TPV-19-009

CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT
1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Gombert Tract / Cielo Ranch Units 2 and 3
A/P # /PPR # /Plat #	2362487 / plat 180227
Date:	January 11, 2019
Code Issue:	Min. 80% In-Place Preservation, Riparian Buffer and Flood Plain
Code Sections:	Sec. 35-523, Table 523-1A, Min. Tree Preservation

Submitted By: ☐ Owner ☒ Owners Agent * (Requires notarized Letter of Agent)

Owners Name: Felipe Gonzalez
Company: PulteGroup
Address: 1718 Dry Creek Way, Suite 120, San Antonio TX 78259
Tel #: 210-581-8812 **E-Mail:** felipe.gonzalez@pultegroup.com

Consultant: Jon Robinson
Company: Horizon Design and Development, Inc.
Address: 14607 San Pedro Ave., Suite 200, San Antonio, TX **Zip Code:** 78232
Tel #: (210) 831-8564 **Fax#** N/A **E-Mail:** jrobinson@horizondesign-sa.com
Signature:

Additional Information – Subdivision Plat Variances & Time Extensions

1. ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal
   ☐ Other _____
2. City Council District_____ Ferguson Map Grid _____ Zoning District_____
3. San Antonio City Limits ☐ Yes ☐ No
4. Edwards Aquifer Recharge Zone? ☐ Yes ☐ No
5. Previous/existing landfill? ☐ Yes ☐ No
6. Parkland Greenbelts or open space? Floodplain? ☐ Yes ☐ No

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January 17, 2019

Variance Request Review
c/o Development Services Staff, Development Services Department, City of San Antonio
1901 S. Alamo
San Antonio, Texas 78204

Re: Gombert Tract (Cielo Ranch) Units 2 and 3, A/P #2362487
UDC Sec. 35-523, Tree Preservation, minimum 80% preserved in-place, Flood Plain and Riparian Buffer

☐ Administrative Exception

☑ Environmental Variance

☐ Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following Variance request is submitted on behalf of PulteGroup (the "Owner"), owner of Units 2 and 3 of Cielo Ranch, totaling approximately 38.4 acres of an approximately 133-acre tract of partially-developed land located on Ralph Fair Road at Desperado Trail in San Antonio, Texas (the "Property"). Other than preserving a minimum of 80% of the existing Flood Plain and Riparian Buffer Trees in-place, the proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

Development of Units 2 and 3 entails construction of the following improvements:

1. Approximately 3350 LF of Desperado Trail, the primary road into the community from Ralph Fair Road, including streetscape along the portion of Desperado Trail that is a Collector classification road
2. 107 new single-family residential lots
3. A community amenity center
4. A bridge over the regulatory flood plain
5. Drainage and storm water improvements

The front approximately 49,005 SF of the Property is regulatory flood plain with a 30'-0" Riparian Buffer. Within the regulatory flood plain there are 757 caliper inches of existing Significant Trees and 128 caliper inches of existing Heritage Trees. In the Riparian Buffer adjacent to the regulatory flood plain there are 393.5 caliper inches of existing Significant Trees and one (1) existing 24" caliper Heritage Tree. In order to bridge the regulatory flood plain and construct Desperado Trail and the drainage features required to convey storm water across the Property, the Owner must undertake significant earthwork within and adjacent to the regulatory flood plain. As a result of the earthwork required, the tree removal and preservation ratios for the regulatory flood plain and adjacent Riparian Buffer are as follows:

1. Flood Plain Significant Trees: 325 caliper inches removed, 57.07% preservation ratio
2. Flood Plain Heritage Trees: one (1) 40" caliper Heritage Tree removed, 68.75% pres. ratio
3. Riparian Buffer Significant Trees: 360 caliper inches removed, 2.57% preservation ratio

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4. Riparian Buffer Heritage Trees: one (1) 24" caliper Heritage Tree removed, 0.0% pres. ratio

Thus, the Owner requests a Variance from strict compliance with the UDC due to the fact that the significant earthwork required within and adjacent to the regulatory flood plain in order to construct Desperado Trail and the drainage features necessary to convey storm water across the Property results in less than 80% in-place preservation of the existing Flood Plain and Riparian Buffer Trees and a total mitigation due of 652 caliper inches.

