



***Protecting, Defending and Promoting the Family,
the building block of society***

The San Antonio City Council is set to vote on redefining “Ambulatory Surgical Center” (ASC) for zoning purposes for the City of San Antonio (CoSA). This vote will take place on Thursday, December 17, 2015. The effect of the redefinition will allow ASCs to be legally located in Commercial-1 (C-1) zoning. A C-1 is the least restricted commercial zone and often provides a buffer between larger businesses and residential areas. The types of businesses in a C-1 are usually your neighborhood restaurants, florists, barbershops, and other small businesses. Small medical office buildings such as pediatricians or dentists are also properly zoned C-1. The redefinition equates ASCs with medical office buildings and will allow for ASCs such as Planned Parenthoods, which perform abortions, to be located adjacent to residential areas.

This vote is, in a very real sense, the closing of the circle with relation to the 2140 Babcock Planned Parenthood South Texas (ppST). This facility is located improperly in a C-1. Former Development Services Employee Trenton Robertson’s letter confirms this assertion. In his letter to a SAFA Attorney, he stated that a facility with operating rooms and cold storage could not be located at 2140 Babcock in a C-1. The Planned Parenthood at the location has two operating rooms and cold storage (which the Center For Medical Progress videos have demonstrated why the cold storage is necessary).

Consistent with the description of C-1s, 2140 Babcock is adjacent to a residential area, Dreamhill Estates neighborhood. Abortions now take place within 50 feet of residences. The once peaceful neighborhood has changed with increased traffic, numerous water & sewage line breaks, a higher crime rate, and disharmony among the neighbors because of ppST and the issue of abortion being literally in their backyard. The very issues being experienced by the residence of Dreamhill Estates will be expanded by the redefinition of ASC as other neighborhoods will face the possibility of an abortion center being built in a C-1 next to them.

‘Planned Parenthood South Texas’ deceptively began the process of locating at 2140 Babcock. The original permits were sought and granted under the name “Delantero”. Only after the time during which the residents could have appealed had expired did it become publicly known the building was going to become a regional surgical abortion center. Blatantly “Delantero” translated from Spanish means ‘a front’ and ppST, aided by the City of San Antonio and Councilman Ron Nirenberg, used this “front” to locate in a C-1. The DSD made sure there were no zoning changes that required public notice and therefore the residents of Dreamhill Estates did not receive a notice to appeal either. When the construction permit was approved no one equated “Delantero” with ppST and the residents were blind to the new, real building owner and were thereby blind-sided, given no due process of a hearing and missed the 30-day window to appeal the DSDs duplicitous actions to the Board of Adjustments because the time had expired even before noticeable changes to the building occurred.

CoSA, through the Development Services Department (DSD) led by Rod Sanchez, has waived numerous requirements and broken its own rules to allow ppST to have their regional abortion center at 2140 Babcock. The original permits were granted under an invalid finding of ‘material similar use’ (whereby a medical office building and a laser eye surgery center were equated to be the same as a surgical abortion center). The building size and scope likewise violate C-1 by over 17,000 square feet, as well as the cold storage and operating rooms. Further, the only appeals which were granted to residents of Dreamhill Estates were to the Building-Related and Fire Codes Appeals and Advisory Board (BRFCAAB).

Prior to the first of these administrative hearings the Board was informed by one of the City attorneys that they had no authority to rule on the zoning issues and only were permitted to consider the building permit in question. In other words, whether or not the ppST ASC was properly zoned or not was a question that the DSD told them they were not permitted to answer. Of course, the appeal was based on the premise that every building permit was invalid because the building was improperly zoned. The City attorney, who actually represented the defendant in the hearing over the Board, informed the BRFCAAB that they could not rule on the determinative issue, the hearing and subsequent hearings were nothing more than ‘kangaroo courts’ since any decision made by this Board had been recently change to disallow any appeals to the City Council.

But even in the ‘Kangaroo Court’, the BRFCAAB recognized the zoning was questionable publicly multiple times. In the first hearing they almost disapproved the electrical permit. During the second hearing they recommended the Board of Adjustments (BOA) hear an appeal. At the third hearing they recommend the City Council review the base zoning of 2140. Neither the BOA, nor the City Council has heeded the recommendations of the Building-Related and Fire Codes Appeals and Advisory Board.

The only action taken by the City of San Antonio, which was in response to pressure from SAFA and other pro-life coalition groups and done in hopes to sweep the matter under the proverbial rug was to hire an “independent”, third party reviewer. The “independent” third party reviewer had worked on, in fact claimed authorship credit for parts of the current Unified Development Code (UDC) and had been a past consultant on zoning issues for the City of San Antonio. He also stated he was interested in future work with the City of San Antonio. Both of these facts seem to undermine the label “independent” because in finding for the City he both defended his prior employer and earned admiration with the DSD, City Attorney and Council for future work. Additionally, he is not licensed to practice law in the State of Texas yet gave a lengthy legal opinion that the City prominently posted on the CoSA website home page.

So to close the loop on the issue the City Council is voting to redefine ASC such that it can be properly located in C-1. Even though legislatively decision this impacts only future ASCs, this vote retroactively legitimizes the decision of DSD Director Rod Sanchez. Further it favors Planned Parenthood and rewards them for their initial duplicity in seeking the original zoning permits. If the ASC is so re-defined, Planned Parenthood or another abortion business can locate anywhere in the City using a “front” name and will be considered properly zoned. The previous 2140 Babcock

denial of notice and due process will be codified and with no remedy in the Courts (which SAFA was seeking until the Plaintiff was intimidated to drop the matter and withdraw her lawsuit).

Therefore SAFA is seeking to defeat the redefinition of an ASC. In reality a vote for this redefinition is a vote for Planned Parenthood and a vote to expand surgical abortion. Help SAFA stop the San Antonio City Council from violating residential property owners' rights, endangering families, expanding surgical abortion and aiding 'Planned Parenthood'. Consider contacting Mayor Ivy Taylor (210.207.7067 and Mayor.IvyTaylor@SanAntonio.gov) and your City Councilman and tell them you don't want them to redefine ASC so that abortion centers can be located adjacent to your neighborhood.

This information brought to you courtesy of the San Antonio Family Association working to make our city SAFA.