



# City of San Antonio

## Legislation Details (With Text)

**File #:** 17-3387

**Type:** Staff Briefing - Without Ordinance

**In control:** Planning Commission

**On agenda:** 5/24/2017

**Title:** TPV 17-012 Variance Request by Mr. David Cupit, 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." Due to existing site conditions, design and layout constraints, and the contractor not following the previously approved tree plan, the project is unable to preserve the minimum 80% of significant trees and 100% of heritage trees within the 100-year Floodplain and Environmentally Sensitive Area (ESA). The required mitigation for both the 100-year floodplain and Environmentally Sensitive Area will be met by upsizing the required 2 trees per lot, adding an additional 2 trees per lot (for a total of 4 trees per lot) and paying the remaining portion of mitigation with tree credits. (Herminio Griego, (210) 207-6042, herminio.griego@sanantonio.gov, Development Services Department)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter, 2. Analysis, 3. Exhibit

Date	Ver.	Action By	Action	Result
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**DEPARTMENT:** Development Services

**SUBJECT:** TPV 17-012 Tree Preservation Variance for Tribute Ranch Subdivision

### SUMMARY:

Request by Mr. David Cupit, P.E., 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." Due to existing site conditions, design and layout constraints, and the contractor not following the previously approved tree plan, the project is unable to preserve the minimum 80% of significant trees and 100% of heritage trees within the 100-year Floodplain and Environmentally Sensitive Area (ESA). The required mitigation for both the 100-year floodplain and Environmentally Sensitive Area will be met by upsizing the required 2 trees per lot, adding an additional 2 trees per lot (for a total of 4 trees per lot) and paying the remaining portion of mitigation with tree credits. (Herminio Griego, (210) 207-6042, herminio.griego@sanantonio.gov, Development Services Department)

### BACKGROUND INFORMATION:

Project A/P# 2191467

Council District: Outside City Limits

Consultant: David Cupit, P.E. of M.W. Cude Engineers

Staff Coordinator: Herminio Griego, Assistant City Arborist, (210) 207-6042

## ANALYSIS:

The Development Services Department (DSD) has reviewed the information presented in Mr. David Cupit's letter dated May 10, 2017.

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 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 trees in excess of the 80% significant tree and 100% heritage tree minimum preservation requirements of protected trees within the 100-year floodplain and environmentally sensitive area in place under the 2015 Tree Preservation Ordinance for construction of Tribute Ranch Subdivision. DSD staff does agree with the applicant's request to mitigate for significant below 80% and heritage below 100% preservation for the following reasons:

1. *Existing site conditions* - Due to existing site conditions, design and layout constraints, and the contractor not following the previously approved tree plan, the project is unable to preserve the minimum 80% of significant trees and 100% of heritage trees within the 100-year Floodplain and Environmentally Sensitive Area (ESA). A significant amount of the site is located within the FEMA 1% annual chance floodplain. The ESA located onsite is a 30' riparian buffer parallel to the current floodplain limits. In an effort to increase tree preservation, the engineer re-designed the site but was not able to provide a plan that could meet the current tree preservation requirements.
2. *Tree mitigation and canopy diversity* - The project will meet the required mitigation requirement of 1,589 inches by upsizing the required 2 trees per lot from 1.5" to 2" and planting an additional 206 trees at 2" caliper trees for a total of 505" planted back onsite. Out of 206 additional trees planted, 186 trees will be planted on the south or west side of the building to receive the energy conservation credit and 20 trees will be planted throughout open spaces in the community. The remaining mitigation balance of 1,084 inches will be paid using Tree Credits (771 inches of mitigation has been paid to date using Tree Credits). The proposed planting plan provides added species diversity to include large and medium tree species native trees per Appendix E "San Antonio Recommended Plant List." Recommended trees proposed to be planted for mitigation include: Live Oak, Cedar Elm, Shumard Red Oak, Texas Sycamore and Monterrey Oak.

DSD staff supports the applicant's request to fall below 80% of the tree preservation requirements in the 100-year Floodplain and Environmentally Sensitive Area (ESA) based on the conditions of the site, design constraints, and exceeding mitigation and canopy requirements. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.