

ARTICLE 8: EXISTING STREETS

DIVISION 1: GENERAL PROVISIONS

This Article describes regulations for the construction of street improvements and streetscapes for existing streets throughout the City. It is intended to address when street and streetscape improvements are appropriate through the application of the pre-approved street types in this chapter. The City has an approved Design Manual which provides further details for streetscapes in the downtown and midtown intensity zones.

Section 3.8.1.1 Applicability and Intent

A. Intent

1. The intent of the existing street regulations is to provide the application of the streetscapes to existing streets to reflect the character and context of areas in the City.
2. The existing street regulations provide adequate travel lanes for vehicles, cyclists and pedestrians.
3. Administrative design adjustments approved by the Responsible Official pursuant to Section 3.6.1.1 may be appropriate when an existing building would impede expansion, when transitioning from a different street section or where strict compliance with this Development Code and the Street Design Manual would pose a safety hazard.

B. General Applicability

1. Any new development activity and any addition or repair subject to the requirements of Section 3.1.1.1 and Section 2.7.1.1 must meet street type and streetscape standards of this Article for existing streets abutting the subject property.
2. The streetscape types of Section 3.8.1.5 shall be applied based on the zoning or use of the subject property.
3. Unless otherwise specifically provided, no permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land and no building or land or any part of any building or land, may be occupied or used until the streetscape requirements of this Article have been met.

4. Gated public streets shall not be permitted.
5. Administrative design adjustments approved by the Responsible Official pursuant to Section 3.6.1.1 may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this Development Code and the Street Design Manual would pose a safety hazard.

C. Applicability for Additions and Repairs

1. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.
2. When a building or site is increased in gross floor area or improved site area cumulatively by more than ten (10%) percent, the streetscape provisions of this Article must be met.

- D. Change in Use Exempt.** A change in use does not trigger application of the streetscape requirements of this Article.

Section 3.8.1.2 Standards

A. Tree Planting

1. Unless otherwise noted below, all trees planted in accordance with this Article must be shade trees.
2. Where overhead utilities exist, one (1) understory tree shall be planted every twenty (20) feet on center, on average.
3. All required street trees must meet the design, type, and installation requirements of Sections 7.2.4.1, 7.2.4.2, and Appendix D of the San Marcos Design Manual.

B. Fee-in-Lieu

1. A cash fee for the installation of all or part of the sidewalk required under Article 8 may be accepted in lieu of construction by the Responsible Official based on the criteria included in this Section.
2. The fee in lieu shall be set by resolution of the City Council based on the average cost of construction of sidewalks.

3. The Responsible Official shall consider the following criteria when evaluating a request for fee-in-lieu of construction:
 - a. Proximity to the nearest existing sidewalk;
 - b. Proximity to public facilities, such as public or private schools, libraries and other government buildings;
 - c. The percentage of the block face that would be improved with the construction of the streetscape improvements.
 - d. Whether any public sidewalk improvements are planned or contemplated in the area; and
 - e. Any other information deemed appropriate in the professional judgment of the Responsible Official.
4. **Sidewalk Benefit Areas.** The City shall establish a separate sidewalk account. The funds in the account shall be earmarked solely for the development of sidewalks either in the Comprehensive Plan Area in which the lot is located, or for regional sidewalk connectivity that will benefit all of the citizens of San Marcos. The City shall expend cash contributions within ten years of the date any such contribution is made.

Section 3.8.1.3 Nonconforming Streetscapes

- A. Where a streetscape along an existing street is constrained by an existing building, the Responsible Official may adjust the streetscape standards to the minimum extent necessary to accommodate the existing area between the face of the building and back of curb.
- B. The standards shall be modified in the following order:
 1. Reduce or eliminate the planting area.
 2. If necessary, replace large canopy trees with small trees that are more appropriate for the reduced area. If the planting zone is eliminated, create a bumpout to provide for tree planting.
 3. Reduce the sidewalk to the minimum width necessary to accommodate ADA accessibility.

Section 3.8.1.4 Administrative Adjustment Findings

- A. The Responsible Official may in accordance with Section 3.6.1.1 approve an existing street design adjustment, subject to all of the following findings:
 1. The approved adjustment meets the intent of this Article;
 2. The approved adjustment conforms with the Comprehensive Plan and adopted City plans;
 3. The approved adjustment does not increase congestion or compromise safety;
 4. The approved adjustment does not create additional maintenance responsibilities for the City; and
 5. The approved adjustment has been designed and certified by a Professional Engineer.

Section 3.8.1.5 Streetscape Types

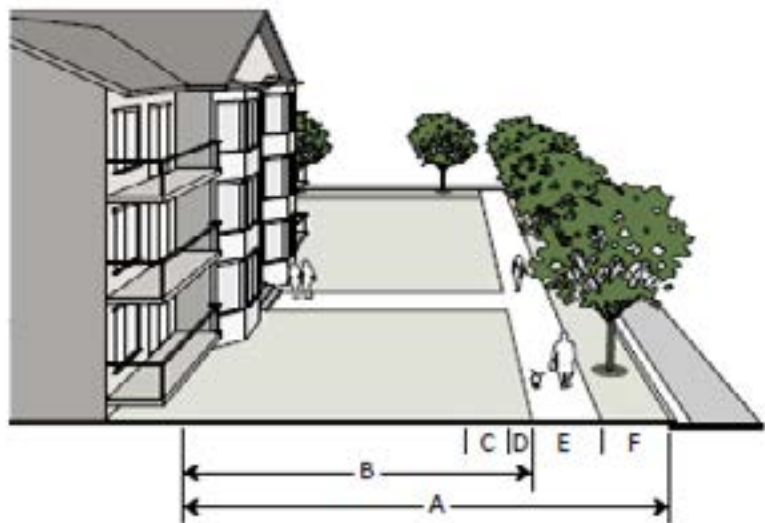
The required streetscape type is determined by the zoning district or building type. Additional design specifications for streetscape improvements can be found in the Design Manual.

