



# City of San Antonio

## Agenda Memorandum

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

**Agenda Date:** February 14, 2024

**In Control:** Planning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 3

**SUBJECT:**

Variance request to mitigate for removal of significant trees in excess of the 80% preservation requirement within both the 100-year floodplain and floodplain buffer/ESA in place under the 2022 Tree Preservation Ordinance.

**SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Kyle Hudek's letter. The Unified Development Code (UDC) – Article V, Section 35-523 (f), 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). 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 to mitigate for removal of significant trees in excess of the 80% significant tree preservation requirements within both the Environmentally Sensitive Areas (ESA) and 100-year floodplain in place under the 2022 Tree Preservation Ordinance for the Ruby

Crossing Lift Station project. The proposed project is for the construction of a sanitary sewer system for future residential development. DSD staff does agree with the applicant's request to mitigate for the removal of significant trees below 80% tree preservation requirements within both the 100-year floodplain and floodplain buffer/ESA for the following reasons:

Site Design and Layout – The site is located north of Loop 1604 near the intersection of Loop 1604 and Liedecke Road. There are proposed easements within the property which include sanitary sewer, electrical and temporary construction easements throughout the site. The 100-year floodplain goes through central and southwestern portions of the site. Total area experiencing soil disturbances is approximately 12.89 Ac. and will undergo drill seeding/revegetation using a native seed mix and ensuring 85% establishment. As a result of the proposed tree removal within the ESA, the proposed tree preservation ratios are as follows:

- a. ESA significant trees = 140 inches total (13 trees), 29 inches preserved (3 trees), 111 inches removed (10 trees), 21% preservation ratio, 84 inches of required mitigation.
- b. 100-year floodplain significant trees = 59 inches total (5 trees), 43 inches removed (4 trees), 16 inches preserved (1 tree), 27% preservation ratio, 31 inches of required mitigation.

Tree Mitigation– The total mitigation required for the removal of significant trees within both the ESA and 100-year floodplain is 115 inches. The owner proposes to mitigate by drill seeding all disturbed areas with native seed mix ensuring 85% establishment and payment into the tree mitigation fund in the amount of \$23,000 (115" x \$200/inch).

DSD staff supports the applicant's request to fall below the minimum 80% tree preservation of significant trees within both the 100-year floodplain and floodplain buffer/ESA based on the conditions of the site, design constraints, meeting mitigation by drill seeding with native seed mix ensuring 85% establishment, and payment into the Tree Mitigation fund. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

## **BACKGROUND INFORMATION:**

Council District: 3

Filing Date: July 27, 2023

Applicant: Kyle Hudek, PE with Cude Engineers

Staff Coordinator: Herminio Griego, Assistant City Arborist, (210) 207-6042, herminio.griego@sanantonio.gov

## **ISSUE:**

The applicant's project proposes removal of significant trees within both the 100-year floodplain and floodplain buffer/ESA does not meet the required minimum preservation of 80% significant trees within both the 100-year floodplain and floodplain buffer/ESA.

## **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.