In support of the above Variance allowing development of the Property without preserving a minimum 80% of the existing Flood Plain and Riparian Buffer Trees in-place, the Owner offers the following:

(1) The hardship requiring this Variance is unique to the property. Due to the significant earthwork within and adjacent to the regulatory flood plain required to bridge the regulatory flood plain and construct Desperado Trail and the drainage features required to convey storm water across the Property, the Owner is unable to preserve a minimum 80% of the existing Flood Plain and Riparian Buffer Trees in-place.

(2) This Variance corresponds to the spirit of the UDC. The stated purpose of UDC Sec. 35-523 is to allow "the reasonable improvement of land within the city and city's ETJ" while striving "to maintain, to the greatest extent possible, existing trees within the city and to add to the tree population within the city and the ETJ to promote a high tree canopy goal." In this case, due to the significant earthwork within and adjacent to the regulatory flood plain required to bridge the regulatory flood plain and construct Desperado Trail and the drainage features required to convey storm water across the Property, the Owner is unable to preserve a minimum 80% of the existing Flood Plain and Riparian Buffer Trees in-place. As a result of this required tree removal, a total mitigation of 652 caliper inches of tree mitigation is required. However, the Owner will mitigate this shortfall over and above the stipulated minimum in the following manner:

A. Preserving 658 caliper inches of existing Undersized Trees on the Property
B. Planting two (2) new 4" mitigation trees on each of the 107 residential lots within Units 2 and 3
C. Upsizing the two (2) trees per lot required by the UDC from 1.5" to 4"
D. Re-seeding 39,920 SF of disturbed area within the flood plain and adjacent Riparian Buffer
E. Utilizing the Tree Cluster incentive

The above-described measures result in 141.5 caliper inches of excess mitigation over and above the total mitigation required for construction of Units 2 and 3. More specifically, the tree mitigation will be provided and allocated as follows:

	MITIGATION MECHANISM	MITIGATION	APPLIED TOWARD
A.	Preservation of Undersized Trees Existing trees of a protected species 2.5" and larger but below protected size based on the species	658 Cal. Inches	Protected Tree Preservation
B.	Preservation of 1340 Cal. Inches of Existing Protected Trees w/ Existing Understory, 115% Tree Cluster Incentive (3 or more, max. 10' apart)	201 Cal. Inches	Protected Tree Preservation
C.	(2) 4" Mitigation Trees per Lot (107 Lots)	856 Cal. Inches	Protected Tree Mitigation
D.	Upsizing (2) Required Trees per Lot to 4"	535 Cal. Inches	Protected Tree Mitigation

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Total Protected Tree Mitigation Provided:	2250 Cal. Inches
Total Protected Tree Mitigation Required:	2187 Cal. Inches
Excess Protected Tree Mitigation Provided:	**63 Cal. Inches**

	MITIGATION MECHANISM	MITIGATION	APPLIED TOWARD
A.	(13) Addtl. 4" Cedar Elms on Desperado Trail	52 Cal. Inches	Flood Plain Mitigation
B.	(15) Addtl. 4" Live Oaks on Desperado Trail	60 Cal. Inches	Flood Plain Mitigation
C.	(42) Addtl. 2.5" Mtn. Laurels on Desperado Tr.	105 Cal. Inches	Flood Plain Mitigation
D.	Re-seed 24,320 SF of area in Flood Plain NOTE: Re-seeding will consist of an approved native seed mix applied by drill seeding and established to 85%.	147 Cal. Inches	Flood Plain Mitigation

Total Riparian Buffer Mitigation Provided:	364 Cal. Inches
Total Flood Plain Mitigation Required:	294 Cal. Inches
Excess Flood Plain Mitigation Provided:	**70 Cal. Inches**

	MITIGATION MECHANISM	MITIGATION	APPLIED TOWARD
A.	(18) Addtl. 4" Bur Oaks on Desperado Trail	72 Cal. Inches	Riparian Buffer Mitigation
B.	(17) Addtl. 4" Shumard Oaks on Desperado Tr.	68 Cal. Inches	Riparian Buffer Mitigation
C.	(19) Addtl. 2.5" Mtn. Laurels on Desperado Tr.	47.5 Cal. Inches	Riparian Buffer Mitigation
D.	Re-seed 15,600 SF of Riparian Buffer NOTE: Re-seeding will consist of an approved native seed mix applied by drill seeding and established to 85%.	179 Cal. Inches	Riparian Buffer Mitigation

Total Riparian Buffer Mitigation Provided:	366.5 Cal. Inches
Total Riparian Buffer Mitigation Required:	358 Cal. Inches
Excess Riparian Buffer Mitigation Provided:	**8.5 Cal. Inches**

Additionally, the Owner will provide a post-development tree canopy of 848,630 SF, equal to 322,101 SF in excess of the minimum required by the UDC and 61.2% of the net project site area. Tree canopy will be provided in the following manner:

	TREE CANOPY MECHANISM	TREE CANOPY CREDIT
A.	Preservation of 205 Protected Live Oaks	179,375 SF
B.	Preservation of 20 Protected Cedar Elms	17,500 SF
C.	Preservation of 15 Protected Ashe Junipers	4125 SF
D.	Preservation of 3 Protected Hackberries	2625 SF
E.	Preservation of 1 Protected Mesquite	550 SF
F.	Preservation of 1 Protected Huisache	550 SF

G.	Preservation of 1 Protected Persimmon	275 SF
H.	Preservation of 26 Undersized Live Oaks	22,750 SF
I.	Preservation of 97 Undersized Ashe Junipers	26,675 SF
J.	Preservation of 3 Undersized Cedar Elms	2625 SF
K.	Preservation of 1 Undersized Hackberry	875 SF
L.	Preservation of 2 Undersized Persimmons	550 SF
M.	(1) New Live Oak per Lot (107 Lots)	84,263 SF
N.	(1) New Cedar Elm per Lot (107 Lots)	84,263 SF
O.	(1) New Shumard Oak per Lot w/ Energy Conservation Credit	173,340 SF
P.	(1) New Burr Oak per Lot w/ Energy Conservation Credit	173,340 SF
Q.	(18) Addtl. Shumard Oaks on Desperado Trail	19,440 SF
R.	(17) Addtl. Burr Oaks on Desperado Trail	18,360 SF
S.	(15) Addtl. Live Oaks on Desperado Trail	11,813 SF
T.	(13) Addtl. Cedar Elms on Desperado Trail	10,238 SF
U.	(61) Addtl. Mountain Laurels on Desperado Trail	15,098 SF
	Total Tree Canopy Provided:	848,630 SF
	Total Tree Canopy Required:	526,529 SF
	Excess Tree Canopy Provided:	**322,101 SF**

(3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. By providing 141.5 caliper inches of mitigation in excess of the minimum required by the UDC and 322,101 SF of post-development tree canopy in excess of the minimum required by the UDC, the Owner has ensured that the proposed mitigation surpasses the minimum required by the UDC.

