



City of San Antonio

Legislation Details (With Text)

File #: 19-5438
Type: Staff Briefing - Without Ordinance
In control: Planning Commission

On agenda: 7/24/2019

Title: TPV-19-022 Request by Mr. Joseph Ortega for approval of a tree preservation variance request from Unified Development Code 35-523 (h), “significant trees shall be preserved at eighty (80) percent and heritage trees at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas”, located along Leon Creek between Hwy 151 and Hwy 90. Staff recommends Approval. (Herminio Griego, (210) 207-6042, herminio.griego@sanantonio.gov, Development Services Department)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 190502 Tree Plan, 2. TVP-19-022

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

DEPARTMENT: Development Services

SUBJECT: TPV 19-022 Tree Preservation Variance for SAWS W-1 Leon Creek

SUMMARY:

Request by Mr. Joseph Ortega for approval of a tree preservation variance request from Unified Development Code 35-523 (h), “significant trees shall be preserved at eighty (80) percent and heritage trees at one hundred (100) percent preservation within both the 100-year floodplains and environmentally sensitive areas”, located along Leon Creek between Hwy 151 and Hwy 90. Staff recommends approval. (Herminio Griego, (210) 207-6042, herminio.griego@sanantonio.gov, Development Services Department)

BACKGROUND INFORMATION:

Project A/P# 2473395
 Council District: 6
 Consultant: Mr. Joseph Ortega
 Staff Coordinator: Herminio Griego, Assistant City Arborist, (210) 207-6042

ANALYSIS:

The Development Services Department (DSD) reviewed the information presented in Mr. Joseph Ortega’s letter dated June 27, 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. Heritage trees shall be preserved at one-hundred (100) percent preservation within 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 tree stand delineated trees within the Floodplain in excess of the 80% minimum preservation of protected significant trees and 100% minimum preservation of heritage trees in place under the 2010 Tree Preservation Ordinance for development of San Antonio Water System (SAWS) W-1 Leon Creek project (the Project). DSD staff does agree with the applicant’s request to mitigate via enhanced revegetation and payment into the Tree Mitigation Fund for tree stand determined to be below 80% significant tree preservation and 100% heritage tree preservation in the floodplain for the following reasons:

1. *Existing site conditions* - The W-1 Leon Creek sewer project is required pursuant to the agreement between the City of San Antonio and the United States Environmental Protection Agency to address capacity constrained sewer infrastructure across the City of San Antonio. The Project is essential for the health and welfare of San Antonio’s citizenry. The Project consists of replacing 1.7 miles of forty-two (42) and fifty-four (54) inch sewer lines with seventy-two (72) and seventy-eight (78) inch gravity sewer mains. The project runs along the north side of Leon Creek between Hwy 151 and Hwy 90. The Project encompasses 602,743 square feet of disturbed area with a fifty (50) foot wide permanent SAWS easement and thirty (30) foot wide temporary construction easement. The majority of the project is located within the 100-year floodplain. Multiple alignments were evaluated to optimize design and budget while minimizing tree impacts.

The sewer lines require excavation to depths of thirty (30) feet below ground surface. The Tree Stand Delineation Plan indicates that fifty-nine (59) percent of the total canopy in the floodplain will be preserved and one-hundred (100) percent of the canopy will be preserved in the Upland and Environmentally Sensitive Areas. The Project includes 591 inches of heritage trees. Of these one-hundred and fifty six (156) will be preserved and four hundred thirty five (435) inches will be removed.

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 Floodplain Tree Stand Delineation mitigation requirements as follows:
 - a. Re-seeding 602,743 square feet of disturbed area, both inside and outside of the floodplain;
 - b. Reclaiming disturbed areas by drill seeding with a native seed mix and ensuring 85% establishment; and
 - c. Payment into the Tree Mitigation fund as follows:
 - i. Tree Stand: $80\% - 59\% = 21\% = \$494,554.00$
 - ii. Heritage Trees:
 1. 1:1 ratio = \$5,600.00
 2. 3:1 ration = \$244,200.00
 - iii. Total Payment = \$744,354.00.

SAWS is requesting consideration of a fifty percent (50%) reduction in the mitigation fee for going above and beyond with regards to reseeded techniques inside and outside of the floodplain. If approved, the reduced mitigation payment would be \$372,177.00.

DSD staff supports the applicant’s request to fall below 80% Significant Tree and 100% Heritage Tree requirements in the floodplain based on the conditions of the site, the need to address the current capacity constrained sewer lines, and exceeding mitigation and tree stand delineation requirements. The proposed Variance Request meets the

intent and spirit of the Tree Ordinance therefore, staff recommends approval.