



August 4, 2022

## Environmental Variance Request Review

City of San Antonio  
Development Services Department  
1901 S. Alamo  
San Antonio, TX 78204

Re: SAWS University Ground Storage Tank No. 2  
AP # COM-PRJ-APP22-39800746  
UDC Code Section 35-523, Tree Preservation  
Minimum 80% Significant Protected Trees Preserved In-Place – Riparian Buffer

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

Dear COSA Development Services,

The following environmental variance request is submitted on behalf of the San Antonio Water System (SAWS) (the "Owner"), owner of the existing University Pump Station, originally built in 1974 on a 4.97-acre tract of land and located at 7050 W. Hausman Rd in San Antonio, Texas (the "Property"). Other than preserving a minimum of 80% of the existing Significant riparian buffer trees in-place, the proposed construction will comply with the applicable sections of the Unified Development Code (UDC).

The proposed development of the Property entails the following:

1. The construction of an additional 5,000,000-gallon (5MG) ground storage tank to increase capacity to meet San Antonio's increasing water demand.
2. The construction of the associated tank overflow structure, drainage piping, tank inlet and outlet valves and piping, and site grading.
3. The construction of new security fencing to all sides of the property to meet the Texas Commission on Environment Quality (TCEQ) Subchapter D: Rules and Regulations for Public Water Systems §290.43 Water Storage Subsection (e).

The Property is an existing pump station with an existing tank originally constructed in 1974.

Approximately 0.04 acres of the site sit in the regulatory flood plain and 0.65 acres of the site are within the 60-foot Riparian Buffer. The proposed improvements, which consist of a 5 Million Gallon Tank, 36-inch inlet supply line to the proposed tank, and the proposed 36-inch overflow line are directly in

conflict with significant trees within the Riparian Buffer. These trees will be required to be removed to complete the proposed work to meet the water demand of the public. In addition, the proposed security fence is also directly in conflict with significant trees within the Riparian Buffer. The proposed security fence is required in order to meet the TCEQ requirements for Water Storage Facility security as stated in the Texas Commission on Environment Quality (TCEQ) Subchapter D: Rules and Regulations for Public Water Systems §290.43 Water Storage Subsection (e): “***All potable water storage tanks and pressure maintenance facilities must be installed in a lockable building that is designed to prevent intruder access or enclosed by an intruder-resistant fence with lockable gates... The gates and doors must be kept locked whenever the facility is unattended.***”

As a result of the water infrastructure and security fence required to improve the existing pump station site to meet the public demand of drinking water, the proposed Riparian Buffer tree removal, mitigation, and preservation ratios are as follows:

1. Riparian buffer Significant Trees:
  - a. 131 caliper inches removed, 64” of mitigation, 61% preservation ratio
2. Riparian buffer Heritage Trees:
  - a. None within site

**Total Caliper Inches to be Mitigated: 64”**

Thus, the Owner requests a Variance from strict compliance with the UDC due to the fact that the significant improvements to the public water facility and the security fence, required by TCEQ, result in the in-place preservation of less than 80% of the Riparian Buffer Significant Trees with a total mitigation due of 64 caliper inches.

In support of the above AEVR allowing development of the Property without preserving a minimum of 80% of the Riparian Buffer Significant Trees the Owner offers the following:

(1) The hardship requiring this AEVR is unique to the Property. The Owner is unable to preserve a minimum of 80% of the Riparian Buffer Significant Trees because of the required footprint to construct the necessary water infrastructure, drainage infrastructure, and TCEQ-required security fence. The proposed improvements have been placed in locations which would impact the least amount of tree inches. This results in the removal of 106 caliper inches of Riparian Buffer Significant Trees leaving a preservation ratio of 61%.

(2) This AEVR corresponds to the spirit of the UDC. The stated purpose of UDC Sec. 35-523 is to allow “the reasonable improvement of land within the city and city's ETJ” while striving “to maintain, to the greatest extent possible, existing trees within the city and to add to the tree population within the city and the ETJ to promote a high tree canopy goal.” In this case, due to the required footprint to construct the necessary water infrastructure, drainage infrastructure, and TCEQ-required security fence, the Owner is unable to preserve a minimum of 80% of the Riparian Buffer Significant Trees in-place. Due to the removal of existing Riparian Buffer Trees exceeding the maximum 20% allowed by the UDC, tree mitigation in the amount of 64 caliper inches is required. As a result, the Owner will contribute the monetary equivalent of 64 caliper inches to the Tree Mitigation Fund totaling \$12,800.

The owner has foregone mitigation through planting within the University Pump Station site for the following reasons:

- Planting of additional trees can lead to conflicts with future expansion of the SAWS facility which may require to expand the water system infrastructure to meet the increasing city development and customer demand for water.
- There are several existing underground utilities throughout the project site which would come into conflict with any new planting. Additionally, any trees in proximity to underground utilities are often damaged by tree roots.
- The University Pump Station is an unmanned site which performs most functions through metering and electronic controls. This site is self-sufficient with little to no maintenance required for the operation of the site. Maintaining new trees through maturity would require substantial manpower which is not available on site.

Additionally, as described specifically below, this Variance meets the approval criteria stipulated in UDC Sec. 35-483 (h):

- The hardship in question relates to the Owner's land, rather than personal circumstance. This Variance is required because public demand for water has increased since the original tank was constructed in 1974, therefore requiring the construction of a new tank, water infrastructure, drainage infrastructure, and TCEQ-required fencing, which results in in-place preservation of less than 80% preservation of the existing Riparian Buffer Significant Trees.
- The hardship is unique, or nearly so, rather than one shared by many surrounding properties. See above.
- The hardship is not the result of the applicant's own actions. The existing significant Trees in the riparian buffer were not present when the Owner acquired the Property. In addition, it was not possible to foresee the projected water needs of the City of San Antonio when the original University Pump Station facility was constructed in 1974.

In conclusion, granting this AEVR and permitting the Owner to preserve less than 80% of the existing Riparian Buffer Significant Trees in order to install the required water infrastructure, drainage infrastructure, and TCEQ-required fence will allow development within the spirit of the UDC and pose no threat to health, safety, or public welfare.

Thank you for considering the foregoing variance request.

Sincerely,

Elvis Treviño, PE  
Maestas & Associates, LLC  
Project Manager