranch. Staff Recommendation” Pending . (Charles Johnson, (210) 207-0170, Charles.johnson2@sanantoni.gov, Development Services Department)

**BACKGROUND INFORMATION:**

Project A/P# 2932164-2679183

Council District: ETJ

Consultant: Mr. Sean McFarland

Staff Coordinator: Charles Johnson, Plans Examiner City Arborist, (210) 207-0170

**ANALYSIS:**

The Development Services Department (DSD) reviewed the information presented in Mr. Sean McFarland’s letter submitted October 19, 2021.

The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) 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 floodplains and environmentally sensitive areas.”

McCrary Unit 3 is located approximately 1,300 feet north of Swayback Ranch and Davis Ranch. The project is comprised of 79 residential lots and a CPS Energy overhead electric (OHE) easement along the western boundary. The applicant wishes to remove significant trees in excess of the minimum preservation requirements for the environmentally sensitive area (ESA) and the floodplain and remove significant and heritage trees in the floodplain in excess of the minimum preservation requirements. The sole heritage tree in the ESA will be preserved. DSD staff does agree with the applicant’s request to mitigate below minimum preservation of significant trees in the environmentally sensitive areas and removal of significant and heritage trees the floodplain for the following reasons:

1. Floodplain:
  - a. The floodplain mitigation is 414 inches.
  - b. Removal of all the significant and heritage trees in the floodplain is due solely to CPS Energy requiring complete clearing of the OHE easement. The floodplain mitigation is 414 inches. The location of the easement is dictated by CPS Energy and is required to provide power to residential units within the McCrary Subdivision.
  - c. Mitigation via planting is not permitted within the floodplain due to the flood water’s erosional forces
2. ESA:
  - a. The sole heritage tree is being preserved.

- b. The significant tree mitigation is 162 inches.
- c. Raising lots 37 and 38 to construable grades and out of the floodplain will result in the removal significant trees. Grade fill to raise the lots exceeded the allowable +/-3” of grade change tree root protection zones resulting the tree being removed.
- d. Significant trees will also be removed in the ESA due to clearing the CPS Energy OHE easement.

3. The tree preservation data is as follows:

| <b>TREES WITHIN FLOODPLAIN</b>                 |               |
|--|---------------|
| <b>SIGNIFICANT FP TREES REMOVED</b>            | <b>335”</b>   |
| <b>SIGNIFICANT FP TREES SAVED</b>              | <b>443”</b>   |
| <b>SIGNIFICANT FP TOTAL TREES</b>              | <b>778”</b>   |
| <b>SIGNIFICANT FP MITIGATION</b>               | <b>180”</b>   |
| <b>HERITAGE FP TREES REMOVE</b>                | <b>78”</b>    |
| <b>HERITAGE FP TREES SAVED</b>                 | <b>31”</b>    |
| <b>FP TOTAL HERITAGE TREES</b>                 | <b>109”</b>   |
| <b>FP HERITAGE PRESERVATION (100% MINIMUM)</b> | <b>19.92%</b> |
| <b>FP HERITAGE TREE MITIGATION</b>             | <b>234”</b>   |

| <b>TREES WITHIN ENVIRONMENTALLY SENSITIVE AREAS (ESA)</b> |                                       |
|---|---------------------------------------|
| <b>SIGNIFICANT ESA TREES REMOVED</b>                      | <b>264”</b>                           |
| <b>SIGNIFICANT ESA TREES SAVED</b>                        | <b>245”</b>                           |
| <b>SIGNIFICANT ESA TOTAL TREES</b>                        | <b>509”</b>                           |
| <b>SIGNIFICANT ESA MITIGATION</b>                         | <b>162”</b>                           |
| <b>HERITAGE ESA TREES REMOVE</b>                          | <b>0”</b>                             |
| <b>HERITAGE ESA TREES SAVED</b>                           | <b>30”</b>                            |
| <b>ESA SIGNIFICANT PRESERVATION (80% MINIMUM)</b>         | <b>245 SAVED / 509 TOTAL = 48.13%</b> |

4. Mitigation and Tree Preservation Balance: The applicant will
- a. Total ESA and floodplain mitigation required: 576
  - b. Plant 5-3” trees per lot for 79 lots for a total of 395 trees – 3” trees (1,185 panted inches). Since 2 – 1.5” trees are required per lot, the yielding mitigation is 948 inches.
  - c. Revegetate the CPS Energy OHE easement by drill seeding a native seed mix and ensuring 85% establishment.

DSD staff agrees with the applicants’ analysis and supports the request to remove significant trees below the minimum preservation requirements for the floodplain and heritage and significant trees from the ESA. The Variance Request meets the intent and spirit of the Tree Ordinance; therefore, staff recommends approval.

