



CITY OF SAN ANTONIO
TRANSPORTATION & CAPITAL IMPROVEMENTS

July 18, 2018

Mitsuko Ramos
Government Relations Group of TX
202 E. Houston St., # 505
San Antonio, TX 78205

**Re: Floodplain Variance (FPV) #18-003
FPDP #2018287- Bright Kids Daycare Center #2
3939 Thousand Oaks, San Antonio, TX 78217**

Dear Ms. Ramos;

The TCI Storm Water Division has been in review of a Floodplain Development Permit (FPDP) associated with the proposed improvements related to Bright Kids Day Care Center #2. The proposed development is not in compliance with the current City of San Antonio Unified Development Code (UDC) Appendix F – Floodplains as follows:

1. The proposed development does not meet the following UDC requirements:
 - Appendix F, Subdivision C, Section 35-F124 (f)(19), which may allow “Parking lot construction where water depths do not exceed six (6) inches during a future 1% annual chance storm event.” In this case, portions of the parking lot experience approximately two to four feet (2’-4’) flooding during a future 1% annual chance storm event.
 - Appendix F, Subdivision C, Section 35-F133(6), which states that approval or denial of a floodplain development permit shall be based on “The safety of access to the property in times of flood for ordinary and emergency vehicles; flow depths for access shall be within the Proceed with Caution Range as per figure 504-2 for a future 1% annual chance flood event.” In this case, depths of flooding at the driveway are approximately three to five feet (3’-5’) at the driveway, which is outside of the Proceed with Caution Range.
2. A variance to the above UDC requirements will be required by TCI Storm Water Division prior to approval of any permit and issuance of the Floodplain Development Permit (FPDP).
3. The applicant has provided the following information to assist with the review of the variance to the above UDC requirements:
 - The engineer of record has demonstrated that the reconstructed building will be elevated to more than one foot (1’) above the base flood elevation of the future 1% annual chance floodplain (regulatory floodplain).
 - The engineer of record has provided survey information showing existing site, building, and driveway elevations relative to the base flood elevation of the regulatory floodplain.

If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his or her property.

- The City of San Antonio does not have plans to elevate the right-of-way (ROW), which would allow access to the Property if the Property Owner strictly complies with provisions of the regulations.
- If the Property Owner complies strictly with the provisions of the regulations, access to the Property would be blocked due to the extreme change in elevations from the ROW.
- Allowing for the driveway and parking lot to remain at the existing elevation will provide continued access to the Property and will not increase risk to public safety.

The hardship relates to the applicant's land, rather than personal circumstance.

- 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.
- The hardship is not a personal circumstance, but rather one that applies to the Property.

The hardship is unique, or nearly so, rather than one shared by many surrounding property owners.

- The 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.
- 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.

The hardship is not the result of the applicant's own actions.

- 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.
- 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.

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.

- 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.
- The intent and general purposes of Section 35-B106 will be preserved.

The variance is the minimum necessary, considering the flood hazard, to afford relief.

- Redevelopment of the non-residential structure will not require any additional variances related to the floodplain.

There is good and sufficient cause.

- The vacant lot currently serves no development purpose due to the structure being destroyed by a fire in August of 2017.
- 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 in need of this service as soon as possible.

Failure to grant the variance will result in exceptional hardship to the applicant.

- 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.
- Failure to allow for the redevelopment of the structure will severely contribute to the Property Owner's economic losses.

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.

- The Variance will neither result in increased flood heights nor cause additional threat to public safety.

4. TCI will support a variance to the above UDC requirements with the following conditions:

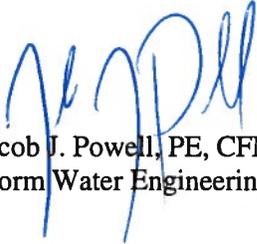
- Construction activities associated with the project within the FEMA designated floodplain shall not commence prior to approval of a building permit submitted to the TCI Storm Water Division and the issuance of an FPDP by the TCI Storm Water Division.
- The owner shall place signage along areas of the parking lot that become inundated during future 1% annual chance flood event to forewarn of the site's susceptibility to flooding.
- The proposed reconstructed structure will exceed flood-proofing or elevating requirements. The lowest finished floor will be more than one foot (1') above the regulatory floodplain.
- The owner shall provide an early flood warning system along the Thousand Oaks ROW.
- The Property Owner shall indemnify the City of San Antonio against damages resulting from flooding on the Property.
- The variance and any subsequent development will not increase the 1% annual chance floodplain post-development velocities above six (6) fps and the redevelopment will not subject to damage from hydrostatic or hydrodynamic forces, debris impact, soaking, sediments, and contaminants from the 1% annual chance storm event.

If the Variance is approved by the Planning Commission, TCI Storm Water Division will issue a floodplain development permit once the above conditions are met. If you have further questions or

Mitsuko Ramos
FDPP #2018287- Bright Kids Daycare Center #2
FPV #18-003
July 18, 2018
Page 4 of 4

require any further assistance and/or information, please contact Jacob Powell at (210) 207-0176 or jacob.powell@sanantonio.gov

Sincerely,



Jacob J. Powell, PE, CFM
Storm Water Engineering Manager & Floodplain Administrator

Attachments: AEVR #18-003 Application
Variance Request Letter with Attachments
Plat
Zoning Map
Denied FPDP #2018287

cc: Alan Lindskog, P.E., Civil Engineering Consultants
City of San Antonio, Planning Commission