

TPV-19-621



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT
1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE
REQUEST APPLICATION

Project Name:	Avila Subdivision
A/P # /PPR # /Plat #	19-1180002
Date:	3/28/2019
Code Issue:	San Antonio Unified Development Code
Code Sections:	35-523 (f), Table 523-1A Minimum Tree Preservation Requirements

Submitted By:	<input checked="" type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name:	Richard Mott, P.E.	
Company:	Lennar Homes of Texas Land and Construction LTD.	
Address:	1922 Dry Creek Way, Suite 101, San Antonio, TX	Zip Code: 78259
Tel #(210) 403-6282	Fax#	E-Mail: richard.mott@lennar.com
Consultant:	Travis Elseth, P.E.	
Company:	KFW Engineers & Surveying	
Address:	3421 Paesanos Parkway, Suite 200 San Antonio TX	Zip Code: 78231
Tel #: (210) 979-8444	Fax#	E-Mail: telseth@kfwengineers.com
Signature:		

Additional Information – Subdivision Plat Variances & Time Extensions

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

April 25, 2019



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

Re: Avila Subdivision
UDC Sec. 35-523 (f), Table 523-1A Minimum Tree Preservation Requirements

- └ Administrative Exception
- └ Environmental Variance
- └ Subdivision Platting Variance – Time Extension

Dear COSA DSD:

The following administrative exception variance request (AEVR) is submitted on behalf of Richard Mott, P.E., Lennar Homes of Texas & Construction LTD. (Lennar), Director of Land Development and representative to the owner of an existing tract of land to be developed as Single Family Residential located 0.2 miles southeast of the intersection of Woodlake Parkway and Golf Vista Road located in San Antonio, Texas (the "Property"). The land requiring the AEVR is the remaining portion of a 29.932 acre site described in Volume 9504, Pages 145-147 and 166 of the Bexar County Real Property Records and Subdivision Plat # 19-1180002 (Avila Subdivision). The purpose of this is letter is to request an environmental variance to the Unified Development Code 35-523 (f) which states "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".

At existing conditions the project site is lightly wooded with a canopy cover greater than or equal to 30%. The topography ranges from 0%-10% and has a man-made features located on site and is located adjacent to the Federal Emergency Management Act (FEMA) floodplain. **Exhibit 1 & Exhibit 2.**

Exhibit 1

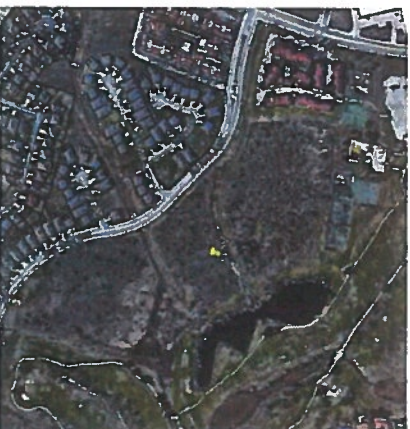


Exhibit 2



On February 21, 2008 a FEMA Letter of Map Amendment (LOMA) had been conducted on the site for which, in our opinion, permitted the construction of a Box Culvert Structure and proposed channel grading. The proposed grading occurred within the Unnamed Tributary 64 in Martinez Creek B Watershed (Exhibit 3). However, it is also in the opinion of KFW Engineers that a Letter of Map Revision (LOMR) was never submitted to FEMA because DFIRM does not reflect a revised FEMA Floodplain. With the development of Avila Subdivision, KFW Engineers is providing a CLOMR / LOMR to FEMA which will accurately map the FEMA Floodplain and improve the existing channel grading for the Ultimate Development of the overall drainage area.

Due to the required FEMA grading for the ultimate development of the drainage area, a mass channel grading exercise was required to safely convey ultimate development flows through the site and ultimately the FEMA Floodplain within Martinez Creek B. Due to the required channel grading 80% preservation could not be attained within the 30' Riparian Buffer/Environmentally Sensitive Area thus requiring this AEVR. There have been many attempts to revise the proposed site configuration and grading plan to meet the 80% preservation within the 30' Riparian Buffer/Environmentally Sensitive Area. However, the numerous alterations failed to effectively meet the requirements of the proposed FEMA channel and ultimately caused additional tree removal. It is KFW Engineers' determination that the proposed site configuration and proposed grading is optimal because it ultimately provides the best case scenario for significant and heritage tree preservation. **Reference Tree Preservation Table.**

