



Cover Memo

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	May 16, 2019
Re:	Proposed Changes to the San Marcos Land Development Code

Purpose of this Workshop:

The purpose of this workshop is to allow City Council and the Planning and Zoning Commission the opportunity to review the proposed changes, and provide Staff direction on which requests should be reviewed and brought back with a recommendation.

Background:

In April 2018 the City of San Marcos adopted the San Marcos Development Code, which was developed through the multi-year CODE SMTX process.

The purpose of the annual code review is to:

- Update content based on interpretations and practices of the department;
- Eliminate vague and unclear language; and
- Ensure the code is relevant and current with the Comprehensive Plan and the needs and desires of the Community.

As the San Marcos Development Code has only been in effect since April of 2018, there have been relatively few projects subject to the new development regulations. The number of permits submitted that have been subject to the new code are as follows:

- Character District Zoning Requests: 2 (CD-3 & CD-4)
- Character District Zoning Approvals: 1 (CD-4)
- Neighborhood Density Zoning Requests: 6 (2 N-MS, 2 ND-3.5, 2 ND-3)
- Neighborhood Density Zoning Approvals: 3 (1 ND-3 & 2 N-MS) (Exhibit E)
- Neighborhood Density District Residential Building Permits: 1 ND-3
- Accessory Dwelling Building Permits: 3
- Site Development Permits Issued: 23

Process:

Staff has broken up the recommended changes into two tables, the first is typos and clarifications. In the course of the past year, Staff has identified several sections containing typos and errors, as well as sections that contain unclear language. These sections have been identified in Exhibit A, and Staff has recommended language to resolve and clarify these code sections.

Exhibit B contains policy level recommendations. Staff has maintained a running list of recommended changes identified by the City Council as well as City Boards and Commissions for the annual review process. Additionally, over the course of the past few months Staff has solicited recommendations from the general public, and received 78 policy recommendations.

Timeline:

April 2018 – Adoption of The San Marcos Land Development Code

March 2019 – Public outreach for Annual Code update begins.

- Email Blast
 - March 12 – Code Amendment Request Forms and Table live on City Website
 - April 29 – Reminder that Code Amendment submittal period closing May 7.
- February 25 – Update Downtown Association
- March 14 – Update Historic Preservation Commission
- March 20 – Update Neighborhood Commission
- March 21 – Update Parks Board
- March 25 – Update Downtown Association
- March 26 – Update Planning and Zoning Commission Meeting

May 7, 2019 – Request for Code Amendment Recommendations closes.

May 8, 2019 – Neighborhood Commission recommends approval of two resolutions, see Exhibit D

June 2019 – Joint Work Session with City Council and Planning and Zoning Commission

Next Steps:

In order to move forward, Staff would like to receive direction from City Council on which code amendment requests should be reviewed and brought back to the Planning and Zoning Commission and City Council with a recommendation.

Due to the fact that there have been very few projects developed under the newly adopted code, Staff recommends that changes to the San Marcos Development Code should focus on correcting typo's and technical issues, as well as focusing on new items which our City Boards and Commissions have been working on over the past year, such as the C.U.P Committee and Workforce Housing Task Force recommendations.

Exhibits:

Exhibit A – Typos and Technical Errors Recommendations table

Exhibit B – Staff Recommendation for Proposed Update Review

Exhibit C – Supplemental Information

- All Update Recommendations (summarized) table
- Original Update Recommendations (un-summarized)
- Resolutions/Reports from Boards and Commissions & form letter submissions
- Map of approved Neighborhood Density Districts



Exhibit A

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	May 15, 2019
Re:	Proposed Technical Changes to the San Marcos Land Development Code

This memo includes proposed technical changes to the San Marcos Land Development Code related to typos, scrivener's errors, graphical errors, and technical errors which Staff has identified in the first year of using the San Marcos Land Development Code. These proposed changes are not intended to affect policy decisions, but rather to reflect the stated policies and standards at the time of Code adoption.

Typos / Errors:

Code Section	Change	Reason
2.3.2.1(G)	Change "2. Before the 12 th day after an application is received" to <i>". . . after an application is determined complete."</i>	Notifications are currently being sent without knowing whether a certain case is actually moving forward.
2.3.5.1(D)	". . . as set forth in Section 2.3.5.3 <i>or not to exceed the original expiration time."</i>	The table does not give an extension time frame for Final Plats
2.4.2.3(A)(2)	Change "provide web notice" to <i>"provide application notice"</i>	During the last few iterations of the draft code, "web notice" was changed to "application notice"
2.5.3.2(A)	Change "in this provision 5" to <i>"in this provision 3"</i> (Sam A)	Wrong section reference.
2.6.1.2(A)(2)(b)(1)	Add <i>"Transition Zone and Contributing Zone within the Transition Zone"</i> after Recharge Zone.	More accurately reflect the requirements in Chapter 6.
2.6.1.2(A)(2)(d)	Should be "Site Development <i>Plan Permit</i> "	Consistency
2.7.1.1(C)(3)(a)	Revise "recharge or contributing zone" to <i>"Recharge Zone, Transition Zone or Contributing Zone within the Transition"</i>	Clarity and Consistency
6.1.1.1(A)(4)	Revising heading to read <i>"Additions in Impervious Cover and/or Floor Area"</i>	Accurately convey requirements of section.
6.1.2.3(A)	Revise "stormwater detention facility" to <i>"stormwater facilities"</i>	Clarify that the cut/fill exemption applies to all stormwater facilities, not just detention ponds.
3.10.1.2(B)	Change "in civic spaces" to <i>"as plazas"</i>	The current provision needs to be clarified.

Code Section	Change	Reason
4.3.2.2	All links to 4.3.2.2 need to be changed to 7.2.4.1 and 7.2.4.2 for installation and maintenance of landscaping	References to section 4.3.2.2 regarding landscaping are from the old code.
4.3.3.2(B)4	Change “The street parallel to an alley within the block; and . . .” to “The street parallel to an alley within the block; or . . .”	Clarity
4.4.2.1	Change ND-4M to N-MS on all Building type pages and under Abbreviated Designation in list of Neighborhood Density Districts (pg 4:45). Change should be made throughout code with find/replace.	ND-4M is not a current designation
4.4.2.5(B)	Residential Infill Compatibility Applicability Section should not have the second criteria	Should apply regardless
4.5.2.1(l)	Change “1. Walls of continuity.” to “i. Walls of continuity.” and change “2. Scale of a Building.” to “j. Scale of a Building.”	Consistency
6.3.2.1(A)(1)(C)	Change “site preparation permit” to “site plan permit” for consistency.	Consistency
6.4.2.2(A)	Add “(i.e 54 inches)” after “four and one half feet”	For clarity
6.4.2.2(B)	½ symbol not recognized in text, math does not compute correctly. Replace with .5.	Math problem in text does not compute correctly.
7.1.4.3(B)	Change “in Section 4.3.2.2” to “in Section 7.2.4.1”	Wrong reference
7.1.4.3(C)	Remove duplicate language “Interior islands may be . . . preserve existing trees” from 7.1.4.3(C)(1)	This is stated in 7.1.4.3(C)(5), so it does not need to be stated in 7.1.4.3(C)(1)
7.2.1.2(F)	Change “. . . and installation requirements in Section 4.3.2.2” to “. . . and installation requirements in the design manual. ”	Section 4.3.2.2 refers to measuring sizes of lots
7.3.1.8(C)	Change “violation of a spacing or location restriction in Section 7.3.1.6” to “. . . in Section 7.3.3.3 Location and spacing restrictions.”	Section 7.3.1.6 Location Restrictions does not contain the relevant location restrictions
7.5.2.1	Figure 7.23 Environmental Performance Map should be in color	The map is very difficult to read
9.1.1.1	In the “Division 1: General” sentence, add Chapter 1, 2, and 8 (everything except 4 and 5)	
9.4.2.2	This section needs to reference the Chapter 4 design standards	The Exterior Design Requirements for Buildings Section 9.4.2.2 does not provide the design requirements.
General	New code still says “Engineering Director” in a few spots	Should be revised to Responsible Official

Technical / Clarification:

Code Section	Change	Reason
2.3.5.3	Possibly expand the table to <i>include plats and replats</i> and <i>specify the extension period</i>	There is no specific provision stating that extensions are for one year; the old code was more specific about one year extension
2.7.1.1(F)	Tighten up exemptions to site plan permit requirements; maybe just add <i>“Documentation is required”</i> after “2. Agricultural uses.”	Clarity
2.7.1.4(A)(2)	Add F – <i>“Must be served by adequately by essential public facilities and services per Chapter 3, Article 5.”</i>	Accurately reflect requirements in Chapter 3.
Chapter 3	Replace all references to Traffic Impact Analysis / Transpiration Impact Analysis / Traffic Impact Assessment with <i>“Transportation Impact Assessment.”</i>	Consistency with the Transportation Design Manual approved with the Transportation Master Plan
3.1.1.7(A)(2)	Add <i>“9. Allowance for Electric Overhead and Underground Utilities easements shall be designed based on San Marcos Utilities (SMEU) Service Standards manual.”</i>	Clarify requirements of section
3.1.1.1(D)(5)	Exemptions for infill development should include <i>“the current boundaries of the property existed in the same configuration since April 17, 2018.”</i>	This exception should ensure that it is for un-platted properties and portions of lots, not necessarily giving the ability to create new lots without platting just because you’re in an existing neighborhood
3.5.2.8(B)(3)	Revise “streets” to <i>“Avenues, Boulevards, and Commercial Streets.”</i>	Consistency with the Transportation Design Manual.
3.6.3.1(B)(3)	Need to <i>create an exemption for the 3:1 lot width-to-depth ratio for Townhomes, zero-lot line</i>	Townhome lots by nature exceed the 3:1 ratio standard.
4.3.3.2	Add definition of “primary frontage”	Only “primary street” and “primary frontage” appear to be used interchangeably throughout code, however only primary street is defined.
4.5.2.1(B)(2)	Remove the “Civil Air Patrol Building A” from landmark list. Commemorative Air Force Hanger should be put back on the map. Add effective dates of Landmarks and add Old Baptist Church to list.	This was demolished in 2010 Erroneously removed For clarity

5.1.1.2	Add Live/Work to Land Use Matrix and include definition in subsequent section.	Clarity
6.1.1.1	Better clearly identify when water quality is required for redevelopments. E.g. New impervious cover but not an increase in net impervious cover.	Clearly convey the requirements
6.2.2.1	Clarify how WQZ and Buffer Zones are delineated now that entire floodplain is considered floodway.	WQZ and Buffer Zones are not shown on updated Floodplain maps.
6.4.2.4(A)(3) and (4)	Change “barriers” to “fence” After “...debris,” add “and vehicle parking...”	Ensure clarity. Ensure people do not park on root protection zone.
6.4.2.5(B)	Should be clarified, should refer to quadrants, and should also split fee-in-lieu to quadrants	
6.4.2.6	Possibly remove Red Cedar and Huisache from the Plant List.	Eastern Red Cedar and Huisache are “undesirable trees,” but they are in the Plant List; Section 6.4.2.6 Tree Credits apply to all trees in the Plant List.
7.1.2.1	Consider adding parking standard for Live/Work use	
7.20 (figure)	Add language to clarify 1 st layer along secondary along secondary street is the first 20 feet from the curb (only for fences)	Visual is unclear.
7.2.2.4(B)(2)	Should be revised to read something like “A required protective yard may not be located within any portions of an existing...” Include an applicability section to read something like “Transitional protective yards shall be required for all new development along interior side lot lines and rear lot lines, including along alley rights-of-way.”	Add clarity, could be confused to read that required landscaping cannot be located along a street frontage.

City Code Chapter 86 (San Marcos Electric Utility Requests)

Code Section	Change	Reason
86.188	<p>Revise section to read as follows:</p> <ul style="list-style-type: none"> A. Any new development in the <i>City Limits shall have underground electric utilities.</i> B. Or Any redevelopment that encroaches upon existing overhead electric infrastructure will be required to convert to underground electric infrastructure along the entire frontage of the property or development adjacent to the easement or public right-of-way in which the infrastructure is in and located to a point at which extensions and connections to future subdivisions or developments can be made. If the property or development is not adjacent to an easement or public right-of-way, the extension of electric lines shall be accomplished in such a manner as to allow future extensions and connections to new subdivisions or developments. If new subdivisions or developments cannot be constructed beyond the applicant's property due to physical or legal constraints, the Director or <i>his designee</i> may waive this requirement. C. In order to maintain the electric system reliability capacity, the developer shall pay all cost associated with upgrading any electrical infrastructure necessary to serve new or increased electric load resulting from any new development or redevelopment within the San Marcos Electric Utility service area. D. Design and construction standards for overhead and underground electric utility infrastructure are available from the San Marcos Utility (SMEU), a division of the City of San Marcos Public Services Department. <i>in the City Limits are available from the Engineering Department from the Service Provider in the area.</i> E. <i>All Overhead service installations in the City limits shall be on steel poles (45' Class 3).</i> F. <i>Allowances for Electric Overhead and Underground Utilities easements shall be designed based on San Marcos Utilities (SMEU) Service Standards manual.</i> 	<p>Divide into subsections and modify language to clarify regulations and standards.</p>



Exhibit B

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	May 16, 2019
Re:	Staff Recommendation of Code Updates to Review

Proposed Code Updates:

In addition to the typos and technical clarifications that Staff has tracked over the course of the last year, the Engineering Department identified several code sections that could be amended in order to align and avoid conflict with other code sections.

Additionally, within the past year, City Council has directed several City Boards and Commissions to provide recommendations on items that may have an impact on the San Marcos Development Code. During the outreach phase of the Code Update process, reports and resolutions regarding new items not addressed in the CODE SMTX process were submitted by these Boards and Commissions.

Staff also received input from various citizens and citizen groups. Much of the input from the community, including items from some City Boards and Commissions, involves items that were discussed at length during the CODE SMTX process. Staff recommends focusing on new items and items that the Council has previously directed the Boards and Commissions to review.

Staff Recommendation

Staff recommends that the City Council authorize Staff to focus the update on the typos and technical clarifications, and review the impact of the proposed code updates submitted by the Engineering Department and the various City Boards and Commissions. This will allow Staff to provide thorough analysis and make a recommendation on the proposed updates to the Planning and Zoning Commission and City Council. Proposed updates from the Engineering Department and City Boards and Commissions include:

Engineering Department

Purpose: Align with the overall intent of the Code and avoid unintended barriers or consequences.

- Add waiver of detention/retention option for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund (3.9.1.1.G)
- Add exception to water quality requirements for residential plats of 4 lots or less (6.1.1.1.B)
- Add waiver of detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District (6.1.1.2.B)

- Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction (6.2.2.3.C)
- Require reclamation of water quality zones to incorporate natural channel design and shape (6.2.3.2)
- Add waiver of geological assessment requirement for sites that do not warrant assessment (6.3.2.1.C)

CUP Committee:

Purpose: Provide citizens with more opportunities to provide input and limit excessive noise.

- Expire conditional use permits after 3 years (2.8.3.5)
- Limit appeal eligibility to applicant only (2.8.3.6)
- Require all permit holders to keep site in clean and sanitary condition (5.1.5.5)
- Update noise ordinance to include enforcement details and procedure (7.4.2.1)

Historic Preservation Commission:

Purpose: Allow for review of paint within the Downtown Historic District as well as clarify standards.

- Require administrative CoA to paint properties in Downtown Historic District. Prohibit painting of previously unpainted masonry (2.5.5.1)
- Clarify language and figure to clearly define least and most appropriate location(s) for solar panel(s) (Historic Guidelines-C.5.1.6)
- Align primary durable material definition to Secretary of Interior definition and standard (4.3.5.17)

Housing Task Force:

Purpose: Small modifications in the development process and ordinances that can remove barriers and encourage more affordability in San Marcos with limited disruption to current development process and regulations.

- Exempt small lots and infill development from minimum lot width and depth requirements (3.6.3.1)
- Analyze the impact of all proposed amendments in relation to key findings from Housing Needs Assessment report
- Add “meets needs as defined in housing needs assessment report” as rezone evaluation criteria (2.5.1.4)
- Include “Clear Path” permitting process for projects that address affordable housing needs (4.3.1.3)
- Add waiver of permitting fees option for projects that address affordable housing needs (4.3.1.3)
- Allow ADU parking in second layer of lot (4.4.6.1)
- Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code. (5.1.5.7) and (7.6.1.1)

Supplemental Material



Exhibit B

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	May 14, 2019
Re:	Proposed Policy Changes to the San Marcos Land Development Code

This memo includes update recommendations submitted by City Council, various boards and commissions, the general public, and Staff after the first year of using the San Marcos Development Code. This list has been condensed and summarized by Staff from the individual submittals into 81 update recommendations. The original, un-summarized list of submittals is available in Exhibit C. Those recommendations that have been submitted by City appointed Boards or Committees are at the top of the list and highlighted in green.

	City Appointed Board or Committee	City Council Member	City Staff	Community Organization	Development Community	Citizen Comment
Personal Notification						
Increase personal notification area. Base on size of development (2.3.2.1)						X
Certificate of Appropriateness						
Require administrative CoA to paint properties in Downtown Historic District.	X					
Prohibit painting of previously unpainted masonry (2.5.5.1)	X					
Clarify language and figure to clearly define least and most appropriate location(s) for solar panel(s) (Historic Guidelines-C.5.1.6)						
Make City Council (not ZBOA) the appellate body for City owned properties (2.5.5.5)		X				
Alcohol Conditional Use Permit						
Expire conditional use permits after 3 years (2.8.3.5)	X					X
Limit appeal eligibility to applicant only (2.8.3.6)	X					
Require all permit holders to keep site in clean and sanitary condition (5.1.5.5)	X					
Update noise ordinance to include enforcement details and procedure (7.4.2.1)	X					
No renewal of conditional use permit required after 3 years (2.8.3.5)						X

	City Appointed Board or Committee	City Council Member	City Staff	Community Organization	Development Community	Citizen Comment
Block Perimeter						
Add waiver/exception to block perimeter requirement in Heavy Industrial districts (3.6.2.1)		X				
Streets						
When Traffic Impact Analysis is required, disallow Level of Service studies in favor of Vehicle Miles Traveled studies (3.5.2.8)				X		
Revise street sections to include maximum lane width of 11' on all City streets and 10' where 45 mph or less (3.7.2.1)				X		
Allow visually separated pedestrian lanes on existing conventional and residential streets (3.8)				X		
Require narrowing (actual or perceived) in instances where roadway and lane widths are wider than Development Code standard (Existing Streets-3.8)				X		
Parks and Open Space Fee in Lieu						
Require Parks and Recreation Board approval for fee-in-lieu less than \$50,000 (3.10.1.3.E.3)						X
Accessory Dwelling Units						
Change from by-right to conditional use in all districts (4.2.1.2)						X
Durable Building Materials						
Align primary durable material definition to Secretary of Interior definition and standard (4.3.5.17)	X					
Allow architectural metal panels as a primary durable building material (4.3.5.17)					X	
Allow architectural fiber cement wall panel products as a secondary durable material (4.3.5.17)					X	
Waive/exempt free standing columns of shade structures from durable materials requirement (4.3.5.17)					X	
Historic Landmarks						
Include list of historic sites designated by other jurisdictions (4.5.2.1)						X

	City Appointed Board or Committee	City Council Member	City Staff	Community Organization	Development Community	Citizen Comment
Infill Development						
Exempt small lots and infill development from minimum lot width and depth requirements (3.6.3.1)	X				X	
Reduce 3,000 square foot minimum area requirement for courtyard housing (4.4.6.9)					X	
Reduce 3,000 square foot minimum area and 40' setback requirement for cottage court housing (4.4.6.4)					X	
Neighborhood Density Districts						
Redact/eliminate neighborhood density districts (4.4.2)						X
Redact/eliminate neighborhood-main street district (4.4.2.4)						X
Suspend neighborhood density districts until character studies complete (4.4.2)						X
Keep neighborhood density districts regardless of status of character studies (4.4.2)						X
Rename Neighborhood Density Districts to Neighborhood Diversity Districts (4.4.2)					X	
Add an N2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts. (4.4.2)						X
Neighborhood Transitions						
Replace current standards with requirement that Commercial use across the street from established Residential use be limited to 1 story (4.4.4.1)						X
Zoning-General						
Convert conventional residential districts to legacy districts. Require neighborhood density or character districts for future rezones (4.1)					X	
Allow up to 3 dwelling unit by right (subject to compliance with all other lot development standards and preservation of primary structure) in all districts (4.3)					X	
Add Industrial zoning district to accommodate rail service expansion (4.4.5.3 and 4.4.5.4)		X				
Review possibility of adding Planned Development Districts (4.5)		X				
Maintain Planned Development Districts exclusion from Code (4.5)					X	

	City Appointed Board or Committee	City Council Member	City Staff	Community Organization	Development Community	Citizen Comment
Purpose Built Student Housing						
Prohibit Rent by the Bedroom Purpose-Built Student Housing (5.1.4.7)						X
Need definition for Purpose Built Student Housing that includes "Rent by the Bedroom" (5.1.4.7)		X				
Rental Registration						
Remove mandatory rental registration (5.1.4.1.B)						X
Maintain mandatory rental registration (5.1.4.1.B)						X
Occupancy						
Make it easier to enforce (ease burden of proof) Occupancy Restrictions (5.1.4.1.C)						X
Require following disclosure in all real estate contracts: "Property is in a Single Family neighborhood and it is illegal for more than a family plus one other person to occupy the residence" (5.1.4.1.D)						X
Stormwater Management and Water Quality						
Add waiver of detention/retention option for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund (3.9.1.1.G)			X			
Revise language for clarity. Applicability of requirement and how impervious surface should be calculated is unclear (6.1.1.1.4)					X	
Credit reduced impervious cover against overall 25% increased area calculation (6.1.1.1.4)					X	
Add exception to water quality requirements for residential plats of 4 lots or less (6.1.1.1.B)			X			
Add waiver of detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District (6.1.1.2.B)			X			
Reduce/limit Watershed Protection Plan requirement(s) for small commercial and multi-family. Offer toolbox of best practice, off the shelf options for meeting water quality and volume standards (2.6.1.1.D) and (6.1.4.1.D)					X	
Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction (6.2.2.3.C)			X			
Require reclamation of water quality zones to incorporate natural channel design and shape (6.2.3.2)			X			

	City Appointed Board or Committee	City Council Member	City Staff	Community Organization	Development Community	Citizen Comment
Stormwater Management and Water Quality (continued)						
Add waiver of geological assessment requirement for sites that do not warrant assessment (6.3.2.1.C)			X			
Add enhanced protections section for re-routed creeks (General-Chapter 6)				X		
Qualified Watersheds should be administrative and not require Planning and Zoning approval. (2.6.1.1)		X				
Parking						
Maintain exemption for projects of 10 or fewer units in CD-5 and CD-5D zones (7.1.2.2.B.1)	X					
Prohibit excessive parking (7.1.1.3)					X	
Eliminate minimum off-street parking requirements. Allow to be delivered based on demand, cost, and value. (7.1.2.1)					X	
Eliminate minimum off-street parking requirements for development within ½ mile of transit with frequent service (7.1.2.1)				X		
Review on-street credit towards minimum off-street requirements (7.1.2.1)		X				
Increase minimum requirements for purpose-built student housing (7.1.2.1)						X
Require 1.05 spaces per occupant rather than by bedroom (7.1.2.1)						X
Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones (7.1.2.2.B.1)		X				
Eliminate or increase parking fee-in-lieu for purpose-built student housing (7.1.2.2.C)						X
Review shared parking chart for errors. Times that spots are occupied by use appears incorrect (Table 7.3)					X	
Offer 20% reduction to transit adjacent development that offers transit passes to residents/employees or that unbundles parking cost from housing and employer benefit costs (7.1.3.2)				X		
Reduce maximum remote parking distance from 2,500 to 1,500 (Table 7.4)						X
On street parking should not count towards Multifamily parking requirement. (7.1.2.1)	X					
Solar						
Develop better incentives for on-site solar (7.1.1.3)					X	

	City Appointed Board or Committee	City Council Member	City Staff	Community Organization	Development Community	Citizen Comment
Affordable Housing						
Add "meets needs as defined in housing needs assessment report" as rezone evaluation criteria (2.5.1.4)	X					
Include "Clear Path" permitting process for projects that address affordable housing needs (4.3.1.3)	X					
Add waiver of permitting fees option for projects that address affordable housing needs (4.3.1.3)	X					
Allow ADU parking in second layer of lot (4.4.6.1)	X					
Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code. (5.1.5.7) and (7.6.1.1)	X					
Remove additional stories for 10% affordable units incentive (4.3.1.2) and (4.3.4.5)						X
Increase allowed occupants or remove occupancy restrictions (5.1.4.1)					X	
General Comments						
Analyze the impact of all proposed amendments in relation to key findings from Housing Needs Assessment report	X					
Review for typos and inconsistencies on annual basis but perform thorough review and amendments on a three-year basis						X
Keep the Development Code as is and allow time to be implemented. Do not amend at this time.					X	X
Perform additional analysis and partner with Texas State University to better understand the demand for student housing						X
Protection of trees on private residences						X
Protection of Native American artifacts						X



Update Recommendations (Unsummarized)

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	May 14, 2019
Re:	Proposed Updates: Form Responses

This memo includes policy recommendations submitted by City Council, various boards and commissions, the general public, and Staff after the first year of using the San Marcos Development Code. The original, un-summarized list of submittals is available below.

Has the proposed change been recommended by a board, organization, or committee?	Name of individual, board, organization or committee submitting the proposed change:	What Chapter or Section is being proposed for amendment?	Please provide a brief summary of the proposed change below.	Please include a brief explanation of the purpose of the proposed change here.
Personal Notification				
Yes	Amy Meeks, Kama Davis, Cathy Dillon, Jan and Ryan Rudnicki, Lisa Marie Coppola, Ryan Patrick Perkins, James K Baker, Diana Baker, David Barr Dunham, Robert Rice, Jane Jahns Rice, Carol Frank, Forrest Fulkerson, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Balusek, Michelle Hidler, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol O'neil Goodwin, Candace Engeling, Katherine Turner, Gaye Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Dennis Spire, Christina Saacks, Judy Glover, Karen Brown, Karl Brown	2.3.1.1	Increase the size of the Personal Notification Area when someone requests a property rezoning.	The larger the incoming structure the larger the notification zone should be since large construction projects (such as The Woods) have the potential to impact entire neighborhoods and surrounding businesses. The larger notification zone will not be used when determining the 20% rule and the 51% rule.

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Personal Notification				
No	Tom Wassenich	2.3.1.1	Increase the size of the Personal Notification Area for larger projects.	Larger projects such as the Woods affect neighbors and neighborhoods well beyond our current 400 foot requirement. But this enlarged area should not be used when determining the 20% and 51% rules.
Certificate of Appropriateness				
Yes	Historic Preservation Commission	2.5.5.1 and 4.5.2.1(i)	Include requirements for painting historic properties within the Downtown Historic District through an administrative Certificate of Appropriateness and approved color palette and to prohibit the painting of previously unpainted masonry	Painting of unpainted masonry deteriorates the historic masonry and is not best management practices
No	Discussion by City Council	2.5.5.5	Amend the section to include City Council as appellate body for Certificates of Appropriateness for City-owned property being designated as local historic landmarks or local historic districts.	Currently, an applicant or other interested person within the 400' notification area may appeal a final decision of the Historic Preservation Commission to the Zoning Board of Adjustments. This includes appeals for properties owned by the City.
Yes	Historic Preservation Commission	C.5.1.6	Clarification of language regarding the placement of solar panels on structures in historic districts or designated as historic landmarks.	The figure included and the language within this section is conflicting and needs clarification.
No	Scott Gregson	2.8.3.5	Alcohol CUP's should, after 3 years, be permanent, unless there is a reason for revocation. Why inject continual risk with the decisions of 5 unelected individuals every three years into the interest of our small business owners.	I don't propose changing what is already our past policy. This is an anti-business suggestion that only suppresses the interests of our small businesses. There are rules, regulations, ordinances and restrictions already on our books that makes this addition to our over-regulated environment unnecessary.
Yes	Alcohol CUP Joint Committee	7.4.2.1	Update the Noise Ordinance to make it more enforceable including how and where the measurements are made	Enforceability
Yes	Alcohol CUP Joint Committee	2.8.3.5	Alcohol CUPs for on-premise consumption of alcohol may be approved for a maximum of 3 years instead of the life of the TABC permit.	This change will provide for periodic review of the Conditional Use Permit during a public hearing.
Yes	Alcohol CUP Joint Committee	2.8.3.6	Review appeal eligibility	Review the potential to prevent anyone other than applicant from appealing a denial.
Yes	Alcohol CUP Joint Committee	5.1.5.5	Update this section to require that all CUP holders keep their property in a clean and sanitary condition.	To ensure that alcohol-selling establishments, especially downtown, keep the area around their business clean.
No	Jeremiah James, Francis Raminsky, Frank Ramos, Alice Raminsky-Cantu	Chapter 2	Alcohol use permits may only be granted for a maximum of three years.	Periodic review of alcohol conditional use permits gives citizens a chance to engage with business owners and bring up concerns and problems in an open meeting with city planners, not behind closed doors.
Block Perimeter				
No	Council Member Prewitt	Table 3.6.1.1	Add ability to waiver from block perimeters from Heavy Industrial Zoning Category	Add ability to waiver from block perimeters from Heavy Industrial Zoning Category
Streets				
Yes	MoveSM	3.80	Where existing cumulative roadway widths (curb-to-curb or edge of pavement) and lane widths are wider than required by contextual New Street standards, require that street upgrades including sidewalks, bike lanes, street planting, etc. be implemented by first narrowing the roadway width.	Many existing streets in San Marcos are excessive in drive width leading to speeding and unsafe roadway conditions for all users of the road, particularly pedestrians and cyclists. Efforts to narrow perceived or actual roadway width should be prioritized when upgrades are made to an existing street to create safer driving behavior. Further, this can reduce cost, environmental impact, and conflicts with other features (e.g., trees, landscaping) by utilizing the existing paved/compacted area.
Yes	MoveSM	3.80	On Existing Conventional and Residential streets, allow for implementation of lower-cost striped pedestrian lanes - aka Visually Separated Pedestrian Lanes - within existing curb-to-curb widths.	Many existing streets in San Marcos do not have sidewalks, which are costly to install and often accompanied by difficult retrofit situations. Particularly on streets that are wider than necessary, striped pedestrian lanes would create safer interim neighborhood walking conditions at a fraction of the cost and do not require increased impervious cover. Where additional protection is merited, consider delineator posts, traffic buttons, or armadillos. As contextually appropriate, incorporate on lower speed streets where bikes and cars share the primary travel lane; or as shared bike and pedestrian lanes on higher speed roads where funding for sidewalks is not yet available.

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Yes	MovesSM	3.5.2.8	When Traffic Impact Analysis are required, disallow Level of Service (LOS) traffic impact studies and replace with Vehicle Miles Traveled (VMT) studies. Consider proximity in addition to contributions to bike, pedestrian, transit and other Transportation Demand Management infrastructures to mitigate a project's impact.	Level of Service (LOS) based traffic impact studies often work against goals for multimodal transportation systems and generate results that incentivize auto use, increase car dependency and generate more vehicle miles traveled per capita. Sole reliance on these types of studies does not acknowledge proximity to daily services and a project's ability to support and tap into pedestrian, bike and public transit networks that reduce reliance on private automobiles. Cities across the US have transitioned to VMT vs. LOS to reduce greenhouse gas emissions and achieve multimodal transportation goals.
Yes	MovesSM	3.7.2.1	Revise street sections to include a maximum lane width of 11' on all city roads with a 10' standard on all 45 MPH or less streets. Require variance process for anything larger.	Per the ITE Traffic Engineering Handbook (7th ed) standards and NACTO guidelines, 10' should be the default width for general purpose lanes at speeds of 45 mph or less; and 11' lane widths may be considered where larger vehicles such as service trucks or buses represent a significant percentage of the traffic stream. The use of wider than necessary lanes is discouraged to make streets safer by slowing drive speeds and thereby reducing roadway deaths, particularly amongst pedestrians and cyclists.
Parks and Open Space Fee in Lieu				
No	Mr. Paul Murray	3.10.1.03.E.3	Add that the Parks Board will review and vote on the Responsible Official's determination;	Citizens on the Parks Board should have a say in all fee in lieu of decisions after a public hearing.
Accessory Dwelling Units				
No	Amy Meeks, Kana Davis, Cathy Dillon, Jan and Ryan Rudnicki, Lisa Marie Coppalletta, Ryan Patrick Perkins, Diana Baker, David Barr Dunham, Robert Rice, Jane Jahns Rice, Carol Frank, Forrest Fulkerson, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Balusek, Michelle Hilder, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol O'Neil Goodwin, Candace Engeling, Katherine Turner, Gayle Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Dennis Spire, Christina Saacks, Judy Glover, Karen Brown, Karl Brown	4.2.1.2	All Accessory Dwelling Units need to be approved through C.U.P.'s.	Numerous ADU's will stress established neighborhoods by creating excessive traffic, noise, and parking problems. These ADUS are more likely to be rentals which will change the character in existing neighborhoods.
No	Tom Wassenich	4.2.1.2	Require a CUP for all Accessory Dwellings (ADU's)	If a neighborhood has numerous ADU's, it will change the character of the neighborhood especially as these become rental properties. Results will be increased traffic, noise and parking problems.
Durable Building Materials				
Yes	Historic Preservation Commission	4.3.5.17	Strengthen primary materials definition to include Secretary of the Interior's definition of primary materials	The Commission would like the national requirements, the Secretary of the Interior's Standards, to be incorporated into local requirements.
No	Colorspace	4.3.5.17	Make Architectural Metal Panel a primary building material.	Architectural metal panels, including steel, copper, zinc, etc., are highly durable, sustainable, recyclable and timeless materials that wear / patina and perform equally as well if not often better than materials such as stucco, stone/mortar, brick, etc. Their use is permitted by adopted building codes and should be encouraged, not limited in the same way as tile or glass block. Differentiate between "metal buildings" vs. architectural metal panels.
No	Colorspace	4.3.5.17	Make Architectural Fiber Cement Wall Panels a secondary building material.	Architectural fiber cement wall panel products, such as Swiss Pearl, Nichiha, etc. offer a highly durable and sustainable cladding material that are widely used as primary building materials. Distinguished from fiber cement planks (Hardi board) typically used on detached residential projects, architectural fiber cement wall panels should be encouraged and not restricted to sheltered exterior walls and areas of roof-related construction.
No	michael willis architect	4.3.5.17	Free standing columns of shade structures or pavilions should not need to meet the durable materials requirements for walls.	Columns supporting pavilions and shade structures should not be required to meet the durable materials requirements set for walls. Free standing steel columns are ultimately more durable and maintainable than a column wrapped in stucco or stone.

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Historic Landmarks				
No	Lizbeth Dobbins	Chapter 4: addition to 4.5.2.1 (add a B4)	Add a list of historic sites designated by other jurisdictions (e.g. Southside School aka Centro is a designated State Historical site). Add the list right below the list of the list of city-designated historic sites on page 4.114.	The current list of historic sites is incomplete if other designated sites are not included. This will create a fuller picture of "sensitive" locations. The new LDC is outstanding and anyone who reads it can become much more astute about various neighborhoods for planning or development purposes if the list is inclusive. Thank you.
Infill Development				
Yes	Housing Task Force	3.6.3.1	Exempt smaller lot and infill development from the Lot Width to Depth requirements.	Represents a barrier to smaller lots and diverse housing types. Please visit www.sanmarcostx.gov/smtx4all to find out more about the work of the housing task force.
No	Colorspace	4.4.6.4	Allow a minimum of 3 units (vs. 5); base courtyard size on open space per unit instead of a blanket 3000 SF minimum; and reduce 40' frontage requirement to 20'.	The 3000 SF minimum and 40' frontage minimum makes infill implementations of this housing typology infeasible and does not reflect example real-world / best-practice implementations, which often have a smaller interior court depending on number of units served. Recommend allowing a minimum of 3 dwelling units per lot (vs. 5 dwelling units minimum) and a minimum courtyard requirement of 300 - 400 SF per unit.
No	Colorspace	4.4.6.9	Base courtyard size on open space per unit instead of a blanket 3000 SF minimum.	The 3000 SF minimum makes infill implementations of this housing typology infeasible and does not reflect real-world / best practice example implementations, which often have a smaller interior courtyard depending on number of units served. Recommend a minimum of 124 SF per unit (i.e., 3000 SF minimum courtyard @ max 24 units).
Neighborhood Density District				
No	Colorspace	4	Change the name of infill districts to "Neighborhood Diversity Districts" to remove negative connotations associated with "density" and instead emphasize their ability to provide more equitable and diverse housing options.	Density is a word that causes strain for many Americans and serves as a barrier to the use of Neighborhood Districts. Because these districts aim to improve housing options for the diversity of San Marcos residents - not just deliver additional units - the term "diversity" would better reflect their intent. Also, "density" currently serves as a misnomer as the deliverable density within Neighborhood Districts fails to, or is barely enough, to support regular public transit service, a strategic initiative of Council.
	Barrie Breed	4	Neighborhood Density Districts should remain an option, and should not depend on if or when a character study is done by the city.	I recently returned from a trip to Savannah, GA, one of the most historic cities in the country. It was wonderful to see shops, restaurants and B&B's operating comfortably out of historic buildings in close proximity to residential areas. Savannah is a very walkable city, due in large part to the availability of some business activity near residential neighborhoods. The structures remain in tact and in sink with the historic surroundings. The function of these properties is all that changed. I'm bringing this up in order to demonstrate how a neighborhood district can benefit a community.
No	Amy Meeks, Kama Davis, Cathy Dillon, Lisa Marie Coppalatta, Ryan Patrick Perkins, Diana Baker, David Barr Dunham, Robert Rice, Jane Jahns Rice, Forrest Fulkerson	4.4.2.4	Do not use "transportation corridor" classification to change the character of neighborhoods. Example: Hopkins Street.	There seems to be much confusion as to exactly what a character study is and what questions it will answer. It is holding up any projects that may be of benefit to the community. If indeed the study is to be done, it should be a very quick and focused process, and not be used as a barrier to future projects.
	Diana Baker, Carol Frank, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Balusek, Michelle Hidler, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol O'hell Goodwin, Candace Engelling, Katherine Turner, Gaye Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Dennis Spire, Christina Saacks, Judy Glover, Karen Brown, Karl Brown	4.4.2.4	Do not use any corridors or gateways as an excuse or justification to up-grade or up-zone to any non-SF-6 zoning, including commercial and multi-family, within existing neighborhoods. Such a zoning change would drastically and negatively impact the neighborhood. Example: Hopkins Street.	We need to keep stable, established neighborhoods intact and not change their character by allowing their streets to become designated mixed-use zones. We need to keep stable, established neighborhoods in tact.

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No	James K. Baker	4.4.2.4 (Page 4:52)	Eliminate Neighborhood Main Street (N-MS) on West Hopkins Street from Moore Street to Bishop Street and on Bishop Street from W. Hopkins to Progress Street.	First, the name Neighborhood Main Street is an oxymoron. Marcuse warned us about manipulation of the public by this type of language use mechanism in One Dimensional Man. Second, most residential neighborhoods in San Marcos have a main arterial road. However, just because there is a main road that people travel on does not mean that three story mixed use buildings (which could include bars, a likely scenario in San Marcos, you must admit) should be built. I would not want a three story mixed use building built on Hopkins behind my home. I would not presume to speak for every neighborhood, but I will speak out for my neighborhood.
No	Amy Meeks, Kama Davis, Cathy Dillon, Jan and Ryan Rudnicki, Lisa Marie Coppalella, Ryan Patrick Perkins, Diana Baker, David Barr Dunham, Robert Rice, Jane Jahns Rice, Carol Frank, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Balusek, Michelle Hilder, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol O'neil Goodwin, Candace Engeling, Katherine Turner, Gaye Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Dennis Spire, Christina Saacks, Judy Glover, Karen Brown, Karl Brown	ND3 - 4.4.2.1 and ND3.5 - 4.4.2.7 and ND4 - 4.4.2.4 and ND4MS - 4.4.2.4	Eliminate all ND3, ND3.5, ND4, and Neighborhood Main Street designations in the code.	These designations threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos.
No	Tom Wassenich	4.4.2.1, 4.4.2.2, 4.4.2.3, 4.4.2.4	Remove all Neighborhood Density Districts from the Code	Neighborhood Density Districts alter the traditional single family neighborhoods that are increasingly rare in San Marcos. We have over 70% multifamily units which is higher than most towns. We have density so don't need to sacrifice existing neighborhoods.
No	Ryan Patrick Perkins	4.4.2.1, 4.4.2.7, 4.4.2.4, 4.4.2.4	Eliminate all ND3, ND3.5, ND4, and ND Main Street designation in the code.	Reason - These designations threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos. These zoning options are attractive to out of town investors who often do not share the best interest of our citizens. Allowing these types of zoning changes would alter an area, which is a root cause of increased property valuation, gentrification, and housing insecurity. Authenticity of place, and conservation of this community's most valuable assets are among the critical issues facing our community. We must implement values into our charter and code that stop and prevent gentrification, and follow through with our commitment to our citizens, over generations, to preserve our treasures (River, downtown, historic and non-historic established neighborhoods, locally-owned small businesses). Stabilize housing prices and tax-valuations, keep people in their homes longer and for generations.
No	Tom Wassenich	4.4.2.4 and others	Please do not allow any corridors or gateways in existing neighborhoods to justify upgrading or up-zoning to any non SF-6 zoning including commercial and multi-family.	Existing, established neighborhoods are a rarity in San Marcos. The enhancement of corridors through them will further erode our dwindling supply of traditional neighborhoods and will cause the "creep", where the streets behind these corridors are also altered....then the next street, and so on.
No	Mr. Paul Murray	Chapter 4, Article 4, Zoning Districts	Add Zoning District ND-2. Similar to SF-4.5, with a density of 7.5 units per acre; allow max lot size 6,000 sq ft; add Zero Lot Line housing; setbacks same as ND-3	We need an interim step between SF-6 and ND-3. The density increase from SF-6 of 5.5 to ND-3 of 10 units per acre is scaring residents. An ND-2 with a modest increase in density and added dwelling types could be more palatable and more likely to pass.
No	Jan and Ryan Rudnicki	Mainly in 4 - neighborhoods	Add ND-2 Setbacks same as ND-3	Add ND-2 which is similar to SF-4.5, with a density of 7.5 units per acre. Allow max lot size 6,000 sq ft; add Zero Lot Line housing; setbacks same as ND-3
No	Jan and Ryan Rudnicki	Mainly in 4 - neighborhoods	Eliminate all ND3, ND3.5, ND4, and Neighborhood Main Street designations in the code.	They threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos. Allowing these types of zoning changes would alter an area, which is a root cause of increased property valuation, gentrification, and housing insecurity. Do not use any corridors or gateways as an excuse or justification to up-grade or up-zone to any non-SF-6 zoning, including commercial and multi-family, within existing neighborhoods. Such a zoning change would drastically and negatively impact the neighborhood.
No	forrest fulkerson	ND3 - 4.4.2.1 ND3.5 - 4.4.2.7 ND4 - 4.4.2.4 NDMS - 4.4.2.4	Eliminate all ND3, ND3.5, ND4, and Neighborhood Main Street designations in the code	These designations threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos. They are not resilient zoning, but allow for too much outside investment to change an area, too quickly, a root cause of increased property valuation, gentrification, and housing insecurity.

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No	James K. Baker	ND3 - 4.4.2.1 ND3.5 - 4.4.2.7 ND4 - 4.4.2.4 NDMS - 4.4.2.4 (pages 4:46-4:52)	Suspend all ND's in the Heritage Neighborhood until the neighborhood character studies have been done.	A one-fits-all approach leads to inappropriate changes for some neighborhoods. Some areas may benefit from ND3 or ND3.5, or occasionally ND4. I think that many areas of the Heritage Neighborhood may have the character damaged severely by inappropriate buildings, esp. with ND4 and Neighborhood Mainstreet. We were promised neighborhood character studies. If you're not going to do them, then don't apply ND's to my neighborhood. Six have been applied for and only 1 was granted. Neighbors showed up to protest all but one of these (which had no neighbors). Obviously, ND's are not the panacea they were promoted to be.
No	Thea Dake	ND3- 4.4.2.1 ND3.5-4	Suspend all ND's in the current Heritage/Historic Neighborhoods until the Neighborhood Character Studies (small area plans) have completed.	Although some areas of the current Heritage neighborhoods may benefit from ND3 or 3.5, with the ND4 there is more risk that left as is, the overall character of these neighborhoods could be severely damaged by inappropriate buildings especially with ND4 and Neighborhood Mainstreet. San Marcos citizens are promised neighborhood character studies which have yet to be done. If the City has no intention of keeping it's promise than the current code is unacceptable.
Neighborhood Transitions				
No	Cathy Dillon	4.4.4.1	Redact Section 4.4.4.1 Neighborhood Transitions	Replace the current LDC Neighborhood Transitions with the following: The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block.
No	Tom Wassenich	4.4.4.1, 4.4.4.2, 7.2.2.3	Replace the current transition requirements with the following: The maximum height of commercial buildings, across the street from an existing neighborhood or area of stability, shall be no more than one story. This one-story height applies to the first block. Remove Neighborhood Density Districts and add "The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one story."	The current transition requirements are insufficient and don't really provide a buffer between existing homes and commercial building up to 5 stories. If kept the same, neighborhoods at the edge of commercial areas like Downtown will deteriorate. Current transition requirements are ineffective and have loopholes that push gentrification and housing insecurity. We need to implement values into our charter and code that stop and prevent gentrification, and follow through with a commitment not to displace residents.
No	Jeremiah James, Francis Raminsky, Frank Ramos, Alice Raminsky-Cantu	Chapter 4	Replace the current LDC Neighborhood Transitions with the following: The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block.	We need a bright line delineation protecting all neighborhoods. The buffer zone will ensure that no commercial development encroaches the neighborhood.
No	Amy Meeks, Karen Brown, Karl Brown	Redact 4.4.4.1	Replace the current LDC Neighborhood Transitions with the following: The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block.	The current neighbor hood transitions do not do provide a real transition that promotes neighborhood integrity.
No	forrest fulkerson	Redact 4.4.4.1 Neighborhood Transitions	Replace the current LDC Neighborhood Transitions with the following: The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block	
	Jan and Ryan Rudnicki, Lisa Marie Coppolaletta, Ryan Patrick Perkins, James K Baker, Diana Baker, David Barr Dunham, Robert Rice, Jane Jahns Rice, Kama Davis, Carol Frank, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Balusek, Michelle Hilder, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol Oniel Goodwin, Candace Engeling, Katherine Turner, Gaye Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Dennis Spire, Christina Saacks, Judy Glover, Karen Brown, Karl Brown		Redact Section 4.4.4.1 Neighborhood Transitions	Our current transition requirements are minimal and ineffective and would deteriorate all neighborhoods surrounding downtown both in livability and property value. Replace the current LDC Neighborhood Transitions with the following: The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block.
Zoning General				
No	Colorspace	4	Achieve greater housing access, supply, and diversity by allowing up to three dwelling units in all zoning districts by right, subject to compliance with other lot development standards and the preservation of the existing primary structure when one exists.	Per the recently released Housing Needs Assessment, many members of the community are burdened by housing costs and locked out of large areas of the City near existing jobs and services. Enable additional incremental housing supply (vs. large developments) and increase social connectivity while maintaining existing housing stock by allowing up to 3 units on all lots by right if the existing primary structure is maintained (when one exists).
No	Colorspace	4.1	Convert Conventional Districts to Legacy Districts and require the use of Neighborhood Diversity Districts or Character Districts in all future developments to deliver more diverse housing options and improved development standards.	The goals of the comprehensive master plan speak to promoting more inclusive, compact, and connected zoning districts that encourage improved development standards, increase housing opportunities, and limit the sprawl fueled by conventional zoning. While conventional district entitlements may be allowed to exist where already vested, they should not be permitted for future rezonings and new development.
No	Council Member Prewitt	Chapter 4	Add an additional Industrial zoning category	Add a zoning category that is between Heavy and Light Industrial to allow for the expansion of rail services

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Yes	City Council	Chapter 4	Review potential of adding PDDs back to San Marcos Development Code	Review the possibility of adding Planned Development Districts back into the Development Code to allow for site specific negotiations for the purpose of increasing development standards, without waiving current standards.
No	Colorspace	Chapter 4	Maintain PDD Exclusion	PDDs have historically been a vehicle for creating substantial division within the community and introduce inconsistency, complexity, and favoritism which undermine the validity of the LDC. The included Character Based Planning Areas (which maintain the integrity of the core zoning framework) and Chapter 380 Agreements (which tie changes to justified economic development) provide more appropriate mechanisms for unique circumstances.
Purpose Built Student Housing				
No	Barrie Breed	5	Rent by the room student housing	It seems reasonable to bring the University System into this discussion, as they are the ones who are driving the number of students coming to TXState. I also recall that during the early discussions for the Code SMTX project, the majority of participants indicated a desire to have student housing close to campus in order to help mitigate traffic. Several citizens support the idea of "no more rent by the room" student housing units, but I'm not sure we as citizens truly know what the demand in the future will be. I'm not advocating for or against. I just believe we need good statistical information from the University before making this determination.
No	Amy Meeks, Cathy Dillon, Lisa Marie Coppalletta, Ryan Patrick Perkins, James K Baker, Diana Baker, David Barr Dunham, Robert Rice, Jane Jahns Rice, Carol Frank, Forrest Fulkerson, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Balusek, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol O'Neil Goodwin, Candace Engeling, Katherine Turner, Gayle Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Karen Brown, Karl Brown	- 5.1.4.7	No more rent-by-the-bedroom (purpose built student housing) apartments.	We have enough of this type of structure and need to keep a balance of housing types throughout the city. RBBs also lend themselves to predatory practices which victimize students. Example: The students are charged for 12 months yet are only allowed to live there for a much shorter period of time. RBBs also artificially inflate the rental market in San Marcos by upwardly skewing the perception of "affordable rental rates". Example: By charging high prices per bedroom, they are driving up all rental rates in San Marcos.
No	forrest fulkerson	- 5.1.4.7	No more rent-by-the-bedroom (purpose built student housing) apartments	Reason - we have enough of this type of structure and need to keep a balance of housing types throughout the city. RBBs also lend themselves to predatory practices which victimize students. Example: The students are charged for 12 months yet are only allowed to live there for a much shorter period of time. RBBs also artificially inflate the rental market in San Marcos by upwardly skewing the perception of "affordable rental rates". Example: By charging high prices per bedroom, they are driving up all rental rates in San Marcos.
No	Thea Dake	5.1.4.7	No more rent-by-the-bedroom (purpose built student housing).	We have enough of this type of housing and need to keep a balance of housing types. RBB's artificially inflate the rental market in San Marcos by upwardly skewing the perception of "affordable rental rates". Ex: by charging high prices per bedroom, they drive up all rental rates in San Marcos enough for single families who want to rent a home.
No	Tom Wassenich	5.1.4.7	No more rent by the bed (purpose built student housing) including not downtown. We have enough of these and need to keep a balance of housing types. Also the way they are constructed, they couldn't be altered to a different housing type as markets change.	We have enough of these and need to keep a balance of housing types. Also the way they are constructed, they couldn't be altered to a different housing type as markets change.
Yes	Neighborhood Association / Sessom Creek	5.1.4.7	Student apartments rented by bedroom	I'm in support of all feedback that has been given by individuals such as Jan and Ryan Rudnicki, Cathy Dillon, and others posted online. In particular, I'd like to see a ban on student apartments rented by the bedroom; if not citywide, then at least in the downtown area. There are already three such units under construction (Chatham Flats, the one nearby at what was Tuttle's Hardware, and near the university on North LBJ). The new one proposed at the corner of San Antonio and Guadalupe will drive what may be the final nail into downtown. There will be a great loss of many small local businesses. If this trend continues, downtown will be nothing but college-oriented places - bars, vaie shops, tattoo shops. Where are adults supposed to go for enjoyment, entertainment and community? Please spare us another tear down for more ugly student housing. It would be nice if the university would take some responsibility for housing the incessant growth it craves.

