



City of San Antonio

Agenda Memorandum

File Number:16-1821

Agenda Item Number: 22.

Agenda Date: 2/16/2016

In Control: Zoning Commission

DEPARTMENT: Development Services

DEPARTMENT HEAD: Roderick Sanchez

COUNCIL DISTRICTS IMPACTED: City-Wide

SUBJECT:

Briefing and Discussion on the proposed amendments to the Zoning Change Notification Process as recommended by the Mayor's Task Force on Preserving Dynamic and Diverse Neighborhoods

SUMMARY:

This item includes a briefing on the current notification procedures related to changes in zoning, assessment of the recommendations made by the Task Force, recommendations by the Housing Commission for public input and recommended next steps for any proposed amendments.

BACKGROUND INFORMATION:

Current notification procedures for changes in zoning are governed by both Texas Local Government Code and the City of San Antonio's Unified Development Code.

Texas Local Government Code requires that notice of the proposed rezoning be sent to property owners within 200 feet of the subject property, as indicated by the most recently approved municipal tax roll, 11 days prior to the Zoning Commission Meeting. Additionally, notice of the proposed rezoning must be published in a newspaper 16 days prior to the City Council Meeting. Agendas for the Meetings must meet the 72 hour requirement for posting.

The City's Unified Development Code follows the state statute requirements and adds additional notification for proposed rezoning requests. They are as follows:

For Zoning Commission:

- Following submittal of an application and Completeness Review, DSD posts information regarding the application received on the DSD Website
- 16 days prior to the Meeting, notice of the proposed rezoning is published in a newspaper
- 11 days prior to the Meeting, in addition to the state law requirement for notice to be sent to the owners within 200 feet of the subject property, notice is also sent to the registered Neighborhood Associations within 200 feet. A sign is also posted on the subject property.
- 72 hours prior to the Meeting, the agenda is posted on the City Hall kiosk as well as the City's Website

For City Council:

- 16 days prior to the Meeting, notice of the proposed rezoning is published in a newspaper as required by state law
- 11 days prior to the Meeting, notice is sent to the owners within 200 feet of the subject property, as well as the registered Neighborhood Associations within 200 feet.
- 72 hours prior to the Meeting, the agenda is posted on the City Hall kiosk as well as the City's Website State Law requires a $\frac{3}{4}$ vote of City Council to approve a rezoning if 20% of property within 200 feet is represented by property owner opposition.

ISSUE:

Further enhancing the transparency of the zoning change process was identified by the Task Force as a way to increase public awareness and involvement in property use changes. The Task Force recommended the following amendments to the City's current policy on proposed zoning change notifications:

1. Increase the size of the sign posted on the property and add general information regarding the request. Costs for the current size 18" X 24" sign are \$8.05 per sign, and are included in the costs of a zoning change application. Costs to rezone are based on acreage and additional fees are assessed if site plans are required or if the property is over the recharge zone. Increasing the size of the sign to 24" X 36" would cost \$18.40 per sign.

The Housing Commission recommended increasing the size of the zoning signs. Staff recommends approval of increasing the size of the sign.

Staff was also asked to look into translating the sign into Spanish and providing information regarding the applicant's purpose and contact information for the zoning request. There are concerns with adding the applicant's contact information due to misinformation regarding the zoning process. Staff would not recommend adding the applicant's contact information.

2. Require owner/applicant to provide list of tenants on the subject property and their addresses as part of the application so that staff may provide them a courtesy notice of the proposed change and the public hearings. The requirement is upon the applicant to provide this information. However, mailing costs and staff time to produce the mailouts will vary dependent on the number of notices to be sent for the total number of tenants. For example, an apartment complex may have 300 units while a shopping center may only have 10 tenants.

Additional notices mailed to the tenants of property that is the subject of a zoning request was recommended by the Housing Commission. The applicant would be required to provide the tenant addresses for the subject property as part of the zoning application. The Commission requested information regarding the cost to the applicant for the additional notices. The costs would be associated with the additional staff time and mailing costs. The costs per notice results in \$4.70 for each tenant address. Staff would also need to develop a distinct notice for tenants because property owners receive

notice that includes a cutout form to mail back to staff regarding their support or opposition. This is a state law requirement regarding written opposition received that triggers the requirement of a ¾ vote by City Council to approve a rezoning. There is room for error if the wrong type of notice is sent to a property owner versus tenant. Staff does not recommend this change as increasing the size of the sign will meet the objective of increasing public awareness.

3. Develop a procedure for rezoning notification to inform impacted citizens including renter households and business tenants within 200 feet of the property proposed to be rezoned. While not specifically prohibited, additional notice invites opposition to the proposed zoning change and places the applicant at a disadvantage. If the notice requirements are not applied uniformly, applicants will be subject to erratic procedures depending on the availability of current information. This may subject the City to equal protection or due process challenges.

Staff contacted other Texas Cities such as Austin, Corpus Christi, Dallas, El Paso, and Fort Worth to inquire about notification procedures related to residential renters and business tenants. In each case, staff was informed that in each of the aforementioned cities, only property owners were notified. Additionally, the City of Austin notifies property owners within 500 feet while the Texas Local Government Code only requires a 200 foot notification area. Austin also notifies registered environmental groups within 500 feet of a property being rezoned.

The Housing Commission did not recommend this change so it will not move forward for a proposed amendment to the notification process.

ALTERNATIVES:

N/A

FISCAL IMPACT:

Recommendations that change the zoning notification process could result in increased expenses. This could result in an increase in application fees.

RECOMMENDATION:

The Housing Commission recommended the two changes to the size of the sign and notification of tenants on the subject property for additional public input. Stakeholder outreach has begun with written surveys distributed to stakeholders. Staff has developed an online survey to continue to gather additional public input through March 5. Staff will provide a recommendation to the Housing Commission, Zoning Commission, Planning Commission and City Council according to the proposed timeline below:

February 2016: Finalize Policy Recommendation and gather stakeholder outreach

March 2016: Housing Commission and City Council Housing Committee Presentation and Consideration

April 2016: Zoning Commission/Planning Commission Hearings (with PCTAC Recommendation)

May 2016: City Council Consideration