

TPV-19-020

PPR-9328



CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

1901 S. Alamo, San Antonio, TX 78204

ADMINISTRATIVE EXCEPTION/VARIANCE REQUEST APPLICATION

Project Name:	Replacement of Bridge 8.82, Rockport Subdivision
A/P # /PPR # /Plat #	2468597
Date:	December 26, 2018
Code Issue:	Floodplain Tree Preservation
Code Sections:	35-523

Submitted By:	<input type="checkbox"/> Owner	<input type="checkbox"/> Owners Agent * (Requires notarized Letter of Agent)
Owners Name: c/o Kevin Rice		
Company: Union Pacific Railroad		
Address: 1400 Douglas Street, Stop 0910, Omaha, Nebraska		Zip Code: 68179
Tel #: 4025442213 Fax#		E-Mail: kprice@up.com
Consultant: Jean Devlin		
Company: HDR		
Address: 4401 West Gate Boulevard, Suite 400, Austin, Texas		Zip Code: 78745
Tel #: 5129125130 Fax#		E-Mail: jean.devlin@hdrinc.com
Signature:		

Additional Information – Subdivision Plat Variances & Time Extensions

- ☐ Time Extension ☐ Sidewalk ☐ Floodplain Permit ☐ Completeness Appeal
☐ Other _____
- City Council District _____ Ferguson Map Grid _____ Zoning District _____
- San Antonio City Limits ☐ Yes ☐ No
- Edwards Aquifer Recharge Zone? ☐ Yes ☐ No
- Previous/existing landfill? ☐ Yes ☐ No
- Parkland Greenbelts or open space? Floodplain? ☐ Yes ☐ No



March 12, 2019

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
Replacement of Bridge 8.82 on the Rockport Subdivision
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 on the proposed bridge replacement of Bridge 8.82 on the Rockport Subdivision 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 buffer (environmentally sensitive area) to be preserved.

UP plans to replace the dated Bridge 8.82 on the Rockport Subdivision in order to provide safe and reliable railroad transportation. The existing bridge consists of a single track 122.8-foot long 8-span timber bridge. The proposed replacement bridge consists of 90 foot long 3-span Pre-stressed Concrete Box (PCB) bridge. The project area includes the existing 100-foot UP right-of-way (ROW) and about 50 feet north and south of the existing bridge abutments. Thus the total project area is calculated as approximately 0.5 acre. Access to the bridge for construction of the replacement will occur from Southton Road located north of the bridge.

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*) and cedar elm (*Ulmus crassifolia*). In addition, mesquite (*Prosopis glandulosa*) is a subdominant species. Other vegetation within the project area include retama (*Parkinsonia aculeata*), sumpweed (*Iva annua*), King Ranch bluestem (*Bothriochloa ischaemum*), Canada wild rye (*Elymus canadensis*), and cherokee sedge (*Carex cherokeensis*).

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 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 bridge replacement will preserve mainline railroad traffic flow and operations along the existing alignment to meet the needs for interstate commerce. Relocating the existing track or building a different bridge replacement would increase environmental impacts. The replacement of Bridge 8.82 on the Rockport Subdivision is consistent with the UP 2020 Bridge Replacement program and the proposed construction requirements, therefore other alternatives to the proposed project were rejected.

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 32 diameter at breast height (dbh) inches of significant trees in the floodplain, and 33 dbh inches of significant trees in the riparian buffer (environmentally sensitive area). 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 trees and dbh inches to be removed, preserved, and mitigated within the Salado 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	32	33	65
	Heritage Trees	0	0	0
Preserved Inches	Significant Trees	150	28	178
	Heritage Trees	0	25	25
Total Inches	Significant Trees	182	61	243
	Heritage Trees	0	25	25
Percent Preserved	Significant Trees	82	46	-
	Heritage Trees	N/A	100	-
Preservation Inches Required	Significant Trees	146	49	-
	Heritage Trees	N/A	25	-
Mitigation Inches Required	Significant Trees	0	21	21
	Heritage Trees	0	0	0

In total, 21 significant trees and one heritage tree totaling 268 inches were recorded within the floodplain and buffer. The proposed project will result in the unavoidable impacts of 65 inches of significant trees within the floodplain and buffer. The remaining 203 total inches (178 of significant trees and 25 of heritage trees) would be preserved, resulting in the preservation of approximately 82 percent of significant trees within the Salado Creek floodplain, in accordance with the ordinance, and 46 percent of significant trees within the buffer. In order to compensate for the remaining tree preservation of 80 percent in the floodplain buffer, the required mitigation for impacts to significant trees in the buffer would be 21 inches. Additionally, 25 inches of a heritage tree in the buffer would be preserved at 100 percent by the proposed project within the floodplain buffer as required by the ordinance.

