



January 16, 2018

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: Union Pacific Railroad San Antonio Intermodal (SAIT) Terminal South Lead
AP #2322080
Sec. 35-523 Tree Preservation – Floodplain Requirement Variance Request

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

Dear COSA DSD,

HDR Engineering, Inc. (HDR), on behalf of Union Pacific Railroad Company (UP), is submitting this request for consideration of an environmental variance to the Tree Preservation Ordinance, AP #2322080, on the proposed SAIT South Lead Project in San Antonio, Texas. This AEVR is proposed for Unified Development Code (UDC) Section 35-523, which requires 80 percent of significant trees in the floodplain and buffer to be preserved.

UP plans to construct an additional track adjacent to their existing Laredo Subdivision mainline track near where it passes the SAIT in southwest San Antonio near the intersection of Fischer Road and Quintana Road. The proposed additional track and supporting infrastructure will allow the existing track to become a south lead track into the SAIT, which will enhance mainline traffic flow and operations. The proposed project is located on the south/east side of the existing track to allow the lead track to enter the SAIT without interfering with other tracks and infrastructure that are located to the north/west.

The proposed additional track will be built with 20-foot between track centerlines on the south side of the existing main line track from about Mile Post (MP) 269 to 271 (approximately two miles long). The existing UP right-of-way (ROW) is about 50 feet on each side of the existing main line track. In order to build the embankment and drainage grading for the proposed project, about 2.6 acres of new right-of-way (approximately 20 feet wide) will be added on the south side of the existing track. Furthermore, the project area includes about 4.25 acres of temporary construction easement and site access

that is approximately 40 feet wide, located on the south side of the existing track. Thus the total project area is calculated as 31 acres.

The project area is primarily vegetated with native, non-native, and invasive species typical of disturbed and regenerative areas, and bordered by cropland, road ROW, pasture, or woody re-growth vegetation. This area has been impacted by agricultural, industrial, and commercial land uses. Vegetation within the wooded portion of the project area is dominated by hackberry (*Celtis laevigata*). In addition, mesquite (*Prosopis glandulosa*) is a subdominant species. Other trees within the project area include black willow (*Salix nigra*) and retama (*Parkinsonia aculeata*).

Based on engineering design and operation requirements of the proposed project and the trees growing in the project area, the UDC Section 35-523 requirement that 80 percent of significant trees in the floodplain and buffer be preserved cannot be met. Protected trees are located within the only reasonable location of the proposed project and areas for preservation of protected trees within the floodplain of the Owner's property are limited.

The proposed additional track and supporting infrastructure will allow the existing track to become a south lead track into the SAIT, which will enhance mainline traffic flow and operations. The proposed project is located on the south/east side of the existing track to allow the lead track to enter the SAIT without interfering with other tracks and infrastructure that are located to the north/west. The proposed additional track requires 20 feet between track centerlines and approximately two miles of track length. Alternatives to locate the proposed track in a different location would not meet the purpose and need for the project to serve the existing SAIT location. Additionally, the Medina River occurs to the south and west of the proposed project and this location is not feasible for engineering and environmental constraints. Therefore other alternatives to the proposed project were rejected.

Furthermore, the species of trees which are growing primarily include hackberry and mesquite which have re-grown after past disturbance. Furthermore, the variance request is not contrary to the spirit and intent of the UDC and Tree Preservation Ordinance because UP 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 UP 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.

Based on the limits of grading and construction activities, the proposed project will result in the unavoidable impacts of 530 diameter at breast height (dbh) inches of significant trees in the floodplain and 74 inches in the riparian buffer. The Tree Protection Ordinance requires 80 percent preservation of significant trees within the floodplain and buffer. Due to the necessity of tree removal to the project UP requests a variance based on the following proposed mitigation measures and nature of trees to be removed. **Table 1** provides a summary of the protected tree dbh inches to be removed,

preserved, and mitigated within the Medio Creek floodplain and buffer (environmentally sensitive area).

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

		Floodplain	Buffer (Environmentally Sensitive Area)	Total
Unavoidable Impacts (Removed Inches)	Significant Trees	530	74	604
	Heritage Trees	0	0	0
Preserved				
Inches	Significant Trees	590	26	616
	Heritage Trees	52	0	52
Total				
Inches	Significant Trees	1120	100	1220
	Heritage Trees	52	0	52
Percent Preserved				
Percent Preserved	Significant Trees	53	26	-
	Heritage Trees	100	N/A	-
Preservation Required				
Inches Required	Significant Trees	896	80	-
	Heritage Trees	52	N/A	-
Mitigation Required				
Inches Required	Significant Trees	306	54	360
	Heritage Trees	0	0	0

In total, 94 significant trees and two heritage trees totaling 1,272 inches were recorded within the Medio Creek floodplain and buffer. The proposed project will result in the unavoidable impacts of 604 total inches within the Medio Creek floodplain and buffer. The remaining 668 total inches would be preserved, resulting in the preservation of approximately 53 percent of significant trees within the Medio Creek floodplain and 26 percent of significant trees within the buffer. In order to compensate for the remaining tree preservation, the required mitigation for impacts to significant trees in the floodplain would be 306 inches, and for impacts to significant trees in the buffer would be 54 inches. The 52 inches of heritage trees in the floodplain would be preserved at 100 percent by the proposed project within the floodplain as required by the ordinance.

To provide the mitigation for the total 360 inches in the floodplain and buffer, UP would pay into the Tree Mitigation Fund using the 1:1 ratio and \$200/inch specified in the Tree Protection Ordinance, for a total of \$72,000.

Additionally, areas disturbed by construction would be seeded with a native grass mix. The area of seeding for re-vegetation is approximately 240,000 square feet (about 5.51 acres). The native seeding will be planted using drill seeding technique as accessible by equipment in a safe and practicable manner and generally on slopes 3:1 (horizontal to vertical) and flatter. Steeper slopes and areas that cannot be planted by drill seeding technique would be hydroseeded as applicable. The re-vegetated areas will have 85 percent cover of established vegetation within two years of planting.

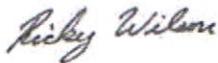
The following measures will be used to ensure protection of the tree preservation areas. Within the proposed tree preservation areas, tree protection fencing will be installed as necessary to exclude construction activities. No clearing or grading will occur in these areas, and none of these areas will be used for construction staging. In addition, the under-stories of these areas will not be cleared.

The Applicant/Owner further assert that:

- *If UP complies strictly with the provisions of these regulations, they can make no reasonable use of their property; and*
- *The hardship relates to UP's land, rather than personal circumstances; and*
- *The hardship is unique, or nearly so, rather than one shared by many surrounding properties; and*
- *The hardship is not the result of UP's own actions; 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,



Ricky Wilson, PWS
Environmental Scientist

Attachment(s)

For Office Use Only: AEVR #: _____

Date Received: _____

DSD – Director Official Action:

APPROVED

APPROVED W/ COMMENTS

DENIED

Signature: _____

Date: _____

Printed Name: _____

Title: _____

Comments:

