

*Written Citizen Comment // 06.09.2020 P&Z Meeting*

To the San Marcos Planning & Zoning Commission:

As you consider actions on the proposed Land Development Code amendments this evening (Agenda Item 2), I ask that you accept my previously submitted comments (*attached on the following page*) urging you to please remove or defer any items that have policy implications on housing and transportation in San Marcos to later phases of the code update as associated with the Comprehensive Plan rewrite and the Strategic Housing Action Plan.

**In the chart titled Exhibit A, I strongly recommend these deferrals to include items 14, 23, 26, 30, 32, 35, 36, 37, and 38 (attached and highlighted on the following pages, as well).**

Recommending amendments that change parking policy to increase impervious cover and deepen our dependency on high carbon transportation or encourage low density sprawl to replace natural lands at higher and faster rates would be antithetical to solving the ongoing environmental crisis that is now a backdrop to our everyday.

Furthermore, with the pressures that the current pandemic is placing on citizen's financial and housing insecurity, as well as this country's long history of racial and class disparity that have been once again brought to the forefront of our minds, recommending amendments to the LDC that make it harder for people to both create and occupy small scale, incremental housing supply in all areas of town and /or occupy housing in a more affordable manner is antithetical to ending discriminatory zoning practices.

So please remove or defer the items that relate to these very serious systemic issues.

As both someone that cares deeply about San Marcos and its resilience and as someone that uses the San Marcos Land Development Code regularly and acknowledges that what may seem like a "small tweak" in this guiding document can actually have grave implications, I thank you for your review of this important matter.

Sarah Simpson  
407 S. Stagecoach Trail  
San Marcos

*Previously submitted 05.12.2020 P&Z Meeting Written Public Hearing Statement for Item 4  
Code Updates*

To the San Marcos Planning & Zoning Commission:

As you consider recommendations for text amendments to the Land Development Code this evening (Agenda item 4), I urge you to remove and defer any items that have policy implications on housing and transportation in San Marcos to later phases of the code update as associated with the Comprehensive Plan rewrite and the Strategic Housing Action Plan.

As outlined by staff, any code updates to follow after the current Phase 2 items before you this evening are to include "all items which would have a policy implication" and are to be postponed until a new "Comprehensive Plan and city-wide visions and goals are adopted." Policy changes should be determined holistically and by the community any time the comprehensive plan is updated. Addressing them piecemeal and outside of this process undermines the integrity of the comp plan vision and negates collective community input.

Please honor and acknowledge the process outlined by staff - as well as the many years of collective input that went into Vision San Marcos and the resulting land development code that was just recently adopted - and pull the items that will have major impacts on housing affordability and sustainable transportation policy. **In the chart titled Exhibit A, I strongly recommend these to include items 14, 23, 26, 30, 32, 35, 36, 37, and 38 (attached and highlighted on the following pages, as well).**

Please defer these items to the comprehensive plan rewrite or to further action with the strategic housing action plan so that the community and associated focus boards can collectively determine direction on these and maintain the integrity of the current code and comp plan. These items have serious policy implications and will negatively impact housing affordability, sustainable transportation progress, and the holistic environmental vision as laid out in the Vision San Marcos. To include these items in any set of recommendations this evening will undermine the housing committee's work as well as the integrity of past and future comprehensive plans.

Thank you for your review of these and any other items you see to have policy implications.

Sarah Simpson  
407 s. Stagecoach trail  
San Marcos

Please remove highlighted items that have major housing affordability and transportation policy impacts.

## Exhibit A - Recommendation Table

Policy change different from intent of the proposed amendment. Housing task force wanted affordability to be a distinct consideration in approvals but proposed changes do not honor this.

