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July 14, 2018

Mr. Jacob J. Powell, PE, CFM
Storm Water Engineering Manager
Floodplain Administration & Development Review
Transportation & Capital Improvements Dept.
City of San Antonio
1901 S. Alamo St.
San Antonio, TX 78204

VIA: Jacob.Powell@sanantonio.gov

RE: **Revised Letter**- Variance to Sec. 35-F133(6) of the UDC for 3939 Thousand Oaks Blvd.

Dear Mr. Powell:

Pursuant to Section 35-F135, Variance Procedures, of the Unified Development Code (“UDC”), I am writing on behalf of Mr. Padmasiri “Sam” Somawardana, dba San Antonio Bright Kids Daycare and Learning Center #2, Inc. (“Property Owner”), to request a variance to Section 35-F133(6) of the UDC, floodplain development permit requirements (“Variance”). Please consider this revised letter as a formal request for your support and to post this item on the July 25, 2018 Planning Commission Agenda.

The Variance is related to the redevelopment of a non-residential structure located at 3939 Thousand Oaks Blvd in City Council District 10 (“Property”), which was destroyed in a fire in August of 2017. The Property is located within a 100-yr. floodplain, with current flood levels identified in Exhibit “A”, which was prepared by Mr. Alan Lindskog, P.E., Civil Engineering Consultants (“CEC”). The Property was not located within the 100-yr. floodplain when the non-residential structure was constructed, which status changed due to revised FEMA maps, as noted in Exhibit “B”.

Section 35-F133(6) of the UCD requires “*The safety of access to the property in times of flood for ordinary and emergency vehicles...*” A hardship currently exists due to lack of alternative access out of the floodplain. The entire Property and immediate surrounding areas are within a floodplain. In addition, elevating the driveway and parking lot in order to comply strictly with this requirement would make it impossible to access the Property from Thousand Oaks Blvd (“ROW”), as such required elevation(s) will essentially result in construction of a wall that would block access to the Property from the ROW. In summary, the Variance will allow the existing driveway and parking lot to remain at the current elevation to allow access to the Property.

Please note that Section 35-F124(f)(19) of the UDC requires “*...a floodplain development permit...[for] Parking lot construction where water depths do not exceed six (6) inches during a future 1% annual chance storm event.*” This section refers to the depth of flooding in the parking lot. Although the Property Owner will not be reconstructing the parking area, I understand City staff will review the building permit as if it is a new building, including access and parking lot flooding. Therefore, a Variance to Section 35-F133(6) will allow a floodplain development permit to apply only to the building without requiring improvements to the existing parking lot. In other words, a

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floodplain development permit shall not be required for the parking since improvements to the parking lot will not be required as a result of the requested Variance to Section 35-F133(6).

Proposed conditions to the granting of the Variance to further the purpose and objectives stated in Section 35-F104 include the installation of an early flood warning system in the ROW, ensuring that the structure meets certain flood-proofing criteria, installing signs in the parking lot to provide notice of potential flooding on site, and elevating the structure's foundation to exceed floodplain development requirements. This will ensure the lowest finished floor elevation is no lower than the water surface elevation plus more than one (1) foot of the regulatory 1% annual chance floodplain.

In addition, the Property Owner shall indemnify the City of San Antonio against damages resulting from flooding on the Property. Finally, the Variance will not increase the 1% annual chance floodplain post-development velocities above six (6) fps and the redevelopment will not be subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments and contaminants.

1. If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his or her property.
 - a) The City of San Antonio does not have plans to elevate the ROW, which would allow access to the Property if the Property Owner strictly complies with provisions of the regulations.
 - b) If the Property Owner complies strictly with the provisions of these regulations, access to the Property would be blocked due to the extreme change in elevation from the ROW.
 - c) Allowing for the driveway and parking lot to remain at the existing elevation level will provide continued access to the Property and will not increased risk to public safety.
2. The hardship relates to the applicant's land, rather than personal circumstances.
 - a) The provision of providing access by requiring elevation of the driveway and parking lot is not possible due to the extreme difference in elevation between the ROW and driveway, which would block access; This hardship is not a personal circumstance, but rather one that applies to the Property.
3. The hardship is unique, or nearly so, rather than one shared by many surrounding properties.
 - a) This hardship is due to the Property being included in the revised floodplain boundary, as indicated in the new D-FIRM map, after the initial non-residential structure was developed.
 - b) The ROW that provides access to the Property is also within the 100-yr. floodplain and is not at an elevation level that would permit the Property Owner to comply strictly with the provisions of these regulations without resulting in the blocking of access to the Property.
4. The hardship is not the result of the applicant's own actions.

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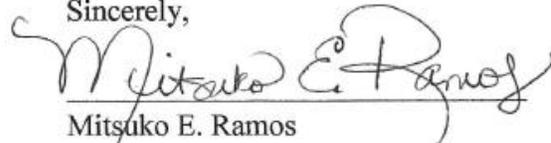
- a) This hardship is due to the Property being included in the revised floodplain boundary, as indicated in the new D-FIRM map, after the initial non-residential structure was developed.
 - b) The current circumstances are a result of changes made to the floodplain map and floodplain development regulations by governmental entities and were not imposed by the Property Owner.
5. The granting of the Variance will not be injurious to other property and will not prevent the orderly subdivision of other property in accordance with these regulations.
- a) Allowing for the driveway and parking lot to remain at the existing elevation level will provide continued access to the Property and will not increase risk to public safety.
 - b) The intent and general purposes of Section 35-B106 will be preserved.
6. The variance is the minimum necessary, considering the flood hazard, to afford relief.
- a) Redevelopment of the non-residential structure will not require any additional variances related to the floodplain.
7. There is good and sufficient cause.
- a) The vacant lot currently serves no development purpose due to the structure being destroyed by a fire in August of 2017.
 - b) The prior use of the Property as an affordable, high-quality daycare center provided a needed service to the community; Allowing for the redevelopment by granting the Variance will provide a benefit to families that are need of this service as soon as possible.
8. Failure to grant the variance will result in exceptional hardship to the applicant.
- a) Failure to grant the Variance will result in the need for families to find an alternative childcare facility that provides the same level of high-quality service at an affordable rate, which options are minimal or non-existent.
 - b) Failure to allow for the redevelopment of the structure will severely contribute to the Property Owner's economic losses.
9. The variance will not result in increased flood heights, cause an additional threat to public safety, result in extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- a) The Variance will neither result in increased flood heights nor cause additional threat to public safety.

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In my professional opinion, the requested 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. Feel free to contact me at (210) 887-0198 or Mitsuko@grg-tx.com if you have questions or wish to discuss. Thank you again for your time and attention to this matter.

Sincerely,



Mitsuko E. Ramos

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Cc: Mr. Michael Shannon, Development Services Dept. Director

VIA: Michael.Shannon@sanantonio.gov