Additionally, as described more specifically below, this Variance meets the approval criteria stipulated in UDC Sec. 35-483 (h):

- If the applicants comply strictly with UDC Sec. 35-523 (e) (1), they cannot make reasonable use of their property. Due to the fact that the Owner must undertake significant earthwork within and adjacent to the regulatory flood plain in order to construct Desperado Trail and the drainage features required to convey storm water across the Property, the Owner is unable to preserve a minimum 80% of the existing Flood Plain and Riparian Buffer Trees in-place. If the Owner is unable to undertake the earthwork within the regulatory flood plain and adjacent Riparian Buffer, the proposed single-family community will not have access to Ralph Fair Road and cannot be developed.
- The hardship in question relates to the Owner's land, rather than personal circumstance. This Variance is required due to presence of the existing regulatory flood plain that must be bridged in order for the Owner to provide access to Ralph Fair Road. In order to bridge the regulatory flood plain, the Owner must undertake significant earthwork within and adjacent to the regulatory flood plain in order to construct Desperado Trail and the drainage features required to convey storm water across the Property, resulting in less than 80% preservation of the existing trees located within the Flood Plain and adjacent Riparian Buffer.
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties. See above.

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- The hardship is not the result of the applicant's own actions. The existing regulatory flood plain at the front of the Property that must be bridged in order to provide access to Ralph Fair Road was present before the Owner acquired the Property.

In conclusion, granting this Variance and permitting the Owner to preserve less than 80% of the existing trees located within the Flood Plain and adjacent Riparian Buffer in order to construct Desperado Trail and the drainage features required to convey storm water across the Property will allow development within the spirit of the UDC and pose no threat to health, safety, or public welfare.

Thank you for considering the foregoing request.

Sincerely,

Jon Robinson, Agent for the Owner

For Office Use Only: Variance #:_____ Date Received: _____

DSD – Director Official Action:

☐ APPROVED ☐ APPROVED W/ COMMENTS ☐ DENIED

Signature: Date: _____

Printed Name: Title: _____

Comments: _____

_____

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CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

TPV 19-009

Project:	Gombert Tract (Cielo Ranch) Units 2 and 3
Address:	Located on Ralph Fair Road at Desperado Trail
A/P #/PPR #/Plat#:	A/P #2362487
VR Submittal Date:	January 16, 2019
VR Submitted by:	Mr. Jon Robinson with Horizon Landscape Architecture and Development. on behalf of PulteGroup
Issue:	Below 80% significant tree and 100% heritage tree preservation within 100-year Floodplain (2015 Ordinance)
Code Sections:	Unified Development Code (UDC), Section 35-523 (h).
By:	Herminio Griego, Assistant City Arborist

The Development Services Department (DSD) has reviewed the information presented in Mr. Jon Robinson's letter dated January 11, 2019 letter received on January 16, 2019.

The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas states that, "Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains 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 surveyed trees within the 100-year floodplain and Riparian Buffer in excess of the 80% and 100% minimum preservation of protected significant and heritage trees respectively in place under the 2015 Tree Preservation Ordinance for development of the Gombert Tract (Cielo Ranch) Units 2 and 3 project. DSD staff does agree with the applicant's request to mitigate via planting for tree survey inches determined to be below 80% significant and 100% heritage tree preservation for the following reasons:

1. *Existing site conditions* – The project includes 38.4 acres with the construction of 3,350 linear feet of Desperado Trail, 107 new single family residential lots, a community amenity center, a bridge over the regulatory floodplain and associated drainage and storm water improvements. The front portion of the property includes approximately 49,005 square feet of floodplain with a 30' Riparian Buffer. The floodplain includes 757 inches of Significant Trees and 128 inches of Heritage Trees. The Riparian Buffer includes 393.5 inches of Significant Trees and one 23" Heritage Tree. A significant amount of earthwork is required to convey the water appropriately in support of the bridge across

the floodplain and Desperado Trail. The necessary earthwork will result in tree removal in the floodplain and Riparian Buffer below the UDC requirements.