Item #	Amendment Type	Code Section	Proposed Amendment	
14	Housing Task Force Recommendation	<a href="#">2.5.1.4</a>	Add "meets affordability needs as defined in the Strategic Housing Action Plan" as rezone evaluation criteria.	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p><b>Staff recommends the edits as presented which would require staff and decision makers to consider alignment with <u>all</u> applicable City Council adopted plans as a criteria for approval when considering rezones.</b></p>
15	Housing Task Force Recommendation	<a href="#">3.6.3.1</a>	Exempt smaller lot and infill development from the Lot Width to Depth requirements	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p><b>Staff recommends consideration of the edits as presented. This amendment would exempt infill development only (not small lot development) from the 3:1 lot width to depth requirement. The amendment as proposed would not allow these lots to exceed a 6:1 width to depth ratio.</b></p>
16	Housing Task Force Recommendation	<a href="#">4.4.6.1</a>	Allow ADU parking in second layer of lot.	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p><b>Staff recommends the edits as presented which would allow the additional parking required for Accessory Dwelling Units in the second, as well as third layer of the lot.</b></p>
17	Housing Task Force Recommendation	<a href="#">Chapter 7, Article 6</a> <a href="#">San Marcos Code of Ordinances, Chapter 14, Buildings and Building Regulations</a>	Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p><b>Staff recommends the edits as presented which would clarify that 1) tiny homes (built to building code) are allowed in Manufactured Home zoning districts and should follow Manufacture Home park standards, and 2) that tiny home construction and inspections shall meet requirements in Appendix Q of the International Residential Code.</b></p> <p><b>Staff recommends consideration of tiny home specific standards and policy decisions following the update and adoption of the San Marcos Comprehensive Plan.</b></p>
18	Predevelopment Meetings	<a href="#">2.3.1.1 (D)</a>	Make predevelopment meetings mandatory. Provide Responsible Official with authority to waive if application does not warrant a meeting.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p><b>Staff recommends the amendment as presented to require predevelopment meetings unless waived by the Responsible Official.</b></p>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
19	Text Amendments	<a href="#">2.4.1.2 (B)</a>	Remove requirement for initial authorization from City Council for amendments initiated, requested, or directed by City Council.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendment as presented to remove requirement for initial authorization from City Council when analysis and recommendation on amendment is requested or directed by Council.</b>
20	Zoning Procedures	<a href="#">2.5.1.2-2.5.1.3</a>	Allow Planning & Zoning Commission to recommend approval of a less intense zoning district classification. Allow City Council to approve a less intense zoning district classification.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendment as presented to allow Planning and Zoning Commission and City Council to recommend and approve a less intense zoning district classification.</b>
21	Certificates of Appropriateness	<a href="#">2.5.5.5</a>	Make City Council (not ZBOA) the appellate body for City owned properties.	This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.  <b>Staff recommends consideration of the amendment as presented. This amendment would designate City Council as the appellate body for City owned properties.</b>
22	Concept Plats	<a href="#">3.2.1.1</a>	Exempt applicant from requirement for Concept Plat when applicant is ready to submit a Preliminary Plat	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendment as presented to remove requirement for a Concept Plat when the applicant is prepared to submit a preliminary plat.</b>
23	transportation Block Perimeter	<a href="#">3.6.2.1</a>	Increase maximum block perimeter in ETJ from 3,000 feet to 5,000 feet.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Major transportation policy change. ETJ in theory may one day be within city limits proper and should be developed to similar standards.</b>  <b>Staff recommends the amendment as increase the maximum block perimeter in the ETJ from 3,000 feet to 5,000 feet.</b>
24	Block Perimeter	<a href="#">3.6.2.1</a>	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.  <b>Staff recommends consideration of the amendment as presented to allow for an increased block perimeter in HI districts in order to accomodate facilities that by their nature, are larger than general commercial facilities. Staff recommends not allowing the perimeter to exceed any more than what is needed for the individual structure and the required parking and landscaping.</b>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
25	Streets	<a href="#">3.7.2.2- 3.7.2.6</a>	Align right-of-way standards in Development Code to recommendations appendix of Transportation Master Plan.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendments as presented to ensure the dimensional standards for ROW in the Development Code match the Transportation Master Plan</b>
26	housing / affordability Zoning	<a href="#">4.4.3.3.</a>	Include occupancy restrictions in CD-3 zoning.	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Major housing policy change. Occupancy restrictions in new areas of development go against affordable housing measures.</b>  <b>Staff recommends the amendment as presented to apply occupancy restrictions in CD-3 zoning districts which are intended for low density residential.</b>
27	Building Types	<a href="#">4.2.1.1 (Update 4.4.1.1-4.4.3.7 to reflect updated definition)</a>	Provide better definition for "house" and "cottage."	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.  <b>Staff recommends the amendments as presented to clarify that since a "house" and "cottage" building type are identical and the base standards of the zoning district determine the structure size and scale, only one building type is necessary.</b>
28	Historic Preservation Commission Recommendation	<a href="#">San Marcos Design Manual, Section C.5.1.1</a>	Add sustainability purpose section to Historic Design Guidelines Standards for Sustainability	Resolution 2019-03RR was approved by Council in December 2019. In February 2020, Council directed staff to bring forward amendments during the current update rather than as a separate agenda item.  <b>Staff recommends consideration of the edits as presented in order to include a purpose statement in the Sustainability Guidelines in Historic Districts section of the Design Manual.</b>
29	Event Center Use	<a href="#">5.5.5.9</a>	Add new "Special Events Facility" use	This amendment was requested by a developer in January 2020.  <b>Staff recommends consideration of the amendments as presented in order to facilitate this new use city-wide</b>
30	housing / affordability Neighborhood Density District	<a href="#">4.4.2.2</a>	Add an ND-3.2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts	City Council request to expedite this amendment at the January 7, 2020 work session.  <b>Major housing policy change. Bloats the code and undermines intent to encourage more affordable missing middle housing types.</b>  <b>Staff recommends consideration of the amendment as presented.</b>
31	Comprehensive Plan Map Amendments	<a href="#">2.4.2.3</a>	Require majority-plus-one vote from Planning & Zoning and City Council for all comprehensive plan map amendments	City Council request to expedite this amendment at the January 7, 2020 work session.  <b>Staff recommends consideration of the amendment as presented.</b>

## Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
32	Application Processing- Informational Meetings	4.1.1.6	Require Comprehensive Plan Map Amendment any time a higher intensity zoning designation is requested  Remove "Corridor" column from table.	City Council request to expedite this amendment at the January 7, 2020 work session.  <b>Staff would not recommend this amendment as presented which would require additional meetings for requests in existing neighborhoods.</b>  Major policy change. Adds significant time and expense barriers to small scale infill projects in existing neighborhoods. Removing corridor-based language undermines vision san marcos intent.
33	Neighborhood Transitions	4.3.4.5	Replace current standards with requirement that Commercial use across the street from established residential use be limited to 1 story.	The addition of this amendment was requested by City Council at the March 3rd work session.  <b>Staff recommends consideration of the amendment as presented to limit height within a certail distance of a single family zoning district.</b>
34	Durable Building Materials	4.3.5.1.7	Include a statement that the City prefers the use of Durable Building Materials	The addition of this amendment was requested by City Council at the March 3rd work session.  <b>Staff recommends consideration of the amendment as presented.</b>
35	Accessory Dwelling Units	5.1.1.2 5.1.3.1	Change from by-right to conditional use in all districts	The addition of this amendment was requested by City Council at the March 3rd work session.  <b>Staff recommends consideration of the amendment as presented which would require a CUP in low density, single-family districts.</b>  Major housing policy change. Eliminating ADUs by right goes against intent of code to allow incremental, small scale development / missing middle housing built by typical home owner. Already have requirement for primary house to be owner-occupied, piling on additional barriers to ADU creation.
36	Parking	7.1.2.1	On street parking should not count towards Multifamily parking requirement in CD-5D districts	The addition of this amendment was requested by City Council at the March 3rd work session.  <b>Staff recommends consideration of the amendment as presented.</b>  Major transportation (and environmental) policy change. Leads to increased impervious cover and underutilized assets of public on street parking in neighborhoods; barrier to small scale development
37	Parking	7.1.2.2.B.1	Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones	The addition of this amendment was requested by City Council at the March 3rd work session.  <b>Staff recommends consideration of the amendment as presented which would allow an applicant to seek approval from City Council.</b>  Major transportation / parking policy change. Main Street advisory board made a recommendation to keep this in to enable more adaptive reuse of existing buildings downtown for housing vs. bulldozing or letting them sit vacant; and to increase small scale housing projects downtown.
38	Character District	4.4.3.3	Add a Character District (CD) between 2 and 3 that allows single family with occupancy restrictions compatible with other CDs. Add maximum lot width to CD-5D.	The addition of this amendment was requested by City Council at the March 17th regular session.  <b>Staff recommends consideration of the amendment as presented.</b>  Major housing and transportation policy change. CD2 is rural and CD3 is low density housing. By creating a CD2.5 equivalent to legacy districts, undermines intent of vision san marcos to create improved development patterns that help conserve natural lands.

