



# City of San Antonio

## Agenda Memorandum

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

**Agenda Date:** March 13, 2024

**In Control:** Planning Commission Meeting

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**DEPARTMENT:** Development Services Department

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** District 6

**SUBJECT:**

Variance Request to mitigate for removal of tree canopy in excess of the 80% preservation requirements within the Environmentally Sensitive Areas (ESA) and floodplain in place under the 2022 Tree Preservation Ordinance.

**SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Persyn'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. 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 areas 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% preservation requirement within the Environmentally Sensitive Areas (ESA) and floodplain under the 2015 Tree Preservation Ordinance for the SAWS W52 Culebra Creek Sewer Capacity Relief project. The proposed project focuses on installing 7,223 linear feet of sewer line along Culebra Creek between Grissom Road and Pipers Bluff as seen on the map. DSD staff does agree with the applicant's request to mitigate for the removal of trees below the 80% preservation for the following reasons:

**1) Existing Site Conditions** – The sewer lines are 55 years old, deteriorated, and prone to leaks. The project will install 7,223 feet of sewer line ranging in size from 8” to 60” along Culebra Cree. The sewer line will be installed via open cut trench, boring, and tunneling techniques. The installation of the sewer line requires permanent easements up to 50’ wide with a 30’ wide temporary construction easement. SAWS requires 100 percent clearing of the easement for the installation and maintenance of the sewer line. The sewer line is required by the EPA and is an integral part of SAWS’ commitment to meet the increased waste flow demands for the expanding residential and business developments. The proposed tree preservation ratios are as follows:

**a) Environmentally Sensitive Area:**

- i) total square feet = 38,896
- ii) square feet removed = 25,416
- iii) square feet preserved = 13,480
- 34% preservation ratio
- iv) required mitigation = 17,637 square feet = 351 inches

**b) Environmentally Sensitive Area Heritage Specie Trees: Total trees = 0 inches**

**c) Floodplain Area**

- i) square feet total = 353,714,
- ii) square feet removed = 218,552
- iii) square feet preserved = 135,162
- iv) 38% preservation ratio
- v) Required mitigation = 147,809 square feet = 2,822 inches

**d) Floodplain Area Heritage Trees: total trees = 0 inches**

2) Tree mitigation–The owner proposes to mitigate by:

- a) Preserved 23,352 square feet of canopy by reusing existing easements.
- b) Exceeding Upland 25% preservation by preserving 100% (247”) of heritage trees.
- c) 72% of the sewer line was installed using boring and tunneling to help minimize tree impacts.
- d) Preserving 100% (202”) of the heritages in the floodplain.
- e) Preserved 107,723 square feet of floodplain canopy by boring and tunneling 3,290 feet.
- f) Preserved 11,969 square feet of ESA canopy by boring and tunneling 522 feet.
- g) Approximately 444,951 square feet of disturbed areas will be drill seeded where practicable using native seed mix and ensuring 85% establishment.
- h) The value of these efforts to minimize tree impacts and restore disturbed areas resulted in a mitigation of 1,586 inches X \$200.00/inch = \$317,300.00

3) DSD staff supports the applicant's request to fall below the minimum of 80% tree preservation within the ESA and floodplain due to efforts of the SAWS project to minimize tree removal by reusing existing easement, boring, and tunneling the sewer line.

The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

**BACKGROUND INFORMATION:**

Council District: 6

Filing Date: February 16, 2024

Applicant: Michael Persyn, PE K Friese.

Staff Coordinator: Charles Johnson, Senior Plans Examiner, 210-207- 0170  
Charles.Johnson2@sanantonio.gov

**ISSUE:**

The applicant's project proposes removal of trees in the ESA and floodplain and does not meet the tree required minimum preservation of 80% in 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.