



UDC Amendment Request Application for Internal Parties ***(City of San Antonio Departments)***

Part 1. Applicant Information

Name: Sabrina Santiago Organization (if applicable): City of San Antonio-PWD
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Signature: Razi Hosseini Digitally signed by Razi Hosseini
(Include title if representing a governmental agency or public/private organization) Date: 2022.02.01 09:22:21 -06'00'

Part 2. Basis for Update (check only one)

- ☒ Clarification amendments to provide for ease of interpretation and understanding of the existing provisions of the UDC
(Note: Clarification amendments should not change or alter the intent or meaning of existing UDC provisions)
- ☐ Editing change that does not alter the impact of the provisions being addressed including changes such as spelling, grammar correction, formatting, text selection, or addition of text in compliance with existing ordinance, statutes or case law
- ☐ Completed Rule Interpretation Determination (RID)
- ☐ Requested by the Zoning Commission, Planning Commission, Board of Adjustment, HDRC, City Council or other appropriate city board or council (CCR, resolution or signature of the chairperson is required)
- ☐ City of San Antonio Staff Amendment

Part 3. Reason(s) for Update (check all that apply)

- ☒ Modify procedures and standards for workability and administrative efficiency
- ☐ Eliminate unnecessary development costs
- ☐ Update the procedures and standards to reflect changes in the law or the state of the art in land use planning and urban design
- ☒ See Part 4 (if none of the provided choices in this section apply, please discuss the reasons for the proposed update in Part 4)

Part 4. Summary of Proposed Update with Suggested Text (see application instructions)

Appendix F, Section 35-F-133 proposed amendments are providing clear guidance on when a LOMC is required as it pertains to private and public projects that are proposing improvements within the floodplain. This proposed code amendment will also provide clear guidance for Capital Improvement Projects (CIP) that will require a LOMC in order to meet FEMA's minimum standards. There are also some general editing of references to old sections in the UDC.

Part 5. Cost Impact Statement

Section 35-11(a) of the UDC requires that all requests for amendments include a Cost Impact Statement. The Cost Impact Statement should be justified with substantiating information, such as cost estimates or studies.

The requested change to the UDC (please check appropriate box):

By how much?

(Indicate either a dollar amount or percentage above or below current construction and/or development costs)

A. ☐ Will not impact the cost of construction and/or development.

B. ☒ Will increase the cost of construction and/or development.

\$35k-50k

C. ☐ Will decrease the cost of construction and/or development.

Part 6. Cost Impact Narrative and Back-Up Information

Please fully quantify the Cost Impact Statement that was provided in Part 5. Attach all relevant data and associated costs that you wish to have considered as well as a narrative explaining how the Cost Impact Statement was developed. If you need additional space, please attach additional sheets.

Be sure to:

- Consider and indicate initial and long-term maintenance costs;
- Consider city cost (i.e. personnel costs and costs to enforce);
- Indicate and be able to rationalize the baseline (current costs) and the cost projections associated with your request.

Section 35-F133 proposed amendments is expected to generate a cost impact to CIP projects. The cost to have a consultant to prepare the Letter of Map Change (LOMC) i.e. CLOMR/LOMR, the FEMA LOMC application fee, as well as a cost to the City staff that will oversee or manage the project and ensure that this task is fulfilled. This amendment is already in practice as the code currently requires the LOMC, however, this portion of the code is being amended to clearly identify the requirements of said LOMC where the current code is not so clear.

The consultant fees and FEMA application fees will cost the City approximately \$30,000 to \$50,000 depending on the complexity and design of the CIP project. The approximate City management/staffing cost is approximately \$5,000 (about 80 person-hours times an estimated blended rate of \$60/person-hour) for a total estimated Cost impact of \$35,000 to \$55,000 depending on the complexity of the CIP project.

UDC 2021 Proposed Amendment

Amendment 27-36**Applicant: Public Works****Amendment Title** – ‘Sec. 35-F133. – Permit Evaluation.’**Amendment Language:**

