

F. Alternative Compliance Findings. An application for alternative compliance may be requested in accordance with Section 2.8.4.1 to modify the build-to requirement, subject to the following findings:

1. The approved alternate meets the intent of the build-to regulations;
2. The approved alternate conforms with the Comprehensive Plan and adopted City plans;
3. The approved alternate does not substantially or negatively alter the build-to pattern that is harmonious with the existing built context;
4. The change in percentage of building that occupies the build-to area or increased setback does not negatively impact pedestrian access, comfort or safety; and
5. Site area that would have otherwise been occupied by buildings is not utilized for parking and is converted to an outdoor amenity area; and
6. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.

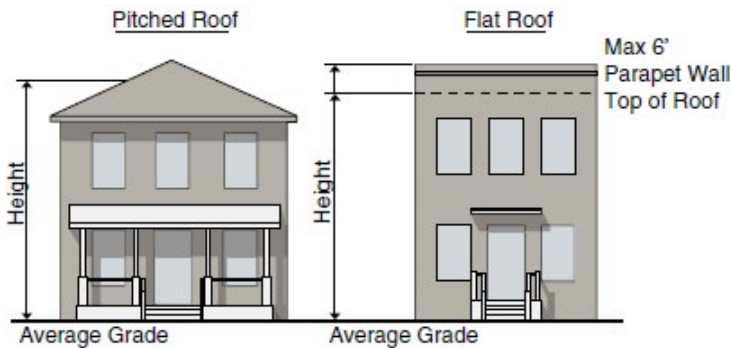
This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

DIVISION 4: BUILDING HEIGHT

Section 4.3.4.1 Measuring Height

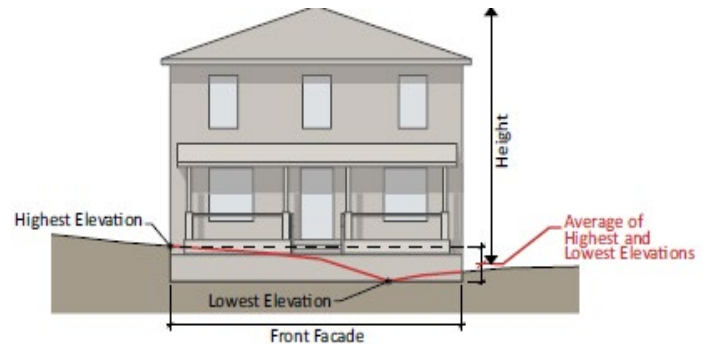
A. Building Height. Building height is regulated in both number of stories and feet and is measured from the average grade to the mean height level between the eaves and ridge of a gable, hip, mansard, or gambrel roof or to the highest point of roof surface of a flat roof.

FIGURE 4.9 MEASURING HEIGHT



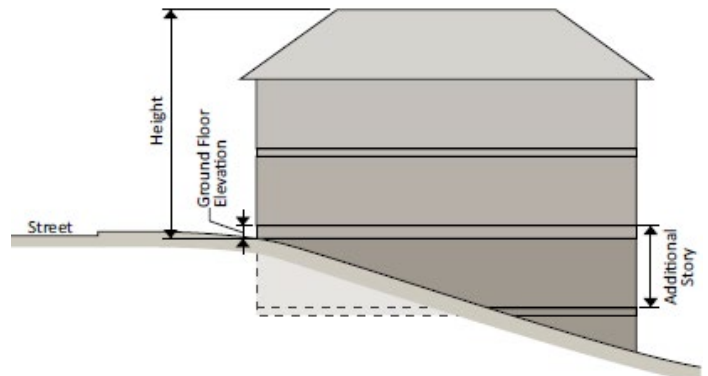
B. Average Grade. Average grade is determined by calculating the average of the highest and lowest elevation along pre-development grade or improved grade (whichever is more restrictive) along the front of the building parallel to the primary street setback. Where mass-grading has been approved by the City, average grade shall be considered the improved grade following such mass grading.

FIGURE 4.10 AVERAGE GRADE



C. Where a lot slopes downward from the front property line, one (1) story that is additional to the specified maximum number of stories may be built on the lower portion of the lot.

FIGURE 4.11 STORIES BELOW GRADE

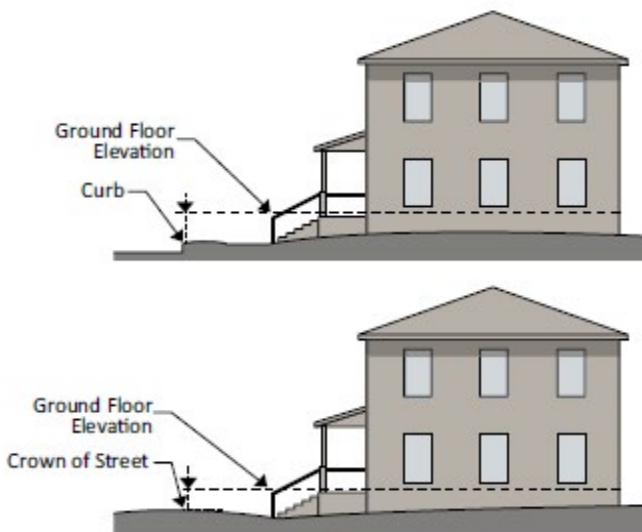


1. Mezzanines extending beyond 33% of the floor area below shall be counted as an additional story.
2. A basement with 50% or more of its perimeter wall area (measured from finished floor elevation) surrounded by finished grade is not considered a story.

