

Section 5.1.4.9 Purpose-Built Student Housing

A. Defined. One or more buildings, each containing two or more living units, that are designed, marketed, or used for the primary purpose of housing college students.

B. Use Standards

1. Student Leases. Any residential dwelling lease that is executed and effective before the issuance of a certificate of occupancy by the City enabling the tenant to occupy the premises shall include a late delivery provision providing as follows:

“In the event the Leased Premises are unavailable for occupancy on or before the commencement date of this Lease, Landlord shall offer Tenant the choice of: 1) accepting temporary safe, decent, and sanitary housing, provided by Landlord, at an alternate location within the City of San Marcos, or within a seven mile radius of the Leased Premises, with Tenant remaining bound by the terms of the Lease; or 2) terminating the Lease with no financial penalty and with full reimbursement to Tenant of all deposits and pre-paid items within 10 days.”

a. Before execution of any such lease, applicant or applicant's successor or assignee operating the purpose built student housing allowed by a conditional use permit shall, first, provide a copy of its form lease to the City for review and written approval consistent with this paragraph.

b. In the event of a late delivery, the applicant or applicant's successor or assignee operating the purpose built student housing allowed by a conditional use permit shall, first, provide a copy of any correspondence communicating information about the late delivery and/or the student's options for temporary housing to the City for review and written approval.

2. Where purpose built student housing is allowed as a conditional use it may be permitted by the City Council upon a recommendation by the Planning and Zoning Commission in accordance with Section 2.8.3.1. A conditional use permit request for purpose built student housing shall not become effective except by the favorable vote of three-fourths of all members of the City Council when the P&Z recommends denial of the request and be subject to the following criteria:

- a.** The ability for the development to transition in the future to accommodating a more diverse population;
- b.** The durability, energy efficiency, and longevity of the building;
- c.** The location of the development in relation to alternative transportation networks to and from the university including sidewalks, bike lanes, and transit networks;
- d.** Mitigation of any adverse effects on adjacent property or neighborhoods; and
- e.** Compliance with the Comprehensive Plan, Downtown Master Plan, and any other adopted city plans or policies.