- (a) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this subdivision and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage. Velocities in excess of six (6) feet per second may be considered erosive. Depths of flow within the "Dangerous" range by Figure [4.3.1.C \(Chapter 35- Appendix H\)](#) ~~504-2~~ shall be considered dangerous to life.
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (3) The danger that materials may be swept onto other lands to the injury of others.
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The impact the development may have on the overall function of the stormwater facilities and the impact on properties in its own and connecting watersheds. This may include but not be limited to changes in discharges as a result of changes in impervious cover, velocity, storage, creek roughness, etc.
 - (6) 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 [4.3.1.C \(Chapter 35- Appendix H & Sec 15.3 Unflooded Access\)](#) ~~504-2~~ for a [regulatory floodplain](#). ~~future 1%-annual-chance flood event.~~
 - (7) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 - (8) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the sites shall be analyzed.
 - (9) The necessity to the facility of a waterfront location, where applicable;
 - (10) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
 - (11) The relationship for the proposed use to the comprehensive plan for that area, with respect to the dedication of additional drainage easement for future bond projects, in accordance with this ordinance.
 - (12) [The floodplain administrator may deny a permit based on historical high-water rescues, repetitive losses, or other factors affecting public safety.](#)
- (b) If a floodplain development permit application is disapproved, the floodplain administrator shall notify the applicant in writing of the section and specific requirement of this ordinance with which the proposed development does not comply and the nature of such noncompliance.
- (c) [CLOMR and LOMR requirements are as follows:](#)
- (1) No construction activity is allowed in a FEMA [effective and/or regulatory](#) ~~designated one percent annual chance (1% A.C.)~~ floodplain, or on property containing a FEMA [effective and/or regulatory](#) ~~designated 1% A.C.~~ floodplain, prior to issuance of a floodplain development permit (FPDP) [and](#) ~~OR~~ issuance of any site development (or other

applicable) building permit. The floodplain administrator may (but is not required to) waive this requirement with acceptance of evidence that such activity is outside the limits of said floodplain.

- (2) Subdivision plats with easements or property boundaries that are based on a CLOMR or LOMR shall only be approved once said CLOMR/LOMR is approved by CoSA and submitted to FEMA

AND

- (3) Subdivision plats may be recorded once the CLOMR/LOMR has been approved by FEMA or the CLOMR/LOMR has been approved by CoSA, submitted to FEMA.

AND

- (4) ~~C(2) No construction activity that will result in a change in the alignment, width, or elevation of a FEMA effective designated 1% A.C. current conditions floodplain must have a CLOMR approved by FEMA prior to beginning construction is allowed prior to a conditional letter or 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 submitted to FEMA.~~

AND

- (5) Capital Improvement Projects or projects that are federally funded, must have a CLOMR submitted to FEMA and an approved Floodplain Development Permit issued prior to the beginning of construction.

- (a) If the CLOMR proves there are increases in water surface elevations, then both the City and FEMA must have approved the CLOMR before a Floodplain Development Permit is issued.

OR

- (b) If the CLOMR proves there are decreases in water surface elevations, then only City approval of the CLOMR is required before a Floodplain Development Permit is issued.

- (6) Once the construction associated with the CLOMR has been completed, no vertical construction is allowed prior to either:

- a) a Letter of Map Revision (LOMR) is approved by CoSA and FEMA

OR

- b) a Letter of Map Revision (LOMR) is approved by CoSA, submitted to FEMA, and a performance agreement (with the associated performance bond) being approved by CoSA in accordance with section 35-F134.

- ~~(3) Excluding capital improvement projects managed by a public agency, no construction activity that will result in a change in the alignment, width, or elevation of a FEMA designated floodplain is allowed prior to a CLOMR being approved by FEMA.~~

AND

- ~~(5)(4) OTHER than work specifically associated with a CLOMR approved by the floodplain administrator (see above), no construction activity that requires a revision to a FEMA designated floodplain to meet the provisions of these floodplain ordinances (e.g. reference section 35-F125) is allowed prior to EITHER~~

- ~~a. A letter of map revision (LOMR) being approved by FEMA OR~~

- ~~b. A LOMR being submitted to FEMA AND a performance agreement (with associated performance bond), being accepted by the city in accordance with subsection 35-F134, below.~~

- (7) WHEN any CLOMR or LOMR application submitted relating to a FEMA designated Zone A (1% A.C. unstudied) floodplain meets the following criteria, all information required for FEMA to designate the floodplain as Zone AE (1% A.C. with elevation determined) shall be included:

- a) If the reach being studied and remapped is adjacent to or within five hundred (500) feet of an existing Zone AE designated floodplain,
OR
- b) If the reach limits being studied and remapped exceeds five hundred (500) linear feet in length. Reach lengths will be defined generally as the stream length being remapped in a FEMA revision box.

(8) Changes in floodplain elevation:

- a) A modeled change in floodway or floodplain elevation of +/- 0.04 foot (about 1/2") is generally considered within the computational limits of the modeling software and is not considered a change in elevation for the purposes of mapping only, provided all other requirements in Section 35-133 (c) and FEMA's 44 CFR are met.
- b) If the modeled change in floodplain elevation shows an increase outside of the applicant's property, a drainage easement, or a right-of-way, that increase will not be allowed, even if the increase is below the 0.04 foot threshold.