June 9, 2020

Commissioners,

I am going to take this opportunity to draw a line from where we find ourselves today on a national level and the actions we can take at a local level to address the continued inequalities of our times.

Through the work of the housing taskforce our community was able to gain great insight into the housing needs and wants of our citizens. We were also able to look broadly across the policies, codes, ordinances and community attitudes that stood in direct conflict to delivering these housing opportunities. We benefitted from more public engagement and citizen input than any other City initiative to date and were only in existence because city leadership said meaningfully addressing affordability in our community was a priority.

We brought forth a Strategic plan outlining concrete steps that would guarantee the needle would move on creating a richer, more inclusive and diverse community by allowing/supporting the creation of the kinds of housing that would set the stage. At that time the members of this Commission chose not to adopt the plan as it was created but rather remove the most effective/efficient strategies. I would ask why?

In addition, Code SMTX was a community informed years long initiative. The result of which was not a perfect but a much better guiding document for the continued growth and development of our community. It was adopted a few short years ago and is now literally in jeopardy of being dismantled. Again, I would ask why?

At this time in history we are again reminded that it will *never* work to favor the desires of a few over the needs of many. This community has many needs and we will not create a space for everyone if we continue to move forward with the kinds of further restrictive recommended amendments you have before you now. Neighborhoods are not things to be "protected" they are meant to be places where we welcome people into our community. By making it clear through policy and codes that you favor one kind of neighbor-the kind that occupies detached single-family homes- you are making it clear you are not interested in inclusion and diversity in your community.

I will not make specific comments here on each recommended amendment but rather submit another document outlining my thoughts.

Sincerely,

Laura Dupont

1024 W. San Antonio St.

Commissioners,

Please see the below comments regarding this evening's agenda items.

**Item #14 – Strategic Action Housing Plan:** The intention of this Housing Taskforce recommendation was to prioritize affordable housing in all rezoning decisions. Frankly, I'm very disappointed the recommendation was watered down to be one of many and feel strongly we must use affordability as the strongest lens by which we view all rezoning requests. If we do not elevate the discussion at this level we are guaranteed to not only miss opportunities to create affordable housing options but risk going backwards. I feel leaving this recommendation intact is a baseline indicator of whether or not City Leadership takes the issue of affordability in San Marcos seriously.

**Item #26 – CD 3 Occupancy Restrictions:** Expanding these restrictions is in direct conflict with the Housing Taskforce recommendation to lessen/loosen them citywide. Occupancy restrictions like this are prejudiced against lower-income communities and are a form of exclusionary zoning. The Character Districts are only for new development intensity zones so this has no impact on existing neighborhoods, where occupancy restrictions already exclude some populations or force them to live in violation of the code. It was the specific intent of CodeSMTX to omit occupancy restrictions from the Character Districts an intention supported by the work of the Housing Taskforce.

**Item #32 – "Information Meetings" for Neighborhood Districts:** This is introducing significant process barriers and costs to more affordable housing typologies in infill areas that may be fatal for proposed small projects located close to existing services. These 3 additional public meetings proposed are likely to functionally add a minimum of 2-3 months to the entitlement process already expanded in CodeSMTX for zoning categories meant for incremental infill housing. This provision will predominately punish homeowners and incremental builders disproportionately.

**Item #35 – Making ADUs a Conditional Use for all Zoning Districts:** In my opinion allowing ADU's by right was one of the biggest achievements of the LDC update in 2018. Having the ability to build an ADU on your property is one of the only ways a community member, not a "developer" could participate in adding an affordable unit to the housing pool. It is my understanding that since 2018 there have been less than 15 ADUs constructed city wide and all without issue or concern. Requiring ADU's to go through a CUP process is going backwards if the desired goal is to work towards creating affordable housing in our community. It is also in direct conflict with the intentions of CodeSMTX and SMTX 4 All Housing Taskforce recommendations.