Tree Preservation Table	
Significant Tree Species (6.0" – 24.0")	30%
Combined Heritage Tree Species (24.0" – Up)	30%
Floodplain Preservation	81%
30' Riparian Buffer Preservation	54%

To properly mitigate for this removal of two of the five trees (a removed total of 31.5" out of an initial 69") located in the 30' Riparian Buffer/Environmentally Sensitive Area and thus stay in compliance with the Unified Development Code 35-523 (f) and Tree Preservation Ordinance, the developer is proposing to plant 16-2 inch medium to large caliper trees within the 30' Riparian Floodplain Buffer area and ultimately increase the canopy within this area. **The proposed trees within the 30' Riparian Buffer will be irrigated to ensure establishment by two proposed 5/8" irrigation services to be installed during water construction. (Reference Tree Preservation Plan AP# 2443744).** The total disturbed area within the floodplain is 83,066 square feet, and the developer will be reclaiming this disturbed area by drill seeding with a native seed mix and ensuring 85% establishment. The proposed tree plantings are intended to compensate for 100% of the tree removal in the Environmentally Sensitive Area of Avila Subdivision, demonstrating the intent of the Unified Development Code.

The following items are addressed as required by the UDC for Variances, UDC Section 35-483(e):

- (1) The hardship requiring this AEVR is unique to the Property. The reason the owner is unable to preserve 80% of the existing trees in the 30' Riparian Buffer/Environmentally Sensitive Area is due to the requirement to establish the properly grading needed for the proposed CLOMR and 100-Year Ultimate Development.
- (2) This VR 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

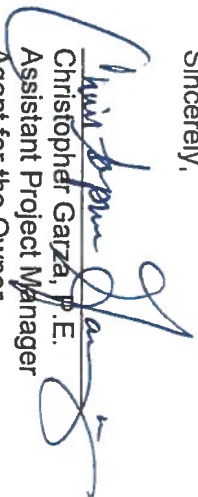
striving to maintain, to the greatest extent possible, existing trees within the City and to add to the tree population within the City and the ETJ to promote a high tree canopy goal... protect the health, safety, and welfare of the public...". To stay within the spirit of the Unified Development Code and respect for the Tree Preservation Ordinance the owner has analyzed multiple lot configurations. It is KFW Engineers opinion that a FEMA Letter of Map Revision (LOMR) should have been previously established on the site when the Letter of Map Amendment (LOMA) was submitted. If this would have occurred it is very likely the existing trees within the 30' Riparian Buffer area would most probably not be present had the channel grading occurred for ultimate development at that time. Currently, a CLOMR is required to ensure both proper drainage and safety of the future homeowners of Avila Subdivision. This CLOMR will result in the removal of two trees in the 30' Riparian Buffer/Environmentally Sensitive Area.

- (3) The Owner has sought to minimize any potentially adverse impacts on the public health, safety, and welfare. The purpose of the proposed plantings is intended to mitigate Avila Subdivision back to 100% of existing tree conditions within the 30' Riparian Buffer/Environmentally Sensitive Area. Based on the current site configuration and grading requirements the owner has ensured that the maximum number of existing trees will be preserved on the site.

- If the applicants comply strictly with UDC Sec. 35-3 (f), they cannot make reasonable use of their property. In order for the Property to be developed for Ultimate Development, a CLOMR is required, which leads to the removal of two of the trees located in the 30' Riparian Buffer/Environmentally Sensitive Area. In order for the owner to make reasonable use of his property existing tree removal is required.
- The hardship in question relates to the owners' land, rather than personal circumstance. This AEVR is required because of where existing significant trees are located on the property such that they cannot be preserved.
- The granting of the exception will not be injurious to other property and not prevent the orderly subdivision of other property in the area in accordance with these regulations. This exception relates solely to the Property and does not have an adverse effect on the orderly subdivision of other property in the surrounding area.
- The hardship is not the result of the applicant's own actions. The existing trees were present in their current sizes and distribution on the property prior to the current owner acquiring the land. Additionally, a CLOMR is absolutely required for the Ultimate Development drainage area and ultimate development of the site.

