

<b>Conditional Use Permit</b>	<b>100 W Hopkins St.</b>
<b>CUP-26-04</b>	<b>The Vault and Saké</b>



**Summary**

<b>Request:</b>	Renewal of a Conditional Use Permit (CUP)		
<b>Applicant:</b>	Marshall Hogan 100 W. Hopkins Street San Marcos, TX 78666	<b>Property Owner:</b>	Scott Trainer P.O. Box 160896 Austin, TX 78716
<b>CUP Expiration:</b>	February 12, 2026	<b>Type of CUP:</b>	CBA Restaurant
<b>Interior Floor Area:</b>	4,600 sq ft	<b>Outdoor Floor Area:</b>	N/A
<b>Parking Required:</b>	N/A	<b>Parking Provided:</b>	N/A
<b>Days &amp; Hours of Operation:</b>	Tuesday-Saturday: 7pm-3am      Sunday & Monday: Closed		

**Notification**

<b>Posted:</b>	January 23, 2026	<b>Personal:</b>	January 23, 2026
<b>Response:</b>	None as of the date of this report		

**Property Description**

<b>Legal Description:</b>	Part of Lots 1-2, Block 10 in the Original Town of San Marcos		
<b>Location:</b>	Northwest corner of W Hopkins Street and N Guadalupe Street		
<b>Acreage:</b>	0.14 of an acre	<b>PDD/DA/Other:</b>	N/A
<b>Existing Zoning:</b>	Character District 5 Downtown (CD-5D)	<b>Proposed Zoning:</b>	Same
<b>Existing Use:</b>	Restaurant	<b>Proposed Use:</b>	Same
<b>Preferred Scenario:</b>	Mixed Use Medium	<b>Proposed Designation:</b>	Same
<b>CONA Neighborhood:</b>	Downtown (CBA)	<b>Sector:</b>	8
<b>Utility Capacity:</b>	Adequate	<b>Floodplain:</b>	No
<b>Historic Designation:</b>	Downtown HD	<b>My Historic SMTX Resources Survey:</b>	Yes, High Preservation Priority

**Surrounding Area**

	<b>Zoning</b>	<b>Existing Land Use</b>	<b>Preferred Scenario</b>
<b>North of Property:</b>	Character District 5 Downtown (CD-5D)	Bank/ Personal Services	Mixed Use Medium
<b>South of Property:</b>	Character District 5 Downtown (CD-5D)	Retail Sales and Services	Mixed Use Medium
<b>East of Property:</b>	Character District 5 Downtown (CD-5D)	Restaurants and Bars/ Retail Sales	Mixed Use Medium
<b>West of Property:</b>	Character District 5 Downtown (CD-5D)	Retail Sales and Services	Conservation/Cluster

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**Staff Recommendation**

**Consistency with Land Development Code:**

- Staff finds the request consistent with the following:  
**Criteria 1, 2 3, 4, and 5 in Section 2.8.3.4 and Criteria 8, 9, 10, and 11 in Section 5.1.5.5.**
- Staff had a neutral finding on the following:  
**Criteria 6, 7, and 8 in Section 2.8.3.4.**

**Section 5.1.5.5.4.B is to be applied when reviewing a Conditional Use Permit request for a Restaurant within the Central Business Area:**

- Staff finds the request consistent with the following:  
**Criteria 1, 2, 5 and 6 in Section 5.1.5.5.4.B.**
- Staff had a neutral finding on the following:  
**Criteria 3 in Section 5.1.5.5.4.B**
- Staff had an inconsistent finding on the following:  
**Criteria 4 in Section 5.1.5.5.4.B**

**If the Planning and Zoning Commission recommends approval Staff recommends the following conditions:**

1. The permit shall be valid for one (1) year, provided standards are met;
2. Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5(4)(b), Eating Establishments – Downtown CBA Boundary;
3. The permit shall be posted in the same area and manner as the Certificate of Occupancy.

<b>Staff:</b> Craig Garrison	<b>Title:</b> Planner	<b>Date:</b> February 4, 2026
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**History**

The Vault & Sake has held a “Restaurant (Eating Establishment)” Conditional Use Permit (CUP) since 2009. Both the Vault and Saké operate under the same TABC license and existing Restaurant CUP. In accordance with the Development Code, a “Restaurant (Eating Establishment)” located within the Central Business Area (CBA) must meet certain standards related to kitchen equipment, meal periods, advertisement, and cleanliness outlined in Section 5.1.5.5.B.4.b.

**2009:** The initial Conditional Use Permit was approved by the Planning and Zoning Commission.

**2009-2022:** The business has been through multiple administrative renewals of the CUP along with renewals at the Commission level.

**2022:** The renewal of the Restaurant CUP within the Central Business Area (CBA) was approved by the Planning and Zoning Commission for three years. This permit expired May 24, 2025.

**August 2025:** The renewal of the Restaurant CUP within the CBA was approved by the Planning and Zoning Commission for six months. The six-month approval was to allow the business to come into compliance with the Development Code’s Downtown CBA Restaurant requirements.

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**Additional Analysis**

Restaurants serving alcohol within the downtown CBA are subject to the following Use Standards: After inspection, the Vault & Sake does not appear to be meeting two of the requirements as indicated in the staff report.

