

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPCTED:** ETJ

**PROJECT:** TPV 22-114 TRE-APP-APP22-38801000 – McCrary Tract Take 2 & 3

**SUBJECT:** TPV 22-114 TRE-APP-APP22-38801000 – McCrary Tract Take 2 & 3 Variance Request

Variance Request to mitigate for removal of heritage trees in excess of the 100% preservation requirement of heritage trees within both the 100-year Floodplain & Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance

**SUMMARY:**

Requested by Andrew Lowry, P.E., with Cude Engineers for a variance to remove trees in excess of the 100% heritage tree preservation requirement 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 24, 2022

Applicant: Andrew Lowry, P.E. with Cude Engineers

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

**ANALYSIS:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Andrew Lowry's letter dated August 26th, 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 a Variance Request to mitigate for removal of heritage trees in excess of the 100% heritage tree preservation requirement within the 100-year Floodplain and Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for the McCrary Tract Take 2 & 3 subdivision. The proposed project focuses on developing 568 single family residential lots for McCrary Tract Units D, E, F, G, 6, 11, 13, 14, 16, 18, 20, 21 and 23. DSD staff does agree with the applicant's request to mitigate for the removal of heritage trees below 100% tree preservation for the following reasons:

1. *Existing site conditions* – Due to existing site conditions and design and layout constraints, the project is unable to preserve the minimum 100% of heritage trees within both the 100-year Floodplain and ESA. The proposed removal of the heritage trees is needed for the Tributary B channel improvements per the approved CLOMR and for the Government Canyon Creek

channel improvements. These channels have been optimally designed in order to preserve as many trees as possible. These channels are necessary to convey and contain the 100-year water surface elevation and to not adversely impact the Galm Road bridge. As a result of the earthwork required to improve the 100-year Floodplain and ESA, the proposed tree preservation ratios are as follows:

- a. 100-year Floodplain Heritage trees = 4,888 inches removed (23 trees), 656 inches preserved (185 trees), 88.17% preservation ratio, 1,968 inches of required mitigation
  - b. Environmentally Sensitive Area Heritage trees = 58 inches removed (2 trees), 400 inches preserved (14 trees), 87.34% preservation ratio, 174 inches of required mitigation
2. *Tree mitigation*– The total mitigation required for the removal of heritage trees within both the 100-year Floodplain and ESA is 2,142 inches. The owner proposes to mitigate by planting (3)-3 inch caliper trees per 99 lots, (4)-3 inch caliper trees per 455 lots, (5)-3 inch caliper trees per 14 lots and (140)-3 inch caliper streetscape trees. The total mitigation provided from planting will be 5,067 inches. The 5,067 caliper inches of new trees planted provides added species diversity to include medium and large species native trees per San Antonio Recommended Plant List.

DSD staff supports the applicant's request to fall below the minimum 100% tree preservation of heritage trees within both the 100-year Floodplain and ESA based on the conditions of the site, design constraints, and the applicant exceeding mitigation and canopy requirements by planting. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

#### **ISSUE:**

The applicants project proposes removal of heritage trees in the Floodplain and ESA and does not meet the required minimum preservation of 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.