Section 3.8.1.6Main Street



Applicability	CD5, CD5D
Streetscape width (max)	A 35'
Streetscape Elements	B Sidewalk (min): 10' C Planting/ Lighting/ Furniture Zone (min): 7'
Planting Type	Tree Grate
Tree Spacing	35' o.c. avg

Section 3.8.1.7Conventional



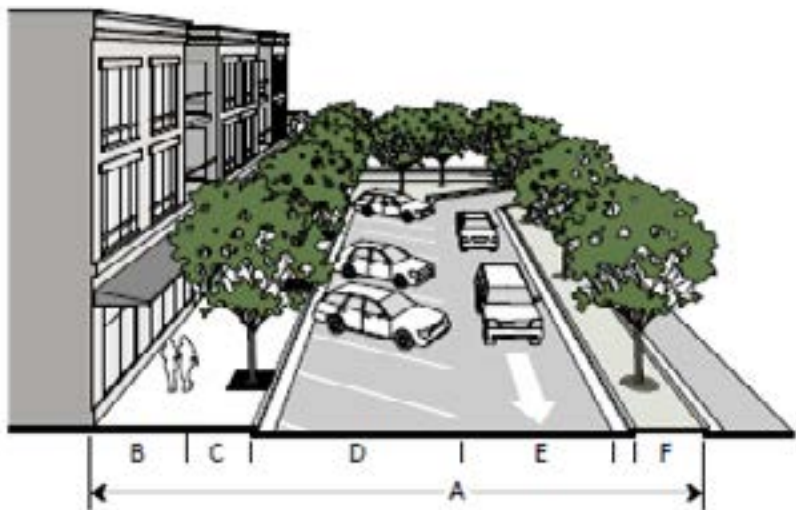
Applicability	ND4, CD4, EC, HC, LI, HI; and all other multi-family or non residential uses.
Streetscape width (max)	A 65'
Streetscape Elements	B Building Setback: Varies C Utility Placement: 5' D Maintenance Strip: 2' E Sidewalk (min): 6' F Planting Area (min): 7'
Planting Type	Tree Lawn
Tree Spacing	40' o.c. avg

Section 3.8.1.8Mixed Use



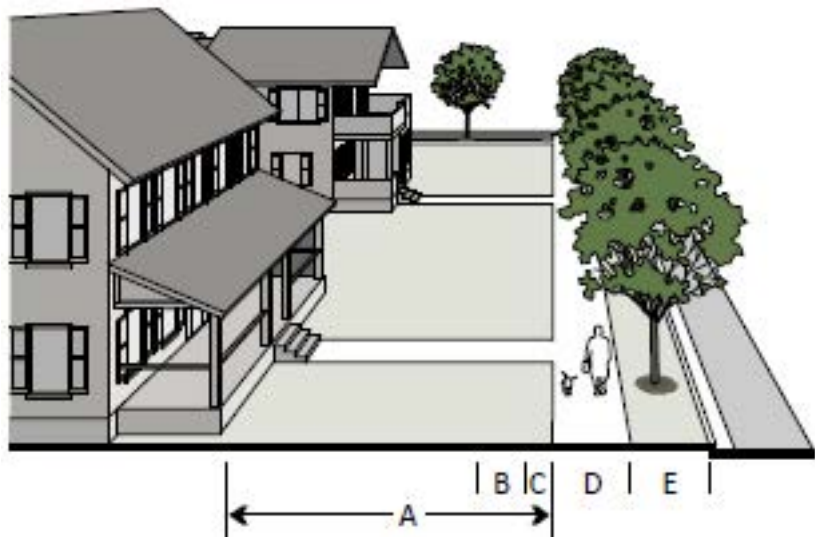
Applicability	N-CM
Streetscape width (max)	A 35'
Streetscape Elements	B Sidewalk (min): 8' C Planting Area (min): 7'
Planting Type	Tree Grate; Lawn
Tree Spacing	35' o.c. avg

Section 3.8.1.9Multi-Way



Applicability	Highway Overlay District
Streetscape width (max)	A 65'
Streetscape Elements	B Sidewalk (min): 10' C Planting area (min): 7' D Parking: 20' E Access Lane: 11' F Median (min): 11'
Planting Type	Tree grate / Lawn
Tree Spacing	35' o.c. avg

Section 3.8.1.10Residential



Applicability	All Single Family Detached, Cottage Court, Single Family Attached, and Two Family Uses.
Streetscape Elements	A Building Setback: varies B Utility Placement: 5' C Maintenance Strip (min): 2' D Sidewalk (min): 5' E Planting Area (min): 7'
Planting Type	Tree Lawn
Tree Spacing	40' o.c.