

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPCTED:** ETJ

**PROJECT:** TPV 23-138 TRE-APP-APP21-38801647 Sapphire Grove Phase 1A Master Tree Preservation Plan Phases 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B

**POSTING LANGUAGE:**

TPV 23-138: Requested by Travis Elseth, P.E., with KFW Engineers and Surveying for a variance to remove trees in excess of the 80% and 100% significant and heritage respective tree preservation requirements within both the 100-year Floodplain and Environmentally Sensitive Areas as stated under the 2015 Tree Preservation Ordinance for Sapphire Grove Phase 1A Master Tree Preservation Plan Phases 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B , generally located east of New Sulfur Springs Road and Gardner Road. Staff recommends approval. (Charles Johnson Senior Plans Examiner, (210)-207-0170, reviewer’s email, Development Services Department).

**SUBJECT:**

Variance Request to mitigate for removal of significant and heritage trees in excess of the 80% and 100% respective preservation requirements of significant and heritage trees within both the 100-year Floodplain & Environmentally Sensitive Areas in place under the 2015 Tree Preservation Ordinance.

**BACKGROUND INFORMATION:**

Council District: ETJ

Filing Date: February 28, 2023

Applicant: Travis Elseth, P.E. with KFW Engineers & surveying

Staff Coordinator: Charles Johnson, 210-207-0170, Charles.johnson2@sanantonio.gov

**SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Travis Elseth letter dated February 28, 2023. 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 significant and heritage trees in excess of the 80% and 100% significant and heritage tree respective preservation requirement within the 100-year Floodplain and Environmentally Sensitive Areas (ESA) in place under the 2015 Tree Preservation Ordinance for the Sapphire Grove subdivision. The proposed project focuses on developing 1,000 single family residential lots for Sapphire Grove Phases 1A, 1B, 1C, 1D, 2A, 2B, 2C, 2D, 3A, 3B. DSD staff does agree with the applicant’s request to mitigate for the removal of significant and heritage trees below 80% and 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 80% and 100% of significant and heritage trees within both the 100-year Floodplain and ESA. The proposed removal of the heritage trees is needed primarily because CPS redesigned the electric workings area from 80'X151.01' to 84'X204'. The redesigned CPS step-up pad area necessitated channel and drainage improvements so the step-up pad was not in the floodplain (see request letter exhibit). The channels and drainage were optimally designed to preserve as many trees as possible. The channels are necessary to convey and contain the surface water draining from the western portions of the project area into the pond. As a result of the earthwork required to raise the CPS step-up pad area out of the floodplain and ESA, the proposed tree preservation ratios are as follows:
  - a. 100-year Floodplain Heritage trees = 55 inches removed (2 trees), 0 inches preserved 0% preservation ratio, 165 inches of required mitigation
  - b. 100-year Floodplain Significant trees = 433 inches removed (35 trees), 78 inches preserved (8 trees) 17.6% preservation ratio, 276.4 inches of required mitigation
  - c. Environmentally Sensitive Area Significant trees = None
  - d. Environmentally Sensitive Area Significant trees =204.5 inches removed (15 trees), 156.5 inches preserved (14 trees), 40 % preservation ratio, 155.2 inches of required mitigation
2. *Tree mitigation*– The total mitigation required for the removal of significant and heritage trees within both the 100-year Floodplain and ESA is 640 inches and 2,125 for the entire project. The owner proposes to mitigate by upsizing all 2,000 required trees to 2 inches and planting an additional 2" tree on each of the 1,000 lots. The total mitigation provided from planting will be 3,000 inches, which provides 875" of trees above minimum required. Further, the additional trees will provide 292,300 square feet of final canopy cover more than the minimum required. The 3,000 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 80% and 100% tree preservation of significant and heritage trees within both the 100-year Floodplain and ESA based on the conditions of the site, design constraints. The applicant is exceeding mitigation and canopy requirements by planting an additional 2-inch caliper tree per lot (1000 lots) and upsizing the 2 trees required per lot from 1.5 inches to 2 inches resulting in 875 inches above mitigation requirements.

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

#### **ISSUE:**

The applicants project proposes removal of significant and heritage trees in the Floodplain and ESA and does not meet the required minimum preservation of 80% Significant trees 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.