



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

May 19, 2017

Thomas Carter, PE  
Pape-Dawson Engineers  
2000 NW Loop 410  
Castle Hills TX 78213

Re: Floodplain Variance  
SWE# 34361 Concord Plaza CLOMR  
Sitework Permit 2235859  
FPV# 17-001

Dear Mr. Carter:

Transportation & Capital Improvements (TCI) has reviewed the flood study associated with the proposed excavation and fill in the floodplain related to the Concord Plaza project within the Airport Tributary floodplain. The proposed development is not in compliance with Section 35-F125 of the City of San Antonio Unified Development Code (UDC) as follows:

1. The proposed development does not meet the following UDC requirement of Section 35-F125(a)(6) of the UDC which states that "development will not be allowed in the 1% annual chance regulatory floodplain for reclamation in overbank areas that are subject to flood depths greater than three (3) feet." This project proposes to reclaim over three (3) feet of depth on the owner's property.
2. Additionally, the proposed development does not meet the following UDC requirement of Section 35-F124(c)(4) of the UDC which states that "No increase in water surface elevations or velocities upstream and downstream outside of the owner's property limits." The impact from the grading changes of this project causes water surface elevation increases in the TXDOT right of way, beyond the owner's property.
3. The proposed development does not meet the following UDC requirement of Section 35-F133(c) (2) of the UDC which states that "No construction activity that will result in a change in the alignment, width, or elevation of a FEMA designated 1% A.C. current conditions floodplain is allowed prior to a conditional letter of map revision (CLOMR) being submitted to FEMA. Additionally, no subdivision plats with easements that are based on revisions to a 1% A.C. current conditions floodplain shall be approved prior to a CLOMR being approved by FEMA." This variance intends to waive this requirement of the UDC and issue a floodplain development permit (FPDP) and allow the approval of the Sitework Permit for the proposed excavation and fill *before* the CLOMR is approved by FEMA.

Therefore a variance is required for these three conditions, along with TXDOT concurrence for the 2nd condition. This variance intends to waive this requirement of the UDC and issue a floodplain development permit (FPDP) for the proposed excavation and fill once the Sitework Permit is approved.

A variance to the above UDC requirements will be required by TCI prior to approval of Sitework Permit AP#2235859.

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.*
  - 1) The provision of compensating cut within the cross section is not possible with major disturbance to TxDOT right-of-way. Without the reclamation of floodplain, the low area on the site will be prone to stagnant water, and will significantly alter the layout of the proposed site plan. The previous owner has an agreement with the City wherein the City would remove a compensating volume out of the Olmos Basin.
  - 2) Allowing for the construction to commence prior to FEMA approval of the CLOMR is essential to the completion of construction by June.
- *The hardship relates to the applicant's land, rather than personal circumstance.*
  - 1) This hardship is related to the applicant's land, rather than personal circumstance.
  - 2) There is an unusual low in the site that has resulted in the floodplain encroachment on the subject property. The necessary FEMA approval is therefore a result of the land, rather than personal circumstance.
- *The hardship is unique, or nearly so, rather than one shared by many surrounding property owners.*

The floodplain in this area is unique to this tract.
- *The hardship is not the result of the applicant's own actions.*

The hardship is not the result of the applicant's actions, but rather the nature of the floodplain and existing site conditions.
- *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 proposed variance request will not be injurious to other properties. By filling the ineffective flow along the right overbank of the property, there are no adverse impacts to upstream or downstream private property owners.

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

- 1) The variance is the minimum necessary to afford relief. The proposed development will not require any additional variances related to the floodplain.
- 2) The commencement of construction prior to FEMA CLOMR approval will expedite flood relief for the subject property.

- *There is good and sufficient cause.*

There is good and sufficient cause to granting the three variances since the vacant lot currently serves no development purpose. Secondly, there will be no adverse impact resulting from the proposed floodplain reclamation. Furthermore, allowing for the start of construction prior to CLOMR approval will expedite the construction schedule, thereby minimizing the amount of time that construction activity disturbs the surrounding areas.

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

- 1) Failure to grant the variance will result in a significant amount of effort with the City of San Antonio, to find a practical and economical location to provide the compensating cut.
- 2) Failure to allow for the start of construction prior to the FEMA CLOMR approval will result in a delayed schedule, which will increase construction costs and severely contribute to 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 or victimization of the public, or conflict with existing local laws or ordinances.*

- 1) The variance will not result in increased flood heights during the 1% AC storm event off of the subject property, nor cause additional threat to public safety.
- 2) The granting of the variance will not create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances. On the contrary, providing the compensating cut will result in disturbance to the Olmos Basin.

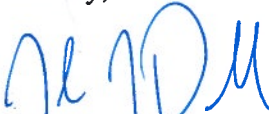
TCI will support a variance to the above UDC requirements with the following conditions:

- 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 the Sitework Permit being approved and the issuance of a FPDP by the TCI Storm Water Division.
- Subsequent plat and/or building permit submittals will be reviewed to ensure consistency with this permit's drainage and flood study.

- Elevation certificates and/or finished survey data will be required to confirm final elevations are consistent with those shown on the submitted design, exhibits, and models.
- The Certificate of Occupancy for any subsequent building permits associated with this project shall remain on hold until a LOMR is approved by TCI Storm Water Division and FEMA and final elevations are confirmed.
- Pape-Dawson provides TXDOT concurrence for the small rise created in their ROW.

If the Variance is approved by the Planning Commission, TCI will issue a Sitework Permit and 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,

A handwritten signature in blue ink, appearing to read 'J. Powell', is positioned above the printed name.

Jacob J. Powell, PE, CFM  
Storm Water Engineering Manager  
Floodplain Administration & Development Review

cc: Chris Orem, PE, Project Manager, Pape-Dawson Engineers  
City of San Antonio, Planning Commission