Has the proposed change been recommended by a board, organization, or committee?	Name of individual, board, organization or committee submitting the proposed change:	What Chapter or Section is being proposed for amendment?	Please provide a brief summary of the proposed change below.	Please include a brief explanation of the purpose of the proposed change here.
Rental Registration				
No	Forrest Fulkerson	5.1.4.1 B Household Living - Use Standards	Do not remove the mandatory rental registration requirement	<p>Many owners here in San Marcos have enjoyed a care free "no registration required" rental property for a long time. Times are changing that are now requiring more transparency in ownership, occupancy, and impacts of our towns rental properties. Many outside investors, outside management companies, and other owners not living here in San Marcos need to be accountable and timely in their response to the needs of the renters and community at large. Because crimMany owners here in San Marcos have enjoyed a care free "no registration required" rental property for a long time. Times are changing that are now requiring more transparency in ownership, occupancy, and impacts of our towns rental properties. Many outside investors, outside management companies, and other owners not living here in San Marcos need to be accountable and timely in their response to the needs of the renters and community at large. Because crime is gaining momentum here in San Marcos, more transparency through registration would be another tool for health and safety in our town. Neighborhoods would benefit if the rental registration were to be kept intact. Another way that rental registration would be a beneficial, is where rental populations and infrastructure impacts could be documented and our city budget process could be more accurate.</p> <p>Many owners here in San Marcos have enjoyed a care free "no registration required" rental property for a long time. Times are changing that are now requiring more transparency in ownership, occupancy, and impacts of our towns rental properties. Many outside investors, outside management companies, and other owners not living here in San Marcos need to be accountable and timely in their response to the needs of the renters and community at large. Because crime is gaining momentum here in San Marcos, more transparency through registration would be another tool for health and safety in our town. Neighborhoods would benefit if the rental registration were to be kept intact.</p> <p>I am concerned that not enough information is being given to the public and possibly the city council about how the forced Rental Registration will be implemented and how Code Enforcement actually "forces compliance".</p> <p>There have been instances where Code Enforcement left notices with tenants to comply with Rental Registration. Those notices were never delivered to the owner of the property. Since rental property is often sold to new owners Code Enforcement often sends the notices to the wrong address. Code Enforcement does not search real property records to acquired correct address of the new owner.</p> <p>In the instance that I have first had knowledge of the owner was unaware of the court action and judgement was made to suspend utilities for 4 months after the tenants moved out. Meaning the owner could not rent the unit for 4 months potentially putting the owner in financial jeopardy and possible foreclosure.</p> <p>Aside from Rental Registration, it has been my experience that Code Enforcement often acts at the behest of law enforcement. In other words where the police are being called Code Enforcement will show up after the fact and begin demanding compliance. Even though other properties in the same neighborhood are also in violation of identical infractions Code Enforcement will single out certain problem rental properties in an "arbitrary and capricious" manner. This can go on for up to two years even after the problem tenant moves out and/or a new owner has bought the property.</p>
No	Forrest Fulkerson	5.1.4.1 B Household Living - Use Standards	Do not remove the mandatory rental registration requirement	<p>Many owners here in San Marcos have enjoyed a care free "no registration required" rental property for a long time. Times are changing that are now requiring more transparency in ownership, occupancy, and impacts of our towns rental properties. Many outside investors, outside management companies, and other owners not living here in San Marcos need to be accountable and timely in their response to the needs of the renters and community at large. Because crime is gaining momentum here in San Marcos, more transparency through registration would be another tool for health and safety in our town. Neighborhoods would benefit if the rental registration were to be kept intact.</p> <p>I am concerned that not enough information is being given to the public and possibly the city council about how the forced Rental Registration will be implemented and how Code Enforcement actually "forces compliance".</p> <p>There have been instances where Code Enforcement left notices with tenants to comply with Rental Registration. Those notices were never delivered to the owner of the property. Since rental property is often sold to new owners Code Enforcement often sends the notices to the wrong address. Code Enforcement does not search real property records to acquired correct address of the new owner.</p> <p>In the instance that I have first had knowledge of the owner was unaware of the court action and judgement was made to suspend utilities for 4 months after the tenants moved out. Meaning the owner could not rent the unit for 4 months potentially putting the owner in financial jeopardy and possible foreclosure.</p> <p>Aside from Rental Registration, it has been my experience that Code Enforcement often acts at the behest of law enforcement. In other words where the police are being called Code Enforcement will show up after the fact and begin demanding compliance. Even though other properties in the same neighborhood are also in violation of identical infractions Code Enforcement will single out certain problem rental properties in an "arbitrary and capricious" manner. This can go on for up to two years even after the problem tenant moves out and/or a new owner has bought the property.</p>
No	Pat Fernandez	Chapter 5.1.4.1	Remove-Subpart A. DIVISION 4: RESIDENTIAL USES, Section 5.1.4.1 Household Living, Paragraph B. Use Standards, Mandatory Rental Registration	<p>The Nuisance Abatement Code was performing its intended function...to ensure that both property owners and tenants live up to their responsibility as respectful neighbors. The creation of Rental Registration will add an undue financial burden to the property owners and increase the already overworked staff with unnecessary registration and enforcement.</p>

Has the proposed change been recommended by a board, organization, or committee?	Name of individual, board, organization or committee submitting the proposed change:	What Chapter or Section is being proposed for amendment?	Please provide a brief summary of the proposed change below.	Please include a brief explanation of the purpose of the proposed change here.
Yes	Discussed at council	Chapter 5.1.4.1	Remove-Subpart A. DIVISION 4: RESIDENTIAL USES, Section 5.1.4.1 Household Living, Paragraph B. Use Standards, Mandatory Rental Registration	<p>A primary reason for the establishment of rental registry is a myth that the city cannot find or track bad offenders. Jeff Caldwell, Director of Neighborhood Services spoke publicly at council and explained that his office has no major problems finding accountable landlords. The lead man of the department charged with the "problem" saying this is not a valid primary reason for implementation.</p> <p>A registry by definition allows for discrimination and can very easily lead to targeting of certain groups of people including students, minority groups and the poor. Renters will be without question subject to inspections whereby owner occupants continue to maintain and enjoy their privacy rights. The registry will lead to inspections in phase #2. If you take the time to study the evolution of rental registration in other cities across the country, you will find lawsuits, 4th amendment violations, unlawful entry, power plays by code enforcement on law abiding citizens and a rapidly increased regulatory feel/lax structure that is simply passed on to renters. Please respect all citizens privacy rights, not just property owners. Please don't add burdensome regulation and expenses to simply be passed on to renters.</p> <p>The abatement of bad actors should stay in force. Penalizing good landlords/property owners is not an effective tool to control bad behavior by tenants and landlords.</p>
Yes	unknown	Rental Registration	registration of rental property	
Occupancy				
No	forrest fulkerson	5.1.4.1 c Household Living	Change the burden for prima facie proof of illegal occupancy from the neighbors to the city code enforcement's office responsibility.	The burden of proof of occupancy violation is too high to be practical for a neighbor or complainant. This has resulted in many illegal or "out of ordinance" rentals in neighborhoods and a degradation of single family culture where there are stealth dorms or rentals. This section should be amended to make the burden fall on and a good faith effort given for investigation by Code Enforcement.
No	Forrest Fulkerson	5.1.4.1 D Household Living - Responsibility for Compliance of Occupancy Restrictions	I would like the wording here to include a required disclosure in all real estate sales contracts in single family zoning and where appropriately similar that the "Property is in a Single Family neighborhood (or similar) and that it is illegal for more than a Family plus one other person with a different name be allowed to occupy the residence"	Too often the sale of residences are to people that want to rent out to more people than allowed by code. This kind of rental in a single family neighborhood will detrimentally change the character and culture of an area. Parents buying a house for their children in order to go to school, will often try to rent out the residence in breach of the occupancy ordinance.
Stormwater Management and Water Quality				
Yes	COSM - Engineering and Capital Improvements	3.9.1.1(G)	Add note 3: "Detention/Retention may be waived for residential plats including 4 or less lots if no adverse impacts are demonstrated through drainage analysis and a payment-in-lieu is made into the stormwater management fund in accordance with Section 6.1.1.3".	To provide an option of payment-in-lieu for minor plats...
Yes	COSM - Engineering and Capital Improvements	6.1.1.2(B)	Add note C with language to the effect of "Properties outside of the urban stormwater management district may be eligible for waivers from requirements under Section 3.9.1.1(F) and Section 6.1.4.1 based on site constraints. Eligibility shall be at the discretion of the Engineering Director".	To provide an option for a waiver for Detention and/or Water Quality when sites are significantly constrained. Currently this is only allowed within the Urban Stormwater Management District.
Yes	COSM - Engineering and Capital Improvements	6.2.2.3(C)	Modify to include a minimum protection zone of 25-ft around the perimeter of the sensitive feature with additional buffer in the upstream direction as listed.	To provide better protection of sensitive features. In many cases, 2-ft contours do not accurately capture the detailed drainage patterns in the immediate vicinity of the feature.
Yes	COSM - Engineering and Capital Improvements	6.2.3.2	Include (E) that states: Reclamation of water quality zones shall incorporate natural channel design techniques and address aesthetics by implementing a natural channel shape that includes varying cross section widths, depths, and side slopes and native vegetation.	To prevent construction of unnatural channels in water quality zones.
Yes	COSM - Engineering and Capital Improvements	6.3.2.1(C)	Add language to the effect of "The requirement for a Geological assessment may be waived at the discretion of the Engineering Director for sites within the transition zone.	To decrease cost to the developer in cases when the site location does not warrant the need for a geological assessment.
Yes	COSM - Engineering and Capital Improvements	2.6.1.1(D-2)	Revise note such that Qualified WPP's are applicable when a request is made for reclamation of land in the 100-yr floodplain AND within a water quality zone or buffer zone.	To trigger Qualified WPP's only when it is appropriate.
No	Colospace	2.6.1.1.D + 6.1.4.1.D	Review the requirements for Watershed Protection Plans for small commercial addition projects and small multifamily projects to reduce onerous engineering expense that cannot be supported by smaller local businesses and property owners. Consider providing toolbox of best-practice controls that may be implemented off-the-shelf without custom engineering.	The requirement of a Watershed Protection Plan for any increase in impervious cover for small commercial properties and small MF projects (under 9 units) has created engineering expense that has actively prevented incremental renovation/reinvestment. Regardless of project size, a WPP requires a similar amount of time and work for a project, leading to disproportionate engineering costs for small projects. In some cases, the WPP engineering expense could exceed even a reasonable total project budget for a minor addition on its own. This has deterred projects from moving forward - even though the business / property owners would be eager and willing to construct features to meet water quality volume standards.
Yes	COSM - Engineering and Capital Improvements	6.1.1.1(B)	Remove water quality requirements for residential lot plats of 4 or fewer lots.	To exempt minor plats from water quality requirements.