To provide the mitigation for the total 21 inches in the floodplain 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 \$4,200.

Additionally, areas disturbed by construction would be seeded with a native grass mix. The area of seeding for re-vegetation is approximately 22,000 square feet (about 0.5

acre). 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,

A handwritten signature in black ink that reads "Jean Devlin". The signature is written in a cursive, flowing style.

Jean Devlin
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: _____

Union Pacific Railroad – Rockport Subdivision, Bridge 8.82

Tree Inventory

The following information is provided as part of the tree preservation plan for the project. The ID number corresponds to the location on the tree survey figures.

ID	Species	DBH (Inches)	Area	Designation	Activity	Notes
01	Hackberry	12	Outside Floodplain / Buffer	Significant	Preserved	-
02	Hackberry	13	Outside Floodplain / Buffer	Significant	Preserved	-
03	Hackberry	8	Outside Floodplain / Buffer	Not Significant	Preserved	-
04	Hackberry	13	Outside Floodplain / Buffer	Significant	Preserved	-
05	Winged Elm	16	Outside Floodplain / Buffer	Significant	Preserved	
07	Hackberry	10	Floodplain Buffer	Significant	Removed	In project footprint
08	Cedar Elm	9	Floodplain	Significant	Preserved	-
09	Cedar Elm	9	Floodplain	Significant	Preserved	-
11	Cedar Elm	13	Floodplain	Significant	Preserved	-
12	Hackberry	16	Outside Floodplain / Buffer	Significant	Preserved	-
13	Winged Elm	7	Outside Floodplain / Buffer	Significant	Preserved	-
14	Cedar Elm	11	Floodplain	Significant	Preserved	-
15	Hackberry	12	Outside Floodplain / Buffer	Significant	Preserved	-
17	Cedar Elm	9	Floodplain	Significant	Preserved	-
18	Hackberry	10	Outside Floodplain / Buffer	Significant	Preserved	-
20	Hackberry	11	Outside Floodplain / Buffer	Significant	Preserved	-
21	Hackberry	10	Floodplain	Significant	Preserved	-
23	Cedar Elm	8	Floodplain	Significant	Preserved	-
25	Hackberry	11	Floodplain	Significant	Preserved	-
26	Hackberry	10	Floodplain Buffer	Significant	Removed	In project footprint
28	Hackberry	13	Floodplain Buffer	Significant	Removed	In project footprint
29	Hackberry	23	Floodplain	Significant	Preserved	-
31	Cedar Elm	8	Outside Staging Area; Inside Floodplain	Significant	Preserved	-
33	Hackberry	14	Floodplain	Significant	Removed	In project footprint

