

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPACTED:** DISTRICT 10 AND ETJ

**PROJECT:** TPV 22-111 TRE-APP-APP22-38800421 –CIP SAWS E-54 Sanitary Sewer Project

**SUBJECT:** TPV 22-111 TRE-APP-APP22-38800421 –CIP SAWS E-54 Sanitary Sewer Project  
Variance Request

Environmental Variance Request to mitigate for removal of tree stand delineation trees in excess of the 80% and heritage trees in excess of the 100% preservation requirements within both the 100-year Floodplain & Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance

**SUMMARY:**

Requested by, Mr. Marshall Preas, P.E., with Pape-Dawson Engineers for an environmental variance to remove tree stand delineation trees and heritage trees in excess of the 80% and 100% preservation requirements respectively within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance. Staff supports the variance request.

**BACKGROUND INFORMATION:**

Council District: ETJ

Filing Date: August 18, 2022

Applicant: Mr. Marshall Preas P.E. with Pape-Dawson Engineers

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

**ANALYSIS:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Marshall Preas' letter dated September 6th, 2022. 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 an Environmental Variance to mitigate for removal of tree stand delineation trees and heritage trees in excess of the 80% tree stand delineation and 100% heritage tree preservation requirements respectively within the 100-year Floodplain and Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for the CIP SAWS E-54 Sanitary Sewer project. The proposed project focuses on installing 6.1 miles of sanitary sewer lines, decommissioning 3 undersized lift stations, the development of a regional lift station, and increasing the sanitary sewer conveyance capacity for the project area. DSD staff does agree with the applicant's request to mitigate for the removal of tree stand delineation trees below 80% and heritage trees below 100% tree preservation for the following reasons:

1. *Existing site conditions – Existing site conditions* –The E-54 sanitary sewer is being installed to satisfy the requirements of an Environmental Protection Agency Consent Decree and increased capacity demand. The project is located east of Bulverde Rd, south of Evans, and north of north Loop 1604 west as seen on the location maps. The sewer includes the installation so 9,444 LF of 18”, 21” and 24” gravity mains, 6,258 LF of 20” and 30” force mains connecting to 16,233 LF of 30” and 36” gravity sewer main. In addition, the project includes the decommissioning of three undersized lift stations and infrastructure to support a regional lift station. Efforts to minimize tree impacts include the boring of 3,851 linear feet of sewer line saving 50,535 square feet of canopy. The design also used existing easements where possible further reducing the need to remove additional canopy.

	Existing Canopy	Canopy Removed	Canopy Preserved	Mitigation Required (SF)	Preservation (%)
ESA	100,617	60,550	40,068	40,426	50
Floodplain	351,410	212,391	266,871	124,538	52
	Heritage Inches Total	Inches Removed	Inches Preserved	Mitigation Required (in)	Preservation %
ESA	25	25	0	75	0
Floodplain	133	133	0	399	0

2. *Tree mitigation*– The total mitigation required for the removal of tree stand delineation trees and heritage trees within both the 100-year Floodplain and ESA is 3,648 inches. SAWS requires 100% clearing of the easements. Therefore, the easements must remain cleared for future operation and maintenance purposes and no trees may be planted back in the project area. The applicant proposed to meet the ESA and Floodplain Tree Stand Delineation mitigation requirements as follows:
  - a. The sewer was required by an EPA Consent Decree,
  - b. Boring 3,851 linear feet of sewer saving 50,535 square feet of canopy,
  - c. Using existing easements where possible to reduce the amount of canopy removal, and
  - d. Reclining approximately 444,824 square feet of disturbed areas by drill seeding with native seed mix and ensuring 85% establishment
  - e. Mitigation Evaluation:
    - i. Total mitigation = 3,648 inches,
    - ii. Mitigation balance for items a, b, c, and d above = 1,824 equivalent inches,
    - iii. Tree Mitigation Fund Payment = 1,824 inches @ \$200.00 = \$364,840.00.

DSD staff supports the applicant’s request to fall below the minimum 80% and 100% preservation of Tree Stand and heritage trees respectively within both the 100-year Floodplain and ESA based on the site conditions, the size and locaiton of the proposed sewer, the need to improve San Antonio sewer conveyance systems and payment to the Tree Mitigation Fund. The proposed Environmental Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

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**ISSUE:**

The applicants project proposes removal of Tree Stand Delineation trees and heritage trees in the Floodplain and ESA and does not meet the respective minimum preservation requirements of 80% and 100% Heritage trees within the 100-year Floodplain and 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.