2. Due to existing site conditions, bridge and road construction Riparian Buffer the project is unable to preserve the minimum 80% of Significant and 100% of heritage trees surveyed in the floodplain and riparian Buffer areas. The project and preservation data are presented in the table below:

	Riparian Buffer	Floodplain	Units
Significant Tree Survey Data			
Total Inches	369.5	757	Inches
Preserved _ Credit Inches	9.5	432	Inches
Removed Inches	360	325	Inches
Preserved %	56.9	57.1	%
Required %	80	80	%
Heritage Tree Survey Data			
Total Inches	24	128	Inches
Preserved Inches	0	88	Inches
Removed Inches	24	40	Inches
Preserved %	0	68.8	%
Required %	100	100	%
Mitigation			
Significant	286.1	173.6	Inches
Heritage	72	120	Inches
Subtotal	358.1	293.6	Inches
Final total		652	Inches

3. Required mitigation for the tree survey is 652 Inches (inches as depicted in the table above:

4. *Tree mitigation and canopy diversity* – The applicant opted to provide mitigation above and beyond the minimum required in the UDC as identified below: The project will meet the Riparian Buffer tree survey mitigation requirements as follows:
    a. Upsizing the two (2) trees per lot required by the UDC from 1.5" to 4"

b. Re-seeding 39,920 SF of disturbed area within the flood plain and adjacent Riparian Buffer

c. Reclaiming disturbed areas by drill seeding native seed mix and ensuring 85% establishment.

	FLOODPLAIN MITIGATION MECHANISM	MITIGATION	APPLIED TOWARD
A.	(13) Addtl. 4" Cedar Elms on Desperado Trail	52 Cal. Inches	Flood Plain Mitigation
B.	(15) Addtl. 4" Live Oaks on Desperado Trail	60 Cal. Inches	Flood Plain Mitigation
C.	(42) Addtl. 2.5" Mtn. Laurels on Desperado Tr.	105 Cal. Inches	Flood Plain Mitigation
D.	Re-seed 24,320 SF of area in Flood Plain NOTE: Re-seeding will consist of an approved native seed mix applied by drill seeding and established to 85%.	147 Cal. Inches	Flood Plain Mitigation
	Total Riparian Buffer Mitigation Provided:	364 Cal. Inches	
	Total Riparian Plain Mitigation Required:	294 Cal. Inches	
	Excess Flood Plain Mitigation Provided:	**70 Cal. Inches**	
	RIPARIAN BUFFER MITIGATION MECHANISM	**MITIGATION**	**APPLIED TOWARD**
A.	(18) Addtl. 4" Bur Oaks on Desperado Trail	72 Cal. Inches	Protected Tree Mitigation
B.	(17) Addtl. 4" Shumard Oaks on Desperado Trail	68 Cal. Inches	Protected Tree Mitigation
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D.	Re-seed 15,600 SF of Riparian Buffer NOTE: Re-seeding will consist of an approved native seed mix applied by drill seeding and established to 85%.	179 Cal. Inches	Riparian Buffer Mitigation
	Total Riparian Buffer Mitigation Provided:	366.5 Cal. Inches	
	Total Riparian Buffer Mitigation Required:	358.1 Cal. Inches	
	Excess Riparian Buffer Mitigation Provided:	**8.5 Cal. Inches**	
	TOTAL EXCESS MITIGATION	**78.5 Cal Inches**	

Additionally, the Owner will provide or Gombert Tracts Units 2 and 3 a post-development tree canopy of 848,630 SF, equal to 322,101 SF in excess of the minimum required by the UDC and 61.2% of the net project site area.

DSD staff supports the applicant's request to fall below 80% Significant Tree and 100% Heritage Tree preservation requirements in the 100 year floodplain and Riparian Bufferbased on the conditions of the site, need for appropriate storm water control appertenances, and exceeding mitigation and tree survey and final canopy cover requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

RECOMMENDATION: Approval of Administrative Exception

Herminio Griego
Assistant City Arborist
DSD – Land Development – Tree Preservation

1-18-19
Date

Kevin Collins
Development Services Engineer
DSD – Land Development - Engineering

Date

I have reviewed the Administrative Exception Analysis and concur with the recommendation.

Melissa Ramirez
Assistant Director
DSD – Land Development

Date