

LAW OFFICES OF  
**KAUFMAN & KILLEN, INC.**  
 Suite 1250  
 100 Houston Street  
 SAN ANTONIO, TEXAS 78205-1457  
 TELE: (210) 227-2000 FAX: (210) 227-2001  
 www.kaufmanassoc.com

**MEMORANDUM**

TO: Martha Mangum

FROM: Rob Killen

DATE: February 3, 2010

RE: City of San Antonio Tree Preservation Ordinance – 2010 Proposed Revisions  
 Comparison of January 26, 2010 Staff Version & Current Version

The City of San Antonio (“City”) Tree Preservation Ordinance (“Ordinance”) is currently the subject of review by a stakeholder committee composed of City staff, development industry representatives, and representatives of the environmental community. Staff has prepared a number of draft versions of a revised ordinance based in part on input from committee members.

The most recent draft prepared by City staff was dated January 26, 2010. The January 26, 2010 draft was prepared subsequent to the final stakeholder committee meeting on January 26, 2010, and incorporates some of the comments made by committee members, particularly with regard to the readability of the draft.

There are a number of significant changes from draft to draft, and many of the basic concepts have varied throughout the committee process. The table below summarizes the major substantive differences between the current version of the Ordinance and the January 26, 2010 draft prepared by City staff.

<b>Provision/Requirement</b>	<b>Current Ordinance</b>	<b>Jan. 26, 2010 Staff Draft</b>
Completed House Exemption	Trees on property with a completed house, duplex, or triplex are not subject to the Ordinance.	Trees on property <u>smaller than a ½ acre</u> with a completed house, duplex, or triplex are not subject to the Ordinance
Small Species Significant Trees (protected at 5” DBH)	Texas Persimmon, Texas Redbud, Texas Mountain Laurel, Condalia, Possum Haw, Crabapple, Blue Wood Condalia, Brazil Tree, Downy Hawthorne	Deletes Crabapple, Blue Wood Condalia, Brazil Tree, Downy Hawthorne
Small Species Heritage Trees (protected at 12” DBH)	Persimmon, Redbud, Mountain Laurel, Condalia, Possum Haw, Crabapple	Deletes Crabapple

Canopy Cover Requirement	N/A	Post-development canopy must meet the following minimums (or mitigate in lieu of planting/preservation): Single Family – 38% Non-Single Family – 25% CRAG (Inner City) – 15%  [Note that Additional Canopy Credit may be given for certain trees based on location or type]
Preservation Requirement – Significant Trees on Residential	35% of total DBH of significant trees, plant 2 trees per lot (1.5” caliper each)	No Change
Preservation Requirement – Heritage Trees	100% of total DBH of heritage trees	No Change
Preservation Requirement - Floodplains	80% of total DBH within floodplain (does not apply toward overall preservation)	No Change
Preservation Requirement - Environmentally Sensitive Areas (“ESA”)	80% of total DBH within environmentally sensitive areas (does apply toward overall preservation)	No Change
Preservation Requirement – Significant Trees on Non-Single Family	40% of total DBH of significant trees	40% of total DBH of significant trees, <u>and 25% of total DBH on Athletic Fields</u>
Minimum Preservation	10% of total DBH of significant and heritage trees (90% may be mitigated)	<u>20%</u> of total DBH of significant and heritage trees ( <u>80%</u> may be mitigated)
Tree Stand Delineation	Minimum area 20,000 square feet, must preserve understory, no distinction between tree types (heritage, significant, other)	* Minimum area 275 square feet; * no understory preservation; * 80% of heritage trees outside ESA or floodplains must be preserved; * 100% of heritage trees in ESA and floodplains must be preserved * 80% of tree canopy (other than heritage) in ESA or floodplains must be preserved

Newly Planted Trees – Canopy Credit	N/A	75% of mature canopy of tree species, must have 162 square feet of pervious planting area
Newly Planted Trees – Preservation Mitigation	Trees must be 3” DBH	Trees must be 1 ½” DBH
Tree Warranty	Trees may be counted as preserved despite encroachment into Root Protection Zone if a tree warranty is filed with the City	Deleted
Barriers Around Root Protection Zone During Construction	For non-single family development, protective barriers must be erected around Root Protection Zone	All development, <u>including single family</u> , requires protective barriers during construction
Variance Appeal	A decision by Planning Commission may be appealed by the applicant	A decision by the Planning Commission may be appealed (not limited to applicant)
Tree Canopy Fund	Funds may be used for planting	10% of the funds may be used for litigation to defend Ordinance
Tree Mitigation Fees	\$100 per inch for significant trees \$300 per inch for heritage trees	\$200 per inch for significant trees \$600 per inch for heritage trees