

**DEPARTMENT:** Development Services

**DEPARTMENT HEAD:** Michael Shannon

**COUNCIL DISTRICTS IMPCTED:** ETJ

**PROJECT:** TPV 23-124 TRE-APP-APP22-38801338 – Tres Laurels

**POSTING LANGUAGE:**

TPV 23-124: Requested by Sean McFarland, 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, and to remove tree canopy in excess of the 80% minimum preservation requirement within Environmentally Sensitive Areas as stated under the 2010 Tree Preservation Ordinance for Tres Laurel, generally located approximately 4300 feet north of W. Montgomery Rd and Freedom Way Intersection. Staff recommends approval. (Eric Rodriguez, Senior Plans Examiner, (210)-207-8265, [eric.rodriguez3@sanantonio.gov](mailto:eric.rodriguez3@sanantonio.gov), Development Services Department).

**SUBJECT:**

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, and for removal of tree canopy in excess of the 80% preservation requirement within Environmentally Sensitive Areas in place under the 2010 Tree Preservation Ordinance.

**BACKGROUND INFORMATION:**

Council District: ETJ

Filing Date: January 18, 2023

Applicant: Sean McFarland, P.E. with Cude Engineers

Staff Coordinator: Eric Rodriguez, Senior Plans Examiner, 210-207-8265, [eric.rodriguez3@sanantonio.gov](mailto:eric.rodriguez3@sanantonio.gov)

**SUMMARY:**

The Development Services Department (DSD) has reviewed the information presented in Mr. Sean McFarland's letter dated January 18th, 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 areas 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), and for removal of tree canopy in excess of the 80% preservation requirement within Environmentally Sensitive Areas (ESA) in place under the 2010 Tree Preservation Ordinance for Tres Laurels. The proposed project focuses on developing 1,089 single family residential lots for Tres Laurels. DSD staff does agree with the applicant's request to mitigate for the removal of heritage trees below 100% tree preservation and for the removal of tree canopy below 80% 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, and the minimum 80% tree canopy within ESA. The current limits of the 100-year Floodplain extend along most of the eastern property boundary of the project and fall within proposed lots. Removal of the heritage trees and tree canopy is necessary to accomplish floodplain reclamation grading which will serve to remove floodplain off these lots. By optimally utilizing hydrology (HMS) modeling, the smallest amount of grading can be achieved to preserve as many trees as possible. A sanitary sewer connection and a SAWS Water Main Extension within the 100-year Floodplain and ESA will also contribute to heritage tree and canopy removal but to a lesser degree. The proposed tree preservation ratios are as follows:
  - a. 100-year Floodplain Heritage trees = 75 inches removed (3 trees), 294 inches preserved (11 trees), 79.67% preservation ratio, 225 inches of required mitigation
  - b. Environmentally Sensitive Area Heritage trees = 24 inches removed (1 tree), 0 inches preserved (0 trees), 0.00% preservation ratio, 72 inches of required mitigation
  - c. Environmentally Sensitive Area Tree Canopy = 18,503 SF removed (0.42 AC), 29,686 SF preserved (0.68 AC), 61.60% preservation ratio, 169.21 inches (8,866 SF) of required mitigation
2. *Tree mitigation*– The total mitigation required for the removal of heritage trees within both the 100-year Floodplain and ESA, and for the removal of tree canopy within ESA is 466.21 inches. The owner proposes to mitigate by planting an additional (2)-1.5-inch caliper trees per 1,089 lots. The total mitigation provided from planting will be 3,267 inches. The 3,267 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, and 80% tree canopy within ESA based on the conditions of the site, design constraints, and the applicant is exceeding mitigation and canopy requirements by planting 2 additional 1.5-inch caliper trees per lot (1,089 lots) providing 3,267 inches above mitigation requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

#### **ISSUE:**

The applicant's project proposes removal of heritage trees in the Floodplain and ESA, and tree canopy in ESA and does not meet the required minimum preservation of 100% Heritage trees within the 100-year Floodplain and Environmentally Sensitive Areas, and the minimum 80% tree canopy within 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.