



September 18, 2023

Environmental Variance Request Review
City of San Antonio
Development Services Department
1901 S. Alamo
San Antonio, TX 78204

Re: CIP SAWS Fox Falls Offsite Gravity Sewer
TRE-APP-APP23-38800856
35-523 Tree Preservation
☐ Administrative Exception
☒ Environmental Variance
☐ Subdivision Platting Variance – Time Extension

Dear Development Services,

This letter is to request consideration for an environmental variance for CIP SAWS Fox Falls Offsite Gravity Sewer (TRE-APP-APP23-38800856) located approximately 300' northwest of Interstate Highway 10 & Old Fredericksburg Road.

This Environmental Variance Request letter is regarding the Tree Delineation Method Alternative standards in UDC Code 35-523 (f)(3):

- "100% preservation of heritage trees within the floodplain"
- "100% preservation of heritage trees within the ESA"
- "80% preservation of protected trees within the floodplain"

Site Conditions

The CIP SAWS Fox Falls Offsite Gravity Sewer is part of a SAWS capital improvement project which involves the upsize and replacement of an existing sanitary sewer within an existing sanitary sewer easement. All construction will be done within this existing sanitary sewer easement. This amounts to 7.35 acres of construction area.

Many trees will need to be removed to construct the sanitary sewer infrastructure. All significant and heritage trees have been surveyed to see how many can be removed to satisfy the preservation requirements.

RID 2017-005

Rules Interpretation Decision 2017-005 specifically addresses UDC Section 35-523(n)(1) by stating variances to the terms and requirements of this division may be granted by the city arborist where a literal enforcement of the provisions of this division will result in an unnecessary hardship.

Justification

There is a total of 137” of heritage trees on the site that are within the existing 100-year floodplain. Per the City of San Antonio 2010 Tree Ordinance, 100% of heritage trees within the current 100-year floodplain must be preserved. The construction of the CIP SAWS Fox Falls offsite gravity sewer will remove 100% of the heritage trees within the existing 100-year floodplain. Construction of the sanitary sewer can only be done within the existing sanitary sewer easement; thus, the owner/developer has no control over the removal of all heritage trees within the limits of construction. The results are summarized in the table below:

HERITAGE TREES WITHIN CURRENT 100 YEAR FLOODPLAIN	
HERITAGE FP TREES REMOVE	137”
HERITAGE FP TREES SAVED	0”
TOTAL HERITAGE FP TREES	137”
FP HERITAGE PRESERVATION (100% MINIMUM)	0.00%

There is a total of 24” of heritage trees on the site that are within the existing Environmentally Sensitive Area. Per the City of San Antonio 2010 Tree Ordinance, 100% of heritage trees within the Environmentally Sensitive Area (ESA) must be preserved. The construction of the CIP SAWS Fox Falls offsite gravity sewer will remove 100% of the heritage trees within the ESA. Construction of the sanitary sewer can only be done within the existing sanitary sewer easement; thus, the owner/developer has no control over the removal of all heritage trees within the limits of construction. The results are summarized in the table below:

HERITAGE TREES WITHIN ENVIRONMENTALLY SENSITIVE AREAS (ESA)	
HERITAGE ESA TREES REMOVE	24”
HERITAGE ESA TREES SAVED	0”
TOTAL HERITAGE ESA TREES	24”
ESA HERITAGE PRESERVATION (100% MINIMUM)	0.00%

There is a total of 1,252” of protected trees on the site that are within the existing 100-year floodplain. Per the City of San Antonio 2010 Tree ordinance, 80% of protected trees within the current 100-year floodplain must be preserved. After construction of the CIP SAWS Fox Falls offsite gravity sewer, 891” of existing 100-year floodplain protected trees will be preserved. Only 71.17% of the existing 100-year floodplain trees will be preserved. Construction of the sanitary sewer can only be done within the existing sanitary sewer easement; thus, the owner/developer has no control over the removal of protected trees within the limits of construction. The results are summarized in the table below:

PROTECTED TREES WITHIN CURRENT 100 YEAR FLOODPLAIN	
PROTECTED FP TREES REMOVE	361"
PROTECTED FP TREES SAVED	891"
TOTAL PROTECTED FP TREES	1,252"
FP HERITAGE PRESERVATION (80% MINIMUM)	71.17%

There is a total of 116" of protected trees on the site that are within the existing Environmentally Sensitive Area. Per the City of San Antonio 2010 Tree Ordinance, 80% of protected trees within the current Environmentally Sensitive Area must be preserved. After construction of the CIP SAWS Fox Falls offsite gravity sewer, 95" of existing Environmentally Sensitive Area protected trees will be preserved. 81.90% of the existing Environmentally Sensitive Area trees will be preserved. Construction of the sanitary sewer will meet the required percentage of protected trees to be preserved with the ESA.

