



City of San Antonio

Agenda Memorandum

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Agenda Item Number: 3.

Agenda Date: 3/25/2021

In Control: Community Health and Equity Committee

DEPARTMENT: Development Services

DEPARTMENT HEAD: Michael Shannon, PE, CBO

COUNCIL DISTRICTS IMPACTED: Citywide

SUBJECT:

Briefing related to the City of San Antonio Tree Ordinance variance and reporting processes.

SUMMARY:

The City of San Antonio approved the first Tree Ordinance on May 1, 1997. The City's Tree Ordinance has undergone four subsequent major updates, occurring in 2003, 2006, 2009, and 2010. Minor clarifying edits were made in 2015. The City of San Antonio currently enforces the Tree Ordinance both inside city limits and the Extraterritorial Jurisdiction (ETJ), which extends five miles from the city limit boundary.

BACKGROUND INFORMATION:

The purpose of the Tree Ordinance is to balance the protection of existing trees, promote the planting of new trees, and provide an efficient pathway for development.

Amendments to the tree preservation ordinances are summarized as follows:

- 1997: Creation of the Tree Ordinance that used the tree survey as its method of preservation. Mitigation ratio for significant trees was 1:1 and for heritage trees was 2:1. Floodplains nor environmentally sensitive areas (ESA) were included. Cost of mitigation was \$100.00 per inch and at least 10% of the total protected inches had to be preserved.
- 2003: Created protection for flood plains to protect 80% of significant trees and 100% of heritage trees in the floodplains. The Tree Stand Delineation (TSD) method was added as a preservation option. The TSD method required 25% preservation of tree canopy and a heritage tree survey. The tree survey method established the preservation standard percentage of 35% significant tree preservation for residential and 40% significant tree preservation for commercial. Heritage tree preservation is 100% for residential and commercial development. Also added were protection for small species trees. Heritage tree mitigation ration was increased from 2:1 to 3:1. Mitigation cost is \$100.00 per inch.
- 2006: Tree preservation was increased to 35% with Tree Stand Delineation (no heritage tree survey

required.)

- 2009: Regulations for Environmentally Sensitive Areas (ESAs) were introduced. All variances for flood plains and ESAs are required to go through the Planning Commission. Buffers for floodplains were added. Steep slopes were defined as greater than 20%.
- 2010: Final Tree canopy requirement was added for residential (38%), commercial (25%), and CRAG (15%). Increased total protection of trees that must be preserved from 10% to 20%. Mitigation cost increased to \$200.00 per inch. A heritage tree survey is required for the Tree Stand Delineation option.
- 2015: Regulations updated to clarify text and other minor edits.

The Unified Development Code amendment process occurs every five years. It is an inclusive public engagement process that includes neighborhood representatives, environmentalists, the development community, industry leaders, and others, as needed. Recommendations are considered by several boards and commissions before final decisions are made by City Council. This process also follows the SASpeakUp guidelines.

ISSUE:

The City's tree ordinance specifically allows for variances, or alternative methods to meet the intent of the code when hardships exist. These are not waivers of the code. Variances account for a very small percentage of the overall tree permits issued. Less than 5% of 10,600 permits issued in FY 2019-20 included a request for a variance.

City Code Section 35-523(n) authorizes variances to the tree preservation code to be granted administratively where a literal enforcement of the code results in unnecessary hardship in design and construction. These administrative variances are considered by the City Arborist. In floodplains and Environmentally Sensitive Areas the City's Planning Commission, rather than City staff, approved variances. Most variance requests stem from hardships related to utility infrastructure, topography, FHA requirements for affordable housing, infill development, trees in middle of property, very few trees on a site, and storm water and utility infrastructure.

Applicants generally discuss hardships with DSD staff through preliminary plan reviews or early in the technical review process to work through potential solutions prior to submitting a formal variance request. This helps facilitate solutions to project issues and can reduce or eliminate variance requests that do not meet the code criteria for approval.

Appeals to administrative decisions are submitted to the DSD Director no later than ten days after the decision has been made. Planning Commission decisions on Environmentally Sensitive Areas and flood plains are appealed through City Council.

There are several ways an applicant may mitigate adverse impacts associated with a variance including planting, preservation, paying into the City's mitigation fund, and using tree credits.

Since 2010 developments within the city or the ETJ have contributed about \$19 million into the mitigation fund, managed by the Parks & Recreation Department, for education and tree planting. More than 105,000 trees have been planted since the 2010 tree preservation ordinance was adopted.

DSD has added a level of reporting to improve the overall documentation and transparency of tree variances received by the department, DSD has started sending a monthly Tree Variance Reports to the City Manager's Office. The report includes a list and summary of the Administrative Exceptions and Variance Requests (AEVR) considered by Planning Commission (PC).

ALTERNATIVES:

This item is for briefing purposes only.

FISCAL IMPACT:

None. Item is for briefing purposes only.

RECOMMENDATION:

Item is for briefing purposes only.