In conclusion, granting this AEVR and permitting Richard Mott, P.E., Director of Land Development of Lennar Homes of Texas Land and Construction, LTD. to remove the existing significant trees (**Reference Tree Preservation Plan AP#2443744**) on the property will allow development within the spirit of the City of San Antonio Unified Development Code by encouraging the health, safety, and welfare of the public by creating an urban environment that is aesthetically pleasing and that promotes economic development through an enhanced quality of life. Thank you for your time and consideration on this foregoing request.

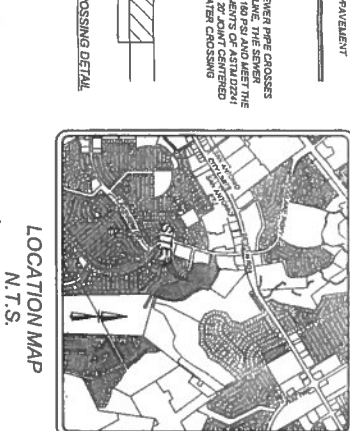
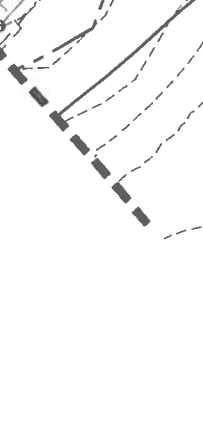
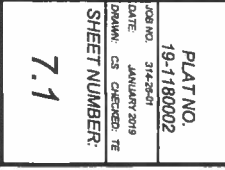
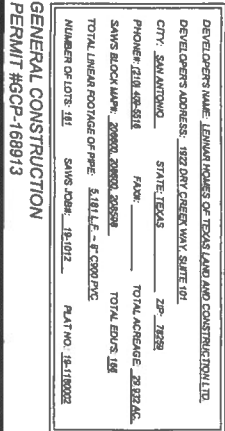
Sincerely,


Christopher Garza, P.E.
Assistant Project Manager
Agent for the Owner

For Office Use Only:		AEVR #:	Date Received:	
<u>DSD - Director Official Action:</u>				
<input type="checkbox"/> APPROVED		<input type="checkbox"/> APPROVED W/ COMMENTS		<input type="checkbox"/> DENIED
Signature:				Date:
Printed Name:				Title:
Comments:				

PROTECTED TREE SPECIES INVENTORY TABLE (8"-21.5")			
TAG #	SPECIES	REMOVED	PRESERVED
3631	SVC 13		13
3601	ASH 13X13X10.9		13
3602	HK		16
3605	MSQ 23X16X10		23
3606	LO 15		15
3607	LO 10X5X4		14.5
3618	MSQ 15.5		15.5
3620	SWEET GUM TREE		16.5
3621	HCK 11.5X8.5X5.5		11.5
3622	HCK 10X8		10
3628	HK 11		11
3629	HK 14.5		14.5
3630	HK 11.5X11X9		11.5
3632	MSQ 11		11
3633	HK 11		11
3634	MSQ 20.5		20.5
3637	HK 11		11
3638	MSQ 18.5		18.5
3647	HK 11.5X10.5		11.5
3648	HK 11.5		11.5
3649	MSQ 11X11X7.5X7		11
3650	MSQ 15		15
3651	MSQ 18X17		18
3652	MSQ 15X12		15
3653	MSQ 14		14
3654	MSQ 10X8		10
3654	MSQ 10X8		10
3657	MSQ 14X11.5		14
3658	MSQ 11X5X5		11
3667	MSQ 12.5		12.5
3668	MSQ 11		11
3673	MSQ 11.5X7		11.5
3674	MSQ 14.5X11		14.5
3675	MSQ 18		18
3675	MSQ 18		18
3676	MSQ 19		19
3677	ELM 6.5X6X5.5X4X3		6.5
3678	HK 12.5		12.5
3679	MSQ 11.5		11.5
3680	HK 11X9		11
3683	MSQ 13		13
3684	MSQ 11X11		11
3685	HK 13X12X10		13
3686	HK 10.5X5X5		10.5
3687	HK 10		10
3688	HK 12X5		12
3689	MSQ 10X7X7		1
3691	HK 10		10
3692	HK 13		13
3693	MSQ 15X9.5		15
3694	MSQ 12X11.5		12
3695	MSQ 13.5		13.5
3696	MSQ 10X9X9		10
3697	HK 13		13
3698	HK 11		11
3700	HK 12X7		12
4330	HK 19X12.5		19
4331	HK 12.5		12.5
4332	HK 14		14
4334	HK 16		16
4335	HK 11		11
4336	HK 14X7		14
4337	HK 10		10
4338	HK 11.5		11.5
4339	HK 10.5		10.5
4340	HK 11		11
4342	MSQ 12X6X6		12
4343	HK 10X5		10
4348	MSQ 14X8X4		14
4350	HK 10X9X8.5X8X5X5		10
4351	HK 10X9X6.5		10
4352	HK 12.5		12.5
4353	HK 10X8		10
4358	HK 12.5		12.5
4359	MSQ 17.5		17.5
4361	MSQ 13.5		13.5
4362	MSQ 18		18
SUB. TOT. INCHES		691	303
TOTAL INCHES BY CATEGORY		994	TOTAL SOFT CANOPY COVER
PRESERVATION PRECENTAGE		30%	
OVERALL MITIGATION REQUIRED (RESIDENTIAL)		44.7	