5.1.5.4.b Code Requirement	Observed at the Vault
Permits for an eating establishment including alcohol sales in the downtown CBA boundary are valid for three years from date of issuance. A renewal permit for a current permit holder may be administratively issued under Section 2.8.3.7.	<u>X</u>
The business must have a kitchen and food storage facilities of sufficient size to enable food preparation. The kitchen must be equipped with, and must utilize, a commercial grill, griddle, fryer, oven, or similar heavy food preparation equipment.	<u>X</u>
The business must serve meals to customers during at least two meal periods each day the business is open. A meal must consist of at least one entree, such as a meat serving, a pasta dish, pizza, a sandwich or similar food in a serving that serves as a main course for a meal. At least three entrees must be available during each meal period. A meal period means a period of at least four hours.	The proposed hours of operation <u>technically</u> meet the 8-hour minimum to be open as a restaurant within the CBA, even though there are not two advertised meal periods.
The business must be used, maintained, advertised and held out to the public as a place where meals are prepared and served.	Staff found few advertisements indicating that the business is being portrayed as a restaurant. Within the Vault, all tables and chairs, used for dining, had been removed. Upon inspection, the kitchen was not observed to be in a state ready for serving meals as of January 22, 2026.
The number of active restaurant permits in the central business area zoning district shall not exceed 25. If there are 25 active restaurant permits, any further applications for restaurant permits in the district shall be placed on a waiting list and individually referred to the Commission for consideration within 45 days, in the same order as submitted, when the number of restaurant permits is less than 25.	<u>X</u>
The business shall be responsible for maintaining the sidewalk, gutters, parking lot, all areas within 50 feet of any exit, and all areas of the permitted property in a clean and sanitary condition, free from litter and refuse at all times.	<u>X</u>

Staff previously recommended approval in August 2025 “to allow the business time to come into compliance.” Since the approval in August of 2025, Planning department staff has been working closely with the Neighborhood Enhancement Department. On January 22, 2026, an inspection was conducted by Neighborhood Enhancement, and found that food was not available, and multiple health concerns were reported. While the business has the required kitchen equipment, per Section 5.1.5.4.b.2, the business

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was not being used or maintained as a Restaurant as is required by the San Marcos Development Code, Section 5.1.5.5.4.b.4.

The Vault and Sake were not following their previous Conditional Use Permit condition: “Food shall be available to patrons in all areas of the restaurant in a manner that meets the requirements of Section 5.1.5.5.4.b, Eating Establishments – Downtown CBA Boundary;”

Due to the above analysis and after multiple inspections and attempts from the City of San Marcos to work with the business, it is viewed that the business has been conducting itself as a “Bar Use,” rather than a “Restaurant Use.”

**February 4, 2026, Neighborhood Enhancement Inspection:**

Attached is a memorandum from Code Compliance Officer, Claudia Cormier. The memo was drafted after an inspection on February 4, 2026. It is apparent that The Vault/Sake has taken major actions through their Corrective Action Plan to remedy all citations issued on January, 22, 2026. The Vault has had repeated health code citations in 2025 and 2026, and one instance of violating the Conditions of the approved Conditional Use Permit in 2026. The Vault currently is meeting the Development Code and Municipal Code Standards.

**Comments from Other Departments**

<b>Police</b>	See Attached Police Report
<b>Fire</b>	No Comment
<b>Public Services</b>	No Comment
<b>Engineering</b>	No Comment
<b>Health/Code Compliance</b>	See Attached Photos and Report

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Evaluation			Criteria for Approval (Sec. 2.8.3.4 & 5.1.5.5)
Consistent	Inconsistent	Neutral	
<u>X</u>			The proposed use at the specified location is consistent with the policies embodied in the adopted comprehensive plan.
<u>X</u>			The proposed use is consistent with any adopted small area plan or neighborhood character study for the area. <b><i>The proposed business meets goals, such as fostering small businesses, written in the Downtown Area Plan.</i></b>
<u>X</u>			The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.
<u>X</u>			The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent development and neighborhoods.
<u>X</u>			The proposed use does not generate pedestrian and vehicular traffic which shall be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
		<u>X</u>	The proposed use incorporates roadway adjustments, traffic control devices or mechanisms and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets. <b><i>No improvements are being proposed as the subject structure is an existing development.</i></b>
		<u>X</u>	The proposed use incorporates features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties. <b><i>No visual impacts are expected to cause adverse effects on adjacent properties.</i></b>
	<u>X</u>		The proposed use meets the standards for the applicable district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and the neighborhood. <b><i>The property is found within the CD-5D Zoning District within the Central Business Area which requires that a "Sale of Alcohol for on premise consumption," requires a "C" Conditional Use Permit. The business was found in violation of the approved Conditional Use Permit.</i></b>
<u>X</u>			The proposed use is not within 300 ft. of a detached single family residence located in a zoning district that only permits detached single family residences.
<u>X</u>			The proposed use is not within 300 ft. of a church, public or private school, or public hospital.
<u>X</u>			The proposed use is not within 1,000 ft. of a public or private school as outlined within section 5.1.5.5.