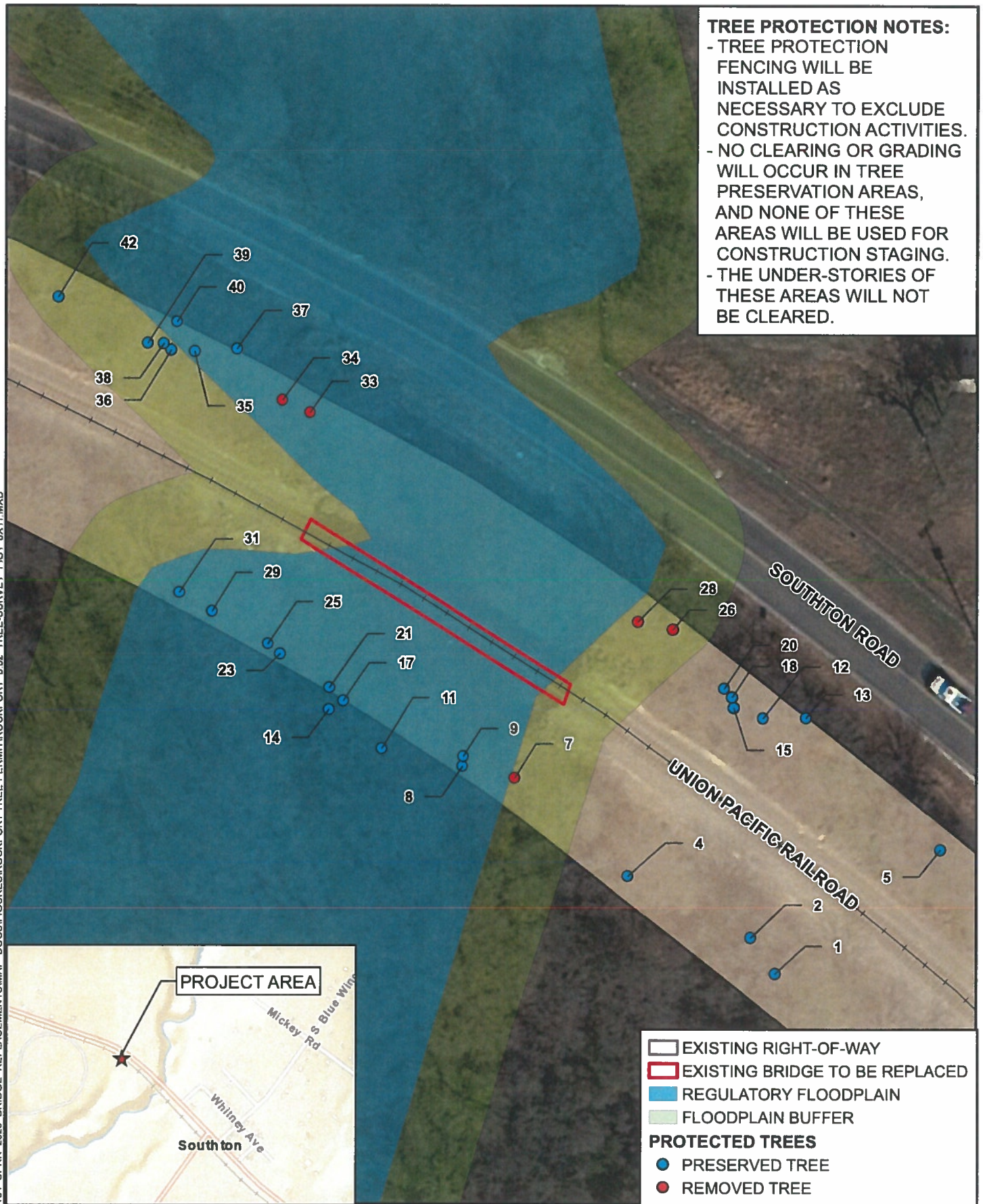
ID	Species	DBH (Inches)	Area	Designation	Activity	Notes
34	Hackberry	18	Floodplain	Significant	Removed	In project footprint
35	Cedar Elm	15	Floodplain	Significant	Preserved	-
36	Cedar Elm	9	Floodplain Buffer	Significant	Preserved	-
37	Winged Elm	10	Floodplain	Significant	Preserved	-
38	Cedar Elm	9	Floodplain Buffer	Significant	Preserved	-
39	Cedar Elm	10	Floodplain Buffer	Significant	Preserved	-
40	Cedar Elm	14	Floodplain	Significant	Preserved	-
42	Hackberry	25	Floodplain Buffer	Heritage	Preserved	-

The following table summarizes the tree removal and mitigation of significant trees inside of the Project Area:

Area	Total DBH	Removed DBH	Preserved DBH	Required Percent Preservation	Actual Percent Preservation	Mitigation DBH to meet Preservation Requirement
Floodplain	182	32	150	80	82	0
Floodplain Buffer	61	33	28	80	46	21
<i>Floodplain and Floodplain Buffer Subtotal</i>	<i>243</i>	<i>65</i>	<i>178</i>	<i>80</i>	<i>73</i>	<i>-</i>
Outside of Floodplain / Buffer	110	0	110	40	100	0
Total	353	65	288	-	-	21