Section 4.3.4.2 Ground Floor Elevation

- A. Ground floor elevation is measured from the average curb level of the adjoining street, or if no curb exists, the average level of the center crown of the street to the top of the finished ground floor.

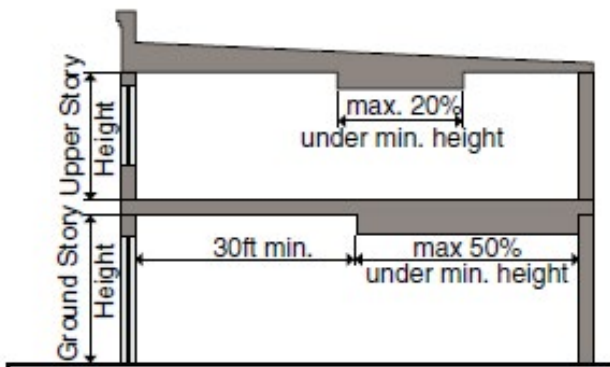
FIGURE 4.12 MEASURING GROUND FLOOR ELEVATION



Section 4.3.4.3 Story Height

- A. Story height is measured from the top of the finished floor to the ceiling above.
- B. Minimum ground story height applies to the first 30 feet of the building measured inward from the street facing facade. At least 50% of the ground story must meet the minimum ground story height provisions.

FIGURE 4.13 MEASURING STORY HEIGHT



Section 4.3.4.4 Minimum Two-Story Requirements

- A. Minimum two-story requirements apply to the first 30 feet of the building and may include a roof top patio where a minimum of 60% of the patio is covered.
- B. A building with a single story measuring a minimum of 25 feet from finished floor to finished ceiling can satisfy the minimum two-story requirement.
- C. **Intent.** The intent of the two-story minimum requirement is to ensure that the building scale is compatible with other structures and the relationship of the building to the public space. A minimum building height also serves to promote a mixture of uses.
- D. **Alternative Compliance Findings.** The Planning and Zoning Commission may in accordance with Section 2.8.4.1 allow an alternative to the minimum two-story requirements, subject to the following findings:
1. The approved alternate meets the intent of the minimum two-story requirements;
 2. The approved alternate conforms with the Comprehensive Plan and other adopted City Plans; and
 3. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines.
 4. Consider the following:
 - a. Is the applicant proposing a one-story portion to a new building or a new building that is just one-story?
 - b. If the proposal includes a one-story portion, is this portion being used to transition to a neighborhood context? Does the one-story portion have a specific use that is best served by a one-story in height building?
 - c. Does the one-story portion of the building also include a rooftop amenity space that resembles a second story?
 - d. If the proposal is for a one-story building:
 1. Is the location appropriate for just one story? A one-story building proposal may be more

appropriate with the Approach design context than the University Edge context (See Design Guidelines).

2. What is the use and how is the rest of the site being developed? For instance, is the proposed building a restaurant and an outdoor dining area will be incorporated? Is the building a community center but a large community garden will be created on site?

This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

Section 4.3.4.5 Residential Height Compatibility Standards

- A. **Height Stepback.** A maximum building height of thirty-five (35) feet shall apply to portions of a structure within seventy (70) feet of a single-family zoning designation (measured from the property line).

(Ord. No. 2020-60, 9-1-2020)

Section 4.3.4.6 Additional Stories or Height

- A. **Alternative Compliance Findings.** The City Council may in accordance with Section 2.8.4.1 allow additional stories in the CD-5 or up to two additional stories in CD-5D zoning districts, subject to the following considerations:
 1. The project is consistent with the objectives and guidelines from the City’s Comprehensive Plan and Downtown Master Plan where applicable.
 2. For a residential project, the additional stories provide an opportunity to include a minimum of ten (10%) percent of the project as affordable housing under Section 4.3.1.1;
 3. For a residential project, the additional stories provide an opportunity to include a minimum of twenty (20%) percent of the project as workforce housing under Section 4.3.1.1;
 4. The additional stories provide an opportunity for additional professional office or commercial space providing employment opportunities;
 5. The additional stories provide an opportunity to deliver a building that is rated a minimum of a silver in the LEED green building program;

6. The additional stories provide an opportunity to include child care within the facility;
7. The additional stories provide an opportunity to add public parking in or adjacent to the downtown;
8. The additional stories provide an opportunity to include on-site publicly accessible open space in excess of the open space required under Section 3.10.1.2.
9. In CD-5D and the five downtown Design Contexts, the approved alternate conforms to the Downtown Design Guidelines; and
10. The project proposes architectural elements that mitigate any effects on adjacent properties or the pedestrian experience from the street level.

This Section was approved by Ordinance No. 2021-16 on 3-16-2021.

Section 4.3.4.7 Varied Massing Requirement

- A. **Applicability.** The varied massing requirements apply to buildings in the CD-5D district that meet the following criteria:
 1. The building is over three (3) stories in height; and
 2. The building has a frontage greater than sixty (60) feet in width.
- B. **Intent.** The intent of the varied massing requirements is to:
 1. Encourage and enhance the variety in building heights that exists in downtown San Marcos that help to define the character of the area;
 2. Ensure that new development continues the tradition of height variation, expressing and supporting human scale and architectural diversity in the area;
 3. Ensure that a traditional scale at the street level is maintained in order to reflect the design of historic buildings downtown; and
 4. Preserve views to notable buildings throughout downtown including the Courthouse Square, historic landmarks, and churches, and to areas adjacent to downtown. Reference Design Guidelines in the Design Manual for additional information regarding views.