



City of San Antonio

Agenda Memorandum

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

Agenda Date: June 28, 2023

In Control: Planning Commission Meeting

DEPARTMENT: Development Services Department

DEPARTMENT HEAD: Michael Shannon

COUNCIL DISTRICTS IMPACTED: District 8

SUBJECT:

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

SUMMARY:

The Development Services Department (DSD) has reviewed the information presented in Mr. Alejandro Gutierrez'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 trees in excess of the

80% significant tree preservation requirement within Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance in place under the 2010 Tree Preservation Ordinance for the Gutierrez Residence single family residential development.

The proposed project focuses on developing a single-family residence. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% tree preservation:

1. Existing site conditions – The undeveloped residentially zoned parcel consist of 2.577 acres within the Dominion. The property has numerous easements throughout the site in addition to 0.9374 acres of 100-year Floodplain and 0.43 acres of 30' Environmentally Sensitive Area parallel to the 100-year Floodplain. The owner previously removed fifteen (15) large significant species trees out of a total of seventeen (17) large significant species from within the 30' Environmental Sensitive Area falling below the minimum 80% Tree Preservation. As a result of the unpermitted tree removal, staff assessed the \$2,000 Work Without a Permit Penalty Fee as part of the formal permitting and staff's support.

a. Environmentally Sensitive Area Significant - Tree Survey method.

- 122' x 80% = 97.6" total required tree preservation inches.
- 95.5" total tree inches removed.
- 26.5" total tree inches preserved.
- 21.7% preservation ratio.
- 71.1" total required mitigation.

Total tree preservation mitigation for the Environmentally Sensitive Area is 71.1 inches.

2. Tree mitigation – Owner is proposing to plant back twenty-seven (27) total medium and large native species trees. The owner proposes (6) - 3" Chinquapin Oaks, (10) - 4" Mexican Sycamore, (7) - 2" Shumard Red Oak, and (4) – 3" Cedar Elm. The total mitigation provided from planting will be 84 inches of new trees planted providing added species diversity to include medium and large species native trees per San Antonio Recommended Plant List. A total of 12.9 inches will be planted back above the minimum required mitigation.

DSD staff supports the applicant's request for removal trees in excess of the 80% significant tree preservation requirement within Environmentally Sensitive Areas based on the previous actions of the owner removing trees prior to proper permitting. The applicant did exceed the 38% Tree Canopy cover requirements with an additional 9,946' derived from existing trees preserved and newly planted trees. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

BACKGROUND INFORMATION:

Council District: 8

Filing Date: February 15, 2022

Applicant: Alejandro Gutierrez, Owner, with G Core Construction

Staff Coordinator: Jacob Sanchez, Assistant City Arborist, 210-207-0161,
jacob.sanchez@sanantonio.gov

ISSUE:

The applicants project proposes removal of trees in excess of the 80% significant tree preservation requirement 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.