

Joel Garcia

From: Diane G. Cibrian [Diane.Cibrian@sanantonio.gov]
Sent: Monday, July 14, 2008 9:14 PM
To: Roderick Sanchez; Joel Garcia; Michael.Schackelford@sanantonio.gov
Cc: Edwin Einstein; Oscar Galvan; Betty Rische; Faye R Fox; Jack MaGuire; Joyce White; Michael Makowski; Otto Migl; Richard Higbie; Sylvia Garcia
Subject: RE: UDC Chapter 35, Article IV, Section 35-421 (d) (3)

Dear Rod,

I will ask Michael to send you the letters of opposition I have received as well. I would like them as part of the record as well.

Many thanks for your prompt response to my constituent.

Diane

From: Roderick Sanchez
Sent: Monday, July 14, 2008 5:24 PM
To: Diane G. Cibrian; 'Joel Garcia'; 'Michael.Schackelford@sanantonio.gov'
Cc: 'Edwin Einstein'; 'Oscar Galvan'; 'Betty Rische'; 'Faye R Fox'; 'Jack MaGuire'; 'Joyce White'; 'Michael Makowski'; 'Otto Migl'; 'Richard Higbie'; 'Sylvia Garcia'
Subject: RE: UDC Chapter 35, Article IV, Section 35-421 (d) (3)

Mr. Garcia,

Yes, the postage-paid, return-addressed postcard that we include with every official notice we mail to owners-of-property within 200 feet does satisfy the referenced requirements of the UDC. The postcards are an added courtesy to make it easier for property owners to respond, however the property owner may also submit a signed letter if they prefer.

*Roderick J. Sanchez, AICP, CBO
Development Services Department*

Please take a moment and tell us how we are doing by taking our survey: <http://www.sanantonio.gov/dsd/survey.asp>
View our website at <http://www.sanantonio.gov/dsd/>

From: Diane G. Cibrian
Sent: Monday, July 14, 2008 9:50 AM
To: 'Joel Garcia'; Michael.Schackelford@sanantonio.gov; Roderick Sanchez
Cc: 'Edwin Einstein'; Oscar Galvan; Betty Rische; Faye R Fox; Jack MaGuire; Joyce White; Michael Makowski; Otto Migl; Richard Higbie; Sylvia Garcia
Subject: RE: UDC Chapter 35, Article IV, Section 35-421 (d) (3)

Dear Mr. Garcia,

I have asked our Director of Development Services to respond to your question and copy me. If you have additional questions or concerns, please do not hesitate to contact me. I spoke with the representative of the applicant regarding the Dreamland zoning case and notified them that I am in opposition. I have informed the applicant that if this case moves forward to the City Council, I will ask my City Council colleagues to join me in denying this request.

Thank you,
Diane

8/30/2008

From: Joel Garcia [mailto:joel@esi-a.com]

Sent: Sunday, July 13, 2008 6:09 PM

To: Diane G. Cibrian; Michael.Schackelford@sanantonio.gov

Cc: 'Edwin Einstein'; Oscar Galvan; Betty Rische; Faye R Fox; Jack MaGuire; Joyce White; Michael Makowski; Otto Migl; Richard Higbie; Sylvia Garcia

Subject: UDC Chapter 35, Article IV, Section 35-421 (d) (3)

Dear Ms. Cibrian:

I have a question regarding Chapter 35, Article IV, Section 35-421 (d) (3) of the Unified Development Code (UDC) for the City of San Antonio as amended by the City Council on April 3, 2008, which reads as follows:

An affirmative vote of at least three-fourths of all members of the city council is required to approve a proposed change to a regulation or boundary if the change is protested. The protest must be written and signed by the owners of at least twenty (20) percent of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet there from. In computing the percentage of land area, the area of streets and alleys shall be included in the computation. Written protests must be received by the director at the Development Services Department offices no later than 4:00 P.M. of the previous business day prior to the posted date and time for the zoning hearing on the City Council's agenda. If the written protests appear to be at least 20% of either the area of the lots or land covered by the proposed change or the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred (200) feet there from the applicant shall be entitled to, but is not required to request an automatic continuance if all members of the City Council are not present.

Additionally V. T. C. A. Local Government Code § 211.007 (c), states:

Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by Section 211.006(a).

Pursuant to V. T. C. A. Local Government Code § 211.007 (c) the Development Services Department of the City of San Antonio will be sending "official notice" to the property owners that are within 200 feet of the property that is the subject of the zoning case. Included in the official notice is a postcard that can be sent back to the Development Service Department requesting a reply if the property owner receiving the official notice is in favor of, or opposed to the rezoning request for the subject property.

My question is this: Does returning the postcard included in the "official notice" satisfy the underlined portions of the above referenced UDC Sec. 35-421 (d) (3)?

Joel Garcia
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San Antonio, TX 78230
(210) 492-4084