**Item #38 – CD-2.5:** One of the primary purposes of the Character Districts is to prevent sprawl from being perpetuated in San Marcos. The proposed CD 2.5 districts injects sprawl into intensity zones and growth areas. This will punish future generations of San Marcos with more pollution, traffic, and health issues which disproportionately harms low-income communities. It creates further affordability issues by stranding populations away from employment and services without access to a personal vehicle (expensive) and is too low a density to be supported by meaningful transit services.

Sincerely,

Laura Dupont  
1024 W. San Antonio St.

## Caldwell, Shavon

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**From:** Burrell, Cesly  
**Sent:** Monday, June 8, 2020 10:24 AM  
**To:** Hernandez, Amanda; Caldwell, Shavon  
**Subject:** Fw: [EXTERNAL] Citizen Comment for Upcoming P&Z Meeting

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

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**From:** Miguel Arredondo  
**Sent:** Sunday, June 7, 2020 10:52 PM  
**To:** Planning Info <PlanningInfo@sanmarcostx.gov>  
**Cc:** P&Z Commission <P&ZCommission@sanmarcostx.gov>  
**Subject:** [EXTERNAL] Citizen Comment for Upcoming P&Z Meeting

### Dear San Marcos Planning and Zoning Commission,

It's been more than 50 years since President Lyndon Baines Johnson signed the Fair Housing Act into law. Its intent was to ban the discrimination in the sale, rental, and financing of housing. However, some of our local elected and appointed leaders continue to create barriers for thousands of San Marcos families who are desperately trying to find affordable housing that is safe, healthy, and connected to the resources they need.

I believe it's no accident that the East Side of San Marcos continues to be underserved and it does not surprise me that these same neighborhoods are just now seeing drainage projects come to fruition although we've experienced flooding on this side of San Marcos for generations.

Please know that Item #14, Item #26, Item #32, and Item #35 and the proposed changes to our land development code will have a negative impact on affordability in San Marcos and continue to segregate our community.

That is why I am emailing you to humbly request you do the following;

1. Adopt the Housing Task Force's recommended language to include "meets affordability needs as defined in the Strategic Action Housing Plan," not Staff's amended text.
2. Do not add Occupancy Restrictions to CD3 Zoning Districts and that you have a serious conversation about the severe equity issues related to the occupancy restrictions already existing in other zoning categories.
3. Reject the requirement that three additional public Informational Meetings be held for zoning map amendment requests to Neighborhood Districts.
4. Do not introduce more barriers to affordable housing and homeowner-builders by requiring CUPs for Accessory Dwelling Units. Please keep the current restrictions.
5. Do not create a sprawl-fueling CD2.5 zoning district.

Thank you for your time, your attention, and for your service to San Marcos.

Respectfully,

Juan Miguel Arredondo  
San Marcos CISD, District One (East of I-35)

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**From:** Betsy Robertson  
**Sent:** Tuesday, May 12, 2020 11:14 AM  
**To:** Citizen Comment <[CitizenComment@sanmarcostx.gov](mailto:CitizenComment@sanmarcostx.gov)>  
**Subject:** [EXTERNAL] Proposed Changes to the San Marcos Development Code

Good evening,

I served on the committee that helped develop our Land Development Code and I would like to address some of the proposed amendments to that code. I will be brief:

Section/Summary	My Comment
3.6.2.1 Increase ETJ max block perimeter	These areas may eventually be annexed and should be held to standards that we would want within the City.
4.4.2.2 Add ND-3.2 zoning	This is unnecessary and complicates the Code.
4.3.4.5 C across from established residential be limited to 1-story	“Established residential” includes multi-story MF so this would not be appropriate. Setbacks would be a better solution.
5.1.1.2 Change by right to CUP for ADUs	This violates the original intent of the Code. There is no reason ADUs should be under different oversight than houses or apartments.
4.4.3.3 Add CD 2.3	This is unnecessary and complicates the Code.

Thank you for your consideration,

*Betsy Robertson*