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No	Colorspace	6.1.1.1.4	Revise the language and grammar of this section regarding additions and increases to floor area / site improvements to clarify intent.	The language in this section is confusing as it pertains to improved area vs. impervious cover, and the placement of commas along with the term "cumulative" has led to confusion on calculating area of building + site improvements. Per previous conversations with staff, it is understood that the improved area is intended to align with impervious cover - whether that be within the building footprint or elsewhere on site - and should be calculated cumulatively.
No	Colorspace	6.1.1.1.4	Acknowledge and provide credit for the reduction of existing impervious cover for renovation/addition project calculations.	Currently, no acknowledgement or credit is given to sites that want to complete an addition while reducing their existing cumulative impervious cover. This should be encouraged if feasible but there is no incentive to do so, which has led business / property owners to leave large swaths of impervious cover untouched (ie, older poorly designed surface lots, etc.). If reduced impervious cover could be counted against the overall 25% increase calculation, this would encourage small property / business owners to look more comprehensively at existing sites that currently lack water quality measures.
Yes	San Marcos River Foundation	Enhanced environmental protections	We are concerned that there are not specifics about the FUNCTION of the creek that is being re-routed, for water quality purposes. Filling in a creek and re routing it can be successful if it is shaped and planted correctly, but not if it is a concrete bottomed ditch, shaped incorrectly. There are not specifics of how to accomplish a re-route of a creek. Years ago, a San Marcos LID manual was being written by an engineer/ planner named Bill, who went to work for Seguin after San Marcos. What happened to that? What can we use in its place, if that was never completed or included? Bill is responsible for the re route of the creek that now surrounds the parking lot at the Outlet Mall, which was re routed to make the parking lot. Well planted, well designed, and functioning.	To make sure that creeks that pour into the river are not all turned into ditches that are not like the original creek at all in function.
Parking				
Yes	MovesSM	7.1.2.1	Eliminate all off-street parking requirements within 1/2 mile of transit line with 30-minute or more frequent service.	Excess off-street parking undermines citywide transportation goals for multimodal transportation and subsidizes driving. As part of transportation demand management, parking requirements should be eliminated where transit services are delivered to bring different modes of transportation onto more equal footing. Parking will still be delivered, but in quantities supported by the value placed on parking by auto users. And, alternative forms of transit will increase in convenience, supporting the viability of transit. Currently a fee in lieu of can be paid for up to 50% of the number of required parking places. The result is 50% fewer parking places. The fees go into an earmarked fund for parking management, transit or pedestrian and bicycle infrastructure. This fee should be raised to enable the city to build a parking garage. Currently one parking space costs \$30,000. Also the fund is too vague and parking fees in lieu of can be used for a number of things. The short term cost of this will be several years of even less available parking downtown until either a garage gets built and we have a satisfactory transit system that gets used. We should not incentivize developers and builders to not build parking places when we don't have either the garage or a viable transit system.
	Karen & Karl Brown	7.1.2.2 C	Parking Fee in Lieu for Purpose Built Student Housing	As part of transportation demand management, acknowledge the hidden costs of parking that work to subsidize driving and instead encourage the use of alternative transportation both at home and places of work. Case studies where "Eco Passes" are pre-purchased for users of a development and where costs of parking are revealed through employer cash out or separated from housing costs have shown positive impacts on transportation mode shift.
Yes	MoveSM	7.1.3.2	Allow for a 20% reduction in parking if a transit-adjacent development use provides pre-purchased annual transit passes to all employees / residents. Allow for an additional reduction in parking if a development unbundles the cost of parking from rent / condo purchase / employer benefits.	The only place that solar is incentivized in this entire code is when a property is to be developed with more than 150% of the required parking. There are better ways to incentivize solar and given the research, 150% parking should never be allowed if city-wide multimodal goals are to be achieved. The allowance of excessive parking when solar is utilized should be removed and more appropriate solar incentives should be introduced.
No	Colorspace	7.1.1.3	Develop better opportunities to incentivize on-site solar within the code.	Off-street parking minimums are now recognized as a decades long urban planning disaster that has gutted the historic form of cities and subsidized personal automobile use to the exclusion and downfall of all other forms of transportation. Minimums are not based on sound research and vary widely from city to city, regularly deliver excess parking that degrades affordability, harms the environment, and induces driving and congestion. Thanks to the Strong Towns movement and research of experts like Donald Shoup, hundreds of American Cities of all sizes have now removed off-street parking minimums based on environmental, affordability, social justice, and public health bases. When minimums are removed, parking does not disappear, but is instead delivered based on demand, cost, and value versus an arbitrary mandated requirement. As a result, multimodal transportation options are given a real opportunity to thrive.
No	Colorspace	7.1.2	Remove the off-street parking requirement section.	
No	City Council	7.1.2.1	Review on-street public parking credit towards minimum parking requirements	To discuss the on-street parking credit.
No	Tom Wassenich	7.1.2.1	Required parking for Purpose Built Student Housing needs to be increased to take into account the fact that many of these facilities are officially renting to two persons per bedroom	If not remedied, this will further reduce the available parking downtown.

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No	Kama Davis, Karen Brown, Karl Brown	7.1.2.1 Minimum Parking Requirements	The LDC should require 1.05 parking spaces. The LDC should require a minimum of 1.34 parkins spaces per bedroom in each apartment unit.	Many apartments are officially leasing to 2 persons per bedroom. Parking requirements should reflect the increased parking needs. If it is a 3 bedroom apartment, it is capable of housing 6 people. There should be at least 1.345 spaces for the 3 bedrooms, which would only be 4.02 parkins spaces for that unit, which would need to accomodate potentially 6 people and their visitors and guests.
No	Tom Wassenich	7.1.2.C Parking Fee in Lieu of for Purpose Built Student Housing	Fee in lieu of should be either dramatically increased or eliminated.	The current amount of \$5000 is an incentive to not build parking and is not enough to help the city build/lease parking or parking lots to replace that.
No	Mayor Hughson	7.1.2.2(B)(1)	Remove parking exemption for projects within CD-5 and CD-5D with 10 or fewer units.	Parking needed in Downtown
Yes	Main Street Advisory Board	7.1.2.2.B1	The Main Street Advisory Board supports keeping the current parking exemption for properties with 10 or fewer units.	This exemption supports adaptive use of historic properties. Additionally, the Main Street Advisory Board requests and recommends an inventory be taken of downtown buildings which benefit or could benefit from the current parking exemption.
No	Tom Wassenich	7.1.3.3 Remote Parking	Reduce the maximum of 2500 feet to 1500 feet for the distance from the project in the downtown area. Require annual verification of leases and penalties that would ensure compliance in perpetuity of the life of the project.	Remote parking is an easy way to avoid building parking spaces downtown. It is unrealistic to have a maximum distance of 2500 ft. (almost 1/2 mile). People will not use this in rain, cold, or heat. Additionally there is no effective method of annual verification that there is a lease in force as long as the project exists. Result will be cars left on the street overnight and/or all day while at school or work.
No	Kama Davis	7.1.3.3 Remote Parking or Off Site Parking	This section should be redacted	This allos projects to replace their parking requirements with off-site spaces that are within 2500 feet in the downtown area and 1500 feet elsewhere. The 2500 foot maximum seems too far for practical use, thereby causing residents to park of the street. also the leases for this parking would have to be checked every year by City Staff to see if they still exist. I dont see any provisions for this in the LDC and have little faith that this can be done.
No	Colospace	Table 7.3	Review shared parking chart for errors in occupancy percentages.	There appear to be errors in the shared parking chart. Ex: Restaurants are noted as having 100% occupancy M-F 12 am - 8 am, which seems should instead be 10%.
Solar				
No	Colospace	7.1.1.3	Develop better opportunities to incentivize on-site solar within the code.	The only place that solar is incentivized in this entire code is when a property is to be developed with more than 150% of the required parking. There are better ways to incentivize solar and given the research, 150% parking should never be allowed if city-wide multimodal goals are to be achieved. The allowance of excessive parking when solar is utilized should be removed and more appropriate solar incentives should be introduced.
Affordable Housing				
Yes	Housing Task Force	2.5.1.4	Include "whether the proposed development is addressing affordability as defined in the needs assessment" as one of the criteria to be considered during a zoning change request.	Housing that meets the current and future needs of the community should be listed as one of the considerations when analyzing zoning change requests.
	Lisa Marie Coppaletta, Ryan Patrick Perkins, Diana Baker, David Barr Durham, Robert Rice, Jane Jahns Rice, Kama Davis, Carol Frank, Forrest Fulkerson, Nelwyn Moore, Nicolasa Delgado, Ruth D Rice, Linda Hopson, Kathy Bausek, Michelle Hidler, Leanne Janke, Mike Butler, Elizabeth Ann Mazzarella, Carol O'neil Goodwin, Candace Engeling, Katherine Turner, Gaye Smith, Gayle Champion, Mary Spurlock, Leslie Turner, Sonya Evans, Wiley Harris, Jewel Smith, Stewart Harris, Adelaide Nesbit, Dennis Spire, Christina Saacks, Judy Glover	4.3.1.2	Do not allow developers to be granted another story of units in exchange for 10% of affordable housing.	Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

