



Adams Environmental, Inc.

12521 Nacogdoches Road, Suite 102, San Antonio, Texas 78217

December 4, 2023

Administrative Exception / Variance Request
Review c/o Development Services Staff
Development Services Department
City of San Antonio
1901 S. Alamo
San Antonio, TX 78204

Re: CPS Energy T-0327 Padua Bess
AP # TRE-APP-APP23-38802028
Sec. 35-523 Tree Preservation – Significant Tree Requirement Variance
Request

- ☐ Administrative Exception
- ☒ Environmental Variance
- ☐ Subdivision Platting Variance – Time

Extension Dear COSA DSD,

Adams Environmental, Inc. (AEI), on behalf of CPS Energy, is submitting this request for consideration of an environmental variance to the Tree Affidavit/Permit Application, AP # TRE-APP-APP23-38802028, T-0327 Padua Bess. CPS Energy proposes to clear a swath of vegetation for the installation and maintenance of the approved transmission line running in a north to south direction on the north side of Calaveras Lake, near the Calaveras Lake Power Station. The project length is approximately 9,940 linear feet with an average width of 120 feet, comprising a project area of approximately 1,176,120 square feet, reference the attached preservation plan below. North American Electric Reliability Corporation (NERC) requires extensive vegetation removal within the project area to allow for "blowout" of the installed lines. Work will be conducted as per the approved plan. Eighteen (18) heritage trees exist in the vicinity of the project alignment. Two (2) heritage trees accounting for 74 total inches within the floodplain portions of the project will require removal. Root or pruning cuts, when necessary, will be cut cleanly and painted as per COSA's guidelines. Floodplain and environmentally sensitive areas (ESA) are present on site.

This AEVR is proposed for Unified Development Code (UDC) Section 35-523, which requires 80 percent of the total square footage of canopy in floodplain and ESA areas be preserved. The proposed transmission line alignment and supporting infrastructure will increase resiliency and redundancy in power supply to the area. Furthermore, construction on the new transmission line is necessitated by the increased demand put on the current power supply.

The project demands the removal of a large swath of vegetation throughout the alignment to be compliant with NERC requirements for future vegetation growth in the event of line blowout. Canopy throughout the alignment is composed primarily of medium-sized mesquite (*Prosopis glandulosa*). CPS Energy adjusted the project alignment to the greatest extent practicable to avoid tree impacts. However, NERC requirements have inhibited CPS Energy's ability to preserve more canopy within the project alignment. Based on engineering design and operation requirements of the proposed project and the trees growing in the project area, the UDC Section 35-523 preservation requirement that 80 percent of the total canopy in the floodplain and ESA areas cannot be met. As such, only 66 percent of the total canopy in floodplain areas and 72 percent of total canopy within ESA areas can be preserved.

In addition, the variance request is not contrary to the spirit and intent of the UDC and Tree Preservation Ordinance because CPS Energy will pay into the tree mitigation fund for the planting of trees that can replace the quality and value of the trees removed. The applicant has taken all practicable measures to minimize any adverse impacts on the public health, safety, and public welfare through the design and planning of the proposed project. Based on the economic and logistical benefits that CPS Energy operations provide in the City of San Antonio, under the circumstances, the public interest underlying the proposed exception outweighs the public interest underlying the particular regulation for which the exception/ variance is granted. Due to the necessity of tree removal to the project CPS Energy requests a variance based on the following proposed mitigation measures and nature of trees to be removed. **Table 1** provides a summary of the total canopy and heritage tree inches to be removed, preserved, and mitigated within the project area in the floodplain, buffer, and upland areas.

Total Canopy (Square Feet)

Based on the limits of vegetation removal and construction activities, the proposed project will result in the unavoidable impacts of 17,157 square feet of canopy in the floodplain and 3,039 square feet of canopy in the ESA areas. Canopy to be removed is composed primarily of medium-sized mesquite (*Prosopis glandulosa*). The Tree Protection Ordinance requires 80 percent preservation of the total canopy in these areas. To compensate for the removal of 53,502 total square feet of canopy within the floodplain/ESA areas, 20,196 square feet of canopy would be mitigated. To provide for this mitigation, CPS Energy would pay \$96,940.80 into the Tree Mitigation Fund. This amount was calculated as 80 percent (preservation requirements in floodplain and ESA areas) of the existing canopy in the project alignment. Based on project preservation, 14 percent of total canopy in the floodplain, and 8 percent of total canopy within the ESA areas, required mitigation. Total required preservation was calculated using the canopy conversion method, accounting for the majority of canopy within the alignment being composed primarily of medium-sized mesquite.

Total Heritage Inches

Additionally, project restraints require the removal of two (2) heritage trees accounting for 74 total inches within the floodplain portion of the alignment. The tree ordinance requires preservation of 100% of heritage trees within the floodplain/ESA. To compensate for the removal of 74 heritage inches within the floodplain/ ESA, CPS Energy would pay an additional \$44,400.00 into the Tree Mitigation Fund. This amount was calculated as a 3:1 mitigation for removal of heritage inches within the floodplain/ESA.

Table 1. Total Tree Canopy Protected Tree Impacts, Preservation, and Mitigation

Canopy Mitigation (sq. ft)	Floodplain	ESA (Environmentally Sensitive Area)
Removed Canopy (sq. ft)	42,466	11,036
Preserved Canopy (sq. ft)	84,077	28,949
Total Canopy (sq. ft)	126,543	39,985
Percent Preserved	66%	72%
Preservation Required (sq. ft)	101,234	31,988
Mitigation Required (sq. ft)	17,157	3,039
Heritage Tree Mitigation (inches)	Floodplain Inches/ trees	ESA (Environmentally Sensitive Area)
Removed Heritage Trees (inches)	74/2	0
Preserved Heritage Trees (inches)	30/1	0
Total Heritage Trees (inches)	104	0
Percent Preserved	29%	N/A
Preservation Required (inches)	104	N/A
Mitigation Required (inches)	222	N/A

Areas disturbed by construction would be revegetated by drill seeding with a native grass mix, ensuring 85% establishment.

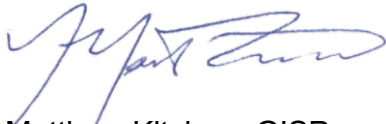
The Applicant/Owner further assert that:

- *If CPS Energy complies strictly with the provisions of these regulations, they can make no reasonable use of their property; and*
- *The hardship relates to CPS Energy's land, the trees within the easement and the NERC requirements to remove the trees, rather than personal circumstances; and*
- *The hardship is unique, due to the fact that the trees are in the easement and the NERC requirements require CPS Energy to remove the trees.*
- *The hardship is not the result of CPS Energy's own actions; it is the result of the energy demands of San Antonio's growing residential and business communities; and*

- *The granting of the exception/variance will not be injurious to other property and will not prevent the orderly subdivision of other property in the area in accordance with these regulations.*

In my professional opinion, the proposed administrative exception / variance remains in harmony with the spirit and intent of the UDC as it will not adversely affect the health, safety, or welfare of the public.

Sincerely,



Matthew Kitchen, GISP
Senior Environmental Scientist

<u>For Office Use Only:</u>	AEVR #:	Date Received:
<u>DSD – Director Official Action:</u>		
APPROVED	APPROVED W/ COMMENTS	DENIED
Signature:	Date:	
Printed Name:	Title:	
Comments:		