Summary

A summary table for the total site mitigation for ESA and floodplain is below:

SITE SUMMARY TABLE (ESA & FLOODPLAIN)					
		ESA		FLOODPLAIN	
		INCHES	TREES	INCHES	TREES
PROTECTED TREES	TOTAL	116.0	10	1,252.0	97
	PRESERVED	95.0	9	891.0	79
	REMOVED	21.0	1	361.0	18
	PRESERVED (%)	81.90	N/A	71.17	N/A
	REQUIRED (80%)	92.8	N/A	1,002.0	N/A
	MITIGATION	0.0	N/A	111.0	N/A
HERITAGE TREES	TOTAL	24.0	1	137.0	5
	PRESERVED	0.0	0	0.0	0
	REMOVED	24.0	1	137.0	5
	PRESERVED (%)	0.0	N/A	0.0	N/A
	REQUIRED (1:1)	24.0	N/A	36.0	N/A
	REQUIRED (3:1)	0.0	N/A	303.0	N/A
	REQUIRED (100%)	24.0	N/A	339.0	N/A
	MITIGATION	24.0	N/A	339.0	N/A
TOTAL MITIGATION		24.0	N/A	450	N/A

The total mitigation required within the ESA and floodplain is **474 inches**. The tree mitigation will be met with a payment of the total mitigation required. Tree payment summary table is below:

TREE PAYMENT SUMMARY	
TOTAL MITIGATION REQUIRED	474"
COST PER SQUARE INCH (\$)	200
TOTAL MITIGATION TO BE PAID (\$)	94,800

For the construction of the CIP SAWS Fox Falls offsite gravity sewer, the amount of existing heritage trees preserved within the 100-year Floodplain will be below the required 100%. The amount of significant and heritage trees preserved within the Environmentally Sensitive Area (ESA) will be below the required 100%. There will be no existing heritage trees preserved within the floodplain and within the ESA within the limits of the sanitary sewer easement. Additionally, the amount of existing protected trees preserved within the 100-year Floodplain will be below the required 80%. There will only be 71.17% of existing protected trees preserved within the floodplain. Mitigation will be provided as stated above, please see below for a summary of the hardships included with the construction of the CIP SAWS Fox Falls offsite gravity sewer.

The current existing easements for the CIP SAWS Fox Falls offsite gravity sewer determines the limits of construction. There were no allowances for design alternative to minimize tree impacts. Therefore, as this is the only allowable alignment for this project, the request for this variance is due to the existing alignment and hardship this creates.

The existing 12-inch gravity sewer will be replaced and upsized to a 24-inch gravity sewer to provide for the safety and welfare of the City of San Antonio citizens within the service area. Disturbed areas will be revegetated by drill seeding with native grasses and ensure that 85 percent of revegetation is established. The areas impacted by the environmental variance will benefit multiple properties with the Fox Falls offsite gravity sewer shed by allowing for more sewer capacity.

The applicant is requesting an environmental variance to the following:

- 100% preservation of heritage trees within the floodplain, and ESA.
- 80% preservation of protected trees within the floodplain.

Given the hardship and uniqueness of the subject property and confirmation that granting this exception will not be detrimental of the public's health, safety, and welfare, nor will be harmful to the subject property on the adjacent properties.

It is our professional opinion, the proposed 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,



Andrew R. Lowry, P.E. Associate

For Office Use Only: AEVR #: _____ Date Received: _____

DSD – Director Official Action:

☐ APPROVED

☐ APPROVED W/ COMMENTS

☐ DENIED

Signature: _____ Date: _____

Printed Name: _____ Title: _____

Comments: _____
