



CITY OF SAN ANTONIO  
**TRANSPORTATION & CAPITAL IMPROVEMENTS**

SEPTEMBER 6, 2016

JAIME LAWAN  
BROOKS DEVELOPMENT AUTHORITY  
3201 SIDNEY BROOKS  
SAN ANTONIO, TX 78235

SUBJECT: Floodplain Variance  
SWE# 32627 Brooks Linear Park CLOMR  
FPV# 16-006

Dear Mr. Lawan;

Transportation & Capital Improvements (TCI) has reviewed the Conditional Letter of Map Revision (CLOMR) associated with the proposed improvements related to the Brooks Linear Park development. 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 requirement of Section 35-F124(c) of the UDC which states that "increases in water surface elevation for the 1% annual chance floodplain do not exceed six (6) inches." The project associated with the CLOMR is proposing to increase water surface elevations by up to approximately 1.8 feet.
2. A variance to the above UDC requirements will be required by TCI prior to approval of the CLOMR, Plat 160430, full approval of the associated building permit M2151911 and issuance of a Floodplain Development Permit (FPDP) for the portion of work that will result in changes to the floodplain boundary.
3. The engineer of record has provided the following information to assist with the review of the variance to the above UDC requirements:
  - *If the applicant complies strictly with the provisions of these regulations, he/she can make no reasonable use of his or her property.*  
The proposed project is an enhancement to the existing open space area which cannot be developed due to the extents of the floodplain. The proposed park consists of amenity ponds which are designed to impound water; therefore, their purpose cannot be fulfilled if the regulation is followed.
  - *The hardship relates to the applicant's land, rather than personal circumstance.*
  - *The hardship is unique, or nearly so, rather than one shared by many surrounding property owners.*

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- *The hardship is not the result of the applicant's own actions.*  
The hardship is not the result of the applicant's own actions but rather the result of having Brooks Creek traverse the site. The required depths of impounded water are requirements to create a sustainable design.
- *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.*  
The increases in water surface elevations are contained within the Brooks City Base property.
- *The variance is the minimum necessary, considering flood hazard, to afford relief.*
- *There is good and sufficient cause.*  
As stated previously, the proposed improvements are associated with creating a multi-use trail system and park area which works towards the City's and the San Antonio River Authority's vision to provide connectivity to the San Antonio Mission Reach trails.
- *Failure to grant the variance will result in exceptional hardship to the applicant.*  
Failure to grant the variance will result in a re-design of the proposed improvements which have been approved by Army Corps of Engineers and have also been associated with the San Antonio River Authority's hike and bike trail system.

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

- Construction activities associated with the project that will result in a change in the alignment, width, or elevation of a FEMA designated floodplain shall not commence prior to a CLOMR being approved by TCI and submitted to FEMA, performance bond for the CLOMR and LOMR submitted to the TCI Storm Water Division, and the issuance of a FPDP by the TCI Storm Water Division.
- The Certificate of Occupancy for any building permits associated with this project shall remain on hold until a LOMR and a final elevation certification is submitted to TCI Storm Water Division.

If the Variance is approved by the Planning Commission, TCI will issue a FPDP once the above conditions are met. If you have further questions or require any further assistance and/or information, please contact Noah Parsons at (210) 207-8058 or via email ([noah.parsons@sanantonio.gov](mailto:noah.parsons@sanantonio.gov)).

Sincerely,

  
Arthur E. Reinhardt IV, PE, CFM  
Assistant Director, Storm Water Division  
Transportation and Capital Improvements

Cc: Curtis Lee, P.E. Senior Project Manager, Pape-Dawson Engineers  
City of San Antonio, Planning Commission