Note: Does not include single heritage tree of 25 inches preserved in floodplain buffer

FILE: O:\10098431_10134 UPRR 2020 BRIDGE REPLACEMENTS\MAP DOCS\FIGURES\ROCKPORT TREE PERMIT\ROCKPORT 8.82 TREE-SURVEY FIG1 8X11.MXD





CITY OF SAN ANTONIO

DEVELOPMENT SERVICES DEPARTMENT

VARIANCE REQUEST ANALYSIS

TPV 19-020

Project:	Union Pacific Railroad Bridge 8.82 Replacement
Address:	Approximately 12078 Southton Road
A/P #/PPR #/Plat#:	A/P #2468597
VR Submittal Date:	March 12, 2019 –Paid May 8, 2019.
VR Submitted by:	Ms. Jean Devlin with HDR Engineering on behalf of Mr. Kevin Rice with Union Pacific Railroad.
Issue:	Below 80% significant tree and 100% heritage tree preservation within 100-year Floodplain (2015 Ordinance)
Code Sections:	Unified Development Code (UDC), Section 35-523 (h).
By:	Herminio Griego, Assistant City Arborist

The Development Services Department (DSD) reviewed the information presented in Ms. Jean Devlin's letter dated March 12, 2019 (paid May 8, 2019).

The Unified Development Code (UDC) – Article V, Section 35-523 (h), 100-Year Floodplain(s) and Environmentally Sensitive Areas states that, "Significant trees shall be preserved at eighty (80) percent preservation within both the 100-year floodplains and environmentally sensitive areas. Mitigation shall be prohibited in floodplains and environmentally sensitive area except when a variance is granted by the Planning Commission."

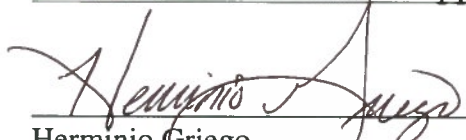
The applicant is requesting a Variance Request to mitigate for removal of surveyed trees within the Riparian Buffer in excess of the 80% minimum preservation of protected significant trees in place under the 2010 Tree Preservation Ordinance for the Union Pacific Railroad Bridge 8.82 replacement project. DSD staff does agree with the applicant's request to mitigate via paying into the Tree Mitigation Fund and by reseedling for tree survey inches determined to be below 80% significant tree preservation for the following reasons:

1. *Existing site conditions* – This project includes the replacement of Union Pacific Railroad's (UPRR) Bridge 8.82 wooden bridge with a pre-stressed concrete bridge. The purpose of the bridge replacement will ensure safe and reliable railroad transportation service. Project activities will result in the removal of significant trees in the Riparian Buffer below the 80% preservation requirements. The bridge replacement activities are limited to the 100-foot UPRR right-of-way and approximately 50 feet north and south of the bridge abutments. The bridge replacement activities require removing 33 of 61 significant tree inches in the Riparian Buffer resulting in 46% preservation within the buffer area and 21 inches of mitigation.

2. *Tree mitigation and canopy diversity* – The applicant opted to provide mitigation above and beyond the minimum required in the UDC as identified below: The project will meet the Riparian Buffer tree survey mitigation requirements as follows:
- Re-seeding approximately 21,780 square feet of disturbed area within the flood plain and adjacent Riparian Buffer;
 - Reclaiming disturbed areas by drill seeding with a native seed mix and ensuring 85% establishment; and
 - Paying \$4,200.00 into the Tree Mitigation Fund.

DSD staff supports the applicant's request to fall below 80% Significant Tree requirements in the Riparian Buffer based on the conditions of the site and the need to ensure safe and reliable locomotive transportation, going above and beyond the UDC requirements with regard to reclamation activities and paying into the Tree Mitigation Fund. The proposed Variance Request meets the intent and spirit of the Tree Ordinance therefore, staff recommends approval.

RECOMMENDATION: Approval of Variance Request


Herminio Griego
Assistant City Arborist
DSD – Land Development – Tree Preservation

5.13.19
Date


Kevin Collins
Development Services Engineer
DSD – Land Development - Engineering

5/15/19
Date

I have reviewed the Variance Request and concur with the recommendation.


Melissa Ramirez
Assistant Director
DSD – Land Development

5/16/19
Date