



# MEMO

**TO: SAN MARCOS CITY COUNCIL**  
**FROM: WILL PARRISH, PLANNING TECHNICIAN**  
**DATE: MAY 14, 2015**  
**RE: AMENDMENT TO SMARTCODE HEIGHT ALLOWANCES WITHIN THE SMARTCODE DISTRICTS**

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## Background

The question of appropriate height was a topic of discussion during the drafting of the SmartCode, and the current Code is the result of a compromise to allow five stories by right with the possibility of additional height through a public process. The height provision was reexamined during the creation of the Architectural Standards in the year following the adoption of the SmartCode. The base standards were not changed, but the Design Guidelines were adopted to assist in the review of requests for warrants. Then in 2014, after several cases which involved applicants requesting and receiving Warrants which allowed them to construct buildings 9 stories or taller, the process was amended to require City Council approval in order to receive a Warrant for height greater than 5 stories.

After a staff presentation at the March 30, 2015, City Council workshop, Council directed staff to initiate a code amendment that will require any requests for height beyond five stories to be limited to 7 stories. In addition, staff was also directed to research and bring forward recommendations on a density bonus program for Downtown. The code revisions limiting height Warrant requests to 7 stories are attached. Staff will continue to work on the density bonus program, which will be placed on a future agenda.

In the process of reviewing the SmartCode language, Staff identified additional recommendations to height standards in the Downtown SmartCode Districts.

A clerical error in Table 1.2 has been identified and Staff recommends the table be corrected where it states that a principal building height in T3 is "not applicable", as elsewhere in the code it is limited to 2 stories.

Additionally, staff has identified a conflict in the Code that allows T4-Downtown District to build by right to 5 stories in height, which is the same height that T5 districts are allowed to build by right. In order to improve compatibility, staff recommends that the T4 Downtown districts have the same height restrictions as T4-New Development districts, which is 3 stories by right.

## Proposed changes are as follows:

1. Reduce the total allowable building height that could be requested through the warrant process to a maximum of 7 stories;
2. Correct a clerical issue in which Table 1.2 provides an erroneous "not applicable" for building height in T3 by changing it to 2 stories;
3. Reduce building height in the T4-Downtown District to 3 stories from 5, to match T4-New Development District height requirements.

## Current Code

A Warrant is a ruling that permits a practice that is not consistent with a specific provision of the Code but is justified by the provisions of Section 1.3 Intent. Most Warrants are approved by the Planning and Zoning Commission (P&Z). A warrant subject to P&Z review shall require a public hearing and personal notice of the public hearing be sent to property owners within 200 feet of the subject property. Personal notice shall be sent by

regular mail before the tenth day before the hearing date. If approved by P&Z, the applicant proceeds to site and building permit applications. Warrants for height greater than 5 stories are approved by City Council. Currently, the Code authorizes Warrants for height over five stories with no height limit, and the Design Guidelines provide additional guidance for reviewing additional height.

### **Proposed Revisions**

- **1.5 Warrants and Variances** - *This section outlines the warrant process. The following language is proposed:*

The Planning and Zoning Commission (P&Z) shall have the authority to approve or disapprove a request for a Warrant pursuant to regulations established with the exception of requests for additional height. The City Council shall hold a public hearing and finally decide all Warrant requests for heights s of 6 or 7 stories after review and a recommendation has been made by the P&Z. A warrant subject to P&Z review shall require a public hearing and personal notice of the public hearing be sent to property owners within 200 feet of the subject property. Personal notice shall be sent by regular mail before the tenth day before the hearing date.

- **Table 5.2 Building Configuration** - *This table illustrates the height requirements for each transect. Change graphic T4 graphic to represent 3 stories rather than 5. Revise reference to Section 1.5 to reflect updated language.*
- **Table 5.9 Form Based Code Graphics: Downtown – T4 (K)** – *Revise principal building height to 3 stories. Revise reference language.*
- **Other Minor Revisions for Consistency**

*Table 1.2(k) – Change Principal Building Height in the T3 district from “not applicable” to “2 stories”.  
Change Principal Building Height in T4 district from “5 Stories” to “3 stories”.*

*Revise reference language to be consistent with Section 1.5*

*Table 1.3(k) – Revise reference language to be consistent with Section 1.5*

*Table 5.10 – Revise reference language to be consistent with Section 1.5*

*Table 5.13 – Revise reference language to be consistent with Section 1.5*