HERITAGE 1:1 INVENTORY TABLE			
TAG #	SPECIES	REMOVED	PRESERVED
3690	MSQ	24	
3694	MSQ	25.5	
SUB. TOT. INCHES		50	0
TOTAL INCHES BY CATEGORY			50
TOTAL SOFT CANOPY COVER			
HERITAGE PRESERVATION			0%
HERITAGE MITIGATION (INCHES)			50
HERITAGE 3:1 INVENTORY TABLE			
TAG #	SPECIES	REMOVED	PRESERVED
3603	PINE	0	24.5
SUB. TOT. INCHES			24.5
TOTAL INCHES BY CATEGORY			24.5
TOTAL SOFT CANOPY COVER			
HERITAGE PRESERVATION			100%
HERITAGE MITIGATION (INCHES)			0
HERITAGE 3:1 INVENTORY TABLE			
TAG #	SPECIES	REMOVED	PRESERVED
3603	PINE	0	24.5
SUB. TOT. INCHES			24.5
TOTAL INCHES BY CATEGORY			24.5
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HERITAGE PRESERVATION			100%
HERITAGE MITIGATION (INCHES)			0</





CITY OF SAN ANTONIO
DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

TPV 19-021

Project:	Avila Subdivision
Address:	Located Southeast of Woodlake Parkway and Golf Vista Drive Intersection
A/P #/PPR #/Plat#:	A/P #2443744 Plat #19-11800002
VR Submittal Date:	April 25, 2019
VR Submitted by:	Mr. Christopher Garza of KEW Engineers and Surveying, on behalf of Mr. Richard Mott representing Lennar Homes of Texas and Construction LTD.
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:	Hermínio Griego, Assistant City Arborist

The Development Services Department (DSD) has reviewed the information presented in Mr. Christopher Garza’s letter dated April 25, 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 Riparian Buffer in excess of the 80% minimum preservation of protected significant trees in place under the 2010 Tree Preservation Ordinance for development of the Avila project. DSD staff does agree with the applicant’s request to mitigate via planting for tree survey inches determined to be below 80% significant tree preservation for the following reasons:

1. *Existing site conditions* – The project includes 29.932 acres of proposed residential housing. A portion of the site includes a box culvert and channel improvements located within the floodplain and Riparian Buffer. The Riparian Buffer contained only five (5) Significant Trees. Notwithstanding the floodplain mapping process information, the grading to achieve the TCI Stormwater required Ultimate Development criteria resulted in the removal of significant trees below the 80% preservation requirements. Multiple site configurations were evaluated to optimize tree preservation. The final configuration requires removing two of the five Significant Trees (31.5 of 69 inches) located in the Riparian Buffer resulting in 54% preservation within the buffer area.

2. *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. Planting 16-2 caliper inch medium to large Appendix E trees. This will result in 32 caliper inches of newly planted trees and 100% mitigation instead of only the 80% required by the UDC,
 - b. Re-seeding 83,066 square feet of disturbed area within the flood plain and adjacent Riparian Buffer
 - c. Reclaiming disturbed areas by drill seeding with a native seed mix and ensuring 85% establishment.

DSD staff supports the applicant's request to fall below 80% Significant Tree requirements in the Riparian Buffer based 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 Variance Request


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

Date 5-13-19


Kevin Collins
Development Services Engineer
DSD – Land Development - Engineering

Date 5/15/19

I have reviewed the Variance Request and concur with the recommendation.


Melissa Ramirez
Assistant Director
DSD – Land Development

Date 5/16/19