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FOR IMMEDIATE RELEASE

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SAFA Responds to the City's Release of the 3rd Party Reviewer's Opinion on the CoSA Website Home Page

San Antonio's City Attorney's Office hired an out of state lawyer, S. Mark White, Esq., to review the zoning of Planned Parenthood South Texas' (PPST) new Ambulatory Surgical Center (ASC) at 2140 Babcock and opine about Texas Law. Today, the City published his opinion that discusses legislative intent on the home page of its website. White is not licensed to practice law in the State of Texas yet he issued a legal opinion about Texas Law. The City's Unified Development Code (UDC) is Texas Law. White has engaged in the unauthorized practice of law and SAFA will file complaints with the State Bar of Texas.

This is another example of another broken process in the City. Not only was the zoning process broken by the Development Services Department's Director Roderick Sanchez and Assistant Directors John Jacks and Michael Shannon, the City is doing its very best to cover up their previous bad zoning decision. The fact remains that no one outside the DSD knew that Planned PPST was really the business buying the 2140 Babcock property and not one Dreamhill Estates' resident was given that notice when the zoning decision was made. A front company, Delantero Investors LTD, with common ownership to PPST was created and used to cloak the whole project. Now, it has been discovered that the 3rd Party Review process is also broken since the City contracted an unlicensed attorney to provide a legal opinion to get the City out of a land-use bind.

San Antonio Taxpayers should be outraged at the waste and cover up that the City is exhausting to sweep this scandal under the rug. The only way that the unlicensed legal opinion was published on the City's website is by directive of the Mayor or City Manager. And, even though the unlicensed 3rd party legal review of the improper zoning of 2140 Babcock holds the City harmless, this opinion was expected. The City has a history of using 3rd party reviewers to displace responsibility and accountability. SAFA spent many evenings over the last months at Citizens To Be Heard forewarning the Mayor and Council of the concerns about his biased behavior and lack of independence.

After researching White, visiting and corresponding with him, it became obvious that he was not independent. He has previously worked for the City (1999-2001), bragged about being the author of a large portion of the City UDC (the very law he was giving his opinion on), and stated that he hoped to do more work after this review was completed. He never asked a single, solitary question of any of SAFA or SAFA's legal counsel. He repeatedly stated he didn't need the information SAFA had and that he had everything he needed to make his opinion. He attended the University of North Carolina Chapel Hill at or around the same time as Ivy Taylor was enrolled there. He references the International Building Code (IBC) then acts as if the UDC definitions have no validity. Used in this way, the IBC contradicts the UDC Use-Matrix. He acknowledged that a subjective Material Similar Use decision had been made by the DSD comparing that the outpatient 'day' surgeries of LASIK and abortions were similar. Then he stated that no ratification of the subjective decision was required contrary to the DSD's own online training manual. He ignored the City's own Building Related Fire Codes Appeals and Advisor Board's two Resolutions passed requesting the City's Board of Adjustment and the Mayor and Council to review the base zoning of 2140 as the majority of the BRFCAAB "Construction Board", made up of stakeholders, acknowledged a previous bad zoning decision committed by the DSD regarding 2140.

People usually defend what they author. That's happened here too. The City contracted with the non-licensed attorney to say that the DSD followed the law and the process. Moreover, the City is using White to stipulate that an ASC is the same use as a medical clinic while simultaneously manipulating the 'Citizen Partnership' process to amend the UDC. The DSD has marginalized two Citizens' proposed amendments requiring an ASC to be located in only C-2 or C-3. The DSD is using this planning process to change the definition of an ASC to the same as a medical clinic. If the 3rd party review is correct, why does the definition of an ASC need to be changed? Will the DSD sponsor the change to the ASC definition after the ASC clarification amendment was officially withdrawn by the two Citizens on October 6th?

Mayor Ivy was recently quoted in SA magazine saying "I feel God played a role in me getting here." She was also complimented by her Chief of Staff who said, "She's not a political person. She does the right things, for the right reasons." SAFA believes in Ivy's religious freedom. Will Ivy honor God, do the right thing for the right reasons and protect residential neighborhoods? Will she make PPST move its improperly zoned surgical operations and cold storage from 2140 Babcock?

45 NE Loop 410, Ste. 100, San Antonio, TX 78216 | Tel: (210) 928-7232 | Fax: (210) 344-0560

www.SanAntonioFamilyAssociation.com |  info@SanAntonioFamilyAssociation.com |  SanAntonioFamilyAssociation |  @SAFAfamily