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no	Karen & Karl Brown	4.3.1.2	Do not allow developers to be granted another story of units in exchange for 10% of affordable housing.	Affordable housing is lacking in San Marcos. We must find fail safe ways to provide this. We should implement rent control or some other type of fail safe provision providing affordable housing. Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos. The requirements developers will put on people to allow them to qualify for affordable housing could be so stringent that no one would qualify. The city will have to use its resources to monitor the business practices of these private entities which will cause an unfair strain on city staff's time, energy, and funding.
No	James K. Baker	4.3.1.2	Do not allow developers to be granted another story of units in exchange for 10% of affordable housing	Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos. The development will be sold, and the next owner will not be able to "make the numbers work" to do affordable housing. But the building will be built and the extra story will not be torn down. We should not be so glibble. You will not get affordable housing from the private sector, and we shouldn't expect it. They are not in the charity business!
Yes	Housing Task Force	4.3.1.3	Develop a "Clear Path" permitting process as an incentive for projects that include affordability.	Faster permitting processes are an additional incentive for the inclusion of affordable housing within a project. Please visit www.sanmarcostx.gov/smtx4all to find out more about the work of the housing task force.
Yes	Housing Task Force	4.3.1.3	Develop a "Clear Path" permitting process as an incentive for projects that include affordability.	Faster permitting processes are an additional incentive for the inclusion of affordable housing within a project. Please visit www.sanmarcostx.gov/smtx4all to find out more about the work of the housing task force.
Yes	Housing Task Force	4.3.1.3	Include a waiver of permitting fees as an incentive for projects that include affordability.	Promotes the inclusion of affordability into proposed development projects. Visit www.sanmarcostx.gov/smtx4all to find out more about the work of the housing task force.
Yes	Housing Task Force	4.4.6.1	Modify the parking requirements for Accessory Dwelling Units so that the additional required parking space is allowed in the second layer in addition to the third layer of the lot.	The code currently requires that the additional parking space be provided 20' behind the front of the house. This change would allow the additional space to be in the side yard or in a garage. The purpose of the change is to remove an unnecessary barrier to Accessory Dwelling Units.
Yes	Housing Task Force	5.1.5.7 & 7.6.1.1 & Building Code	Modify the definition of RV and Manufactured Home Parks to include Tiny Homes and adopt Appendix Q of the 2018 International Residential Building Code .	The purpose is to facilitate the construction of Tiny Home Parks in areas that RV or Manufactured Home Parks are already allowed. This proposed amendment also facilitates the construction of Code Compliant Tiny Homes on permanent foundations within residential lots.
No	Colorspace	5.1.4.1	Decriminalize roommates and increase or remove occupancy restrictions to allow more affordable living arrangements.	Per the recently released Housing Needs Assessment, affordable housing options for much of the San Marcos community are severely lacking. Roommate restrictions actively criminalize more affordable housing options and fail to acknowledge modern complex "family" arrangements and intentional / cooperative communities that are increasingly common across all demographics and can be integral to quality of life support networks, as well as reduced homelessness and housing insecurity.
General Comments				
No	Betsy Robertson	2.2.4.1	Currently the code is thoroughly reviewed and amended annually. Instead, the annual review should consist of staff identifying typos and inconsistencies and, with P&Z approval, making the necessary corrections. More substantive changes should be made on an every-three-years basis. This procedure would involve public, staff and Council input and P&Z and Council approval.	A complete annual review of the code is an unnecessary use of staff, public and Council time and energy. It also creates uncertainty for the users of the code.
	Lisa Marie Coppalletta	General	Neighborhood Character Studies / Historical Survey	I've participated in this process for many years now and think its very unfortunate we never got the neighborhood character studies, thats why I thought I showed up at 9AM to go to these meetings. I think that this process has been very planned to have optics of public input, with end results not so much. The city council is changing PDD process. We just fiddle with the code like its a water color splatter painting. Its very uncool because it becomes a moving target and not everyone can show up to every single meeting and catch these little permutations. Affordable housing projects are diverting attention away from flooding trouble shooting/problem solving and also from the Neighborhood Character Studies and the Historical Resources Survey.
Yes	Housing Task Force	N/A	Analyze the impact of all proposed development code amendments on the key findings from the San Marcos Housing Needs Assessment.	Amendments that may exacerbate the identified housing needs should be discouraged.
Yes	Housing Task Force	N/A	Promote the existing affordability incentives introduced in 2018 with the adoption of the new San Marcos Development Code through the development and promotion of a user's guide.	Encourage a percentage of affordable units be mixed into new developments.
No	Spring's Bistro + Bar	None, Please keep as is	None, Please keep as is	None, Please keep as is

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Yes	Lisa Marie Coppalletta		<p>Full review of the GAP Complete Streets Program</p> <p>Protection of trees on private residences</p> <p>Protection of Native American Artifacts</p> <p>None.</p>	<p>The GAP Complete Streets Program needs to be fully vetted. My open records from the city they only have on file documents from 2012 and 2013. Abigail was the planner on that as there is a memo from her in the packet of the open records. There needs to be an investigation on GAP because it is a stealth program flying in the face of the code and its being run by city staff. To that effect I have no trust in the Code SMTX either. It's been waste of consultant time and money on taxpayer dollars. It's been waste of time for the citizens. IN fact why even participate in the process. This is the reason why after this GAP Complete Streets Program is fully investigated by either the city or State/Federal watchdog agencies I am DONE being civically engaged. This Code PROCESS HAS MADE A MOCKERY OF CITIZEN ENGAGEMENT.</p>
No	<p>Lisa Marie Coppalletta</p> <p>Lisa Marie Coppalletta</p> <p>KSonlitrner</p>			Code SMTX was just approved in April 2018 after 4 years of work. Please allow the current code to stand.



Reports and Resolutions

To:	Shannon Mattingly – Planning and Development Services Director
From:	Planning & Development Services – Will Parrish, CNU-A, Planner
Date:	May 15, 2019
Re:	Resolutions and Reports from Boards and Commissions

This section consists of resolutions and reports from the Workforce Housing Commission (SMTX 4 All), the Historic Preservation Commission (HPC), and the Neighborhood Commission. Additionally Staff received documents from the general public. Attached you will find:

- **Housing Task Force Development Code Report (SMTX 4 All)**
- **Management of the Painting of Historic Buildings Resolution (HPC)**
- **Sidewalk Plan Oversight Resolution (Neighborhood Commission)**
- **Neighborhood Density Review Resolution (Neighborhood Commission)**
- **Documents submitted by the public**

The San Marcos Housing Task Force was formed in September of 2018 with the purpose of assisting the City Council in developing a strategic action plan aimed at addressing the continuum of housing needs in San Marcos. Through its work over the past several months, the Task Force has identified a number of potential Development Code Amendments to address the housing need in San Marcos. This report describes both interim and comprehensive development code amendments. Interim amendments are being proposed as part of the 2019 annual update. Comprehensive amendments will be further explored by the community and task force prior to inclusion in the Strategic Housing Action Plan and includes a recommended public process for vetting these proposals.

Housing Task Force Development Code Report

May 1, 2019



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LETTER FROM THE HOUSING TASK FORCE

Overview

The San Marcos Housing Task Force was formed in September of 2018 with the purpose of assisting the City Council's Workforce Housing Committee develop a strategic action plan to address the housing needs in San Marcos. As a first step, a Housing Needs Assessment and community survey were conducted by Root Policy Research. The Needs Assessment and community survey, including over 2,000 respondents, identified four key findings. To address these needs the San Marcos Housing Task Force has identified four overarching goals and a working draft of strategies and actions. The four goals include:

1. **Expand opportunities for housing,**
2. **Preserve and enhance existing housing stock,**
3. **Leverage community and regional partners, and**
4. **Quantify and meet the housing needs of current and future residents.**

The Task Force will be working closely with the community over the next several months through a series of public input and feedback sessions to improve and refine the working draft of strategies and actions into a strategic housing action plan for the City of San Marcos. Prior to completion of this action plan, the Task Force is proposing a limited list of interim development code amendments to help address the most immediate barriers and help meet the needs identified in the City's Needs Assessment.

Needs Assessment Findings:

The Needs Assessment included the following primary findings:

- **Additional affordable rentals for residents earning less than \$25,000** - Between 2000 and 2017, the city lost 2,800 private market rentals affordable to households earning less than \$25,000 per year due to price increases. At the same time, the city gained 2,230 more residents earning less than \$25,000. As a result, San Marcos has a shortage of 5,950 rental units priced affordably for renters earning less than \$25,000 per year.
- **Displacement prevention** - According to survey results, in the past five years, nearly one in five (18%) San Marcos renters experienced displacement—having to move from a home when they did not want to move. The most common factors were rent increases, flood damage—including damage from the 2015 Flood—cost of utilities, and landlord selling the home.
- **Homes priced near or below \$200,000 and increased ownership product diversity** - San Marcos has experienced a substantial increase in home prices since 2000, with particularly sharp increases in the last five years. Median incomes, however, have not kept pace. In 2017-2018, San Marcos' median sale price was \$256,600. Stakeholders identified families with household incomes of \$60,000 to \$80,000 to have the greatest unmet affordable housing need, for both rental and ownership products. San Marcos has a shortage of "missing middle" products, which often serve as a gateway to homeownership for residents. Contributing to this shortage is the difficulty in developing such units in residential neighborhoods in San Marcos due to the lack of appropriately zoned properties.
- **Improve condition and accessibility of existing housing stock** - Overall about one-third of all renters and 9 percent of owners in the city said their home was in fair or poor condition. Though most residents do live in housing that is in good condition, the need for improvements has a disproportionate impact on vulnerable populations. For example, San Marcos families with children under the age of 18 who rent (49%) and renters whose household includes a member with a disability (44%) are more likely to assess their housing as in fair or poor condition than other groups. Working to improve condition and accessibility will help serve existing residents but also attract new residents to the city. Among non-student in-commuters who considered San Marcos, one in three chose to live elsewhere because the "housing I could afford was lower quality and/or needed repairs/improvements."

Annual Development Code Update

The current San Marcos Development Code was adopted in April of 2018. The City committed to annual updates to the development code in order to “eliminate vague, or unclear language and ensure that the code remains current with the needs and desires of the community.” Recommendations for updates are due by the end of April which is well before the strategic housing action plan will be finalized. Therefore, the Task Force is proposing two sets of proposed amendments Interim and Comprehensive.

- **Interim Amendments** include simple steps and small modifications in development processes and ordinances that can remove barriers and encourage more affordability in San Marcos with limited disruption to current development processes and regulations.
- **Comprehensive Amendments** include those that need more time for community input and vetting. These will be introduced further on in this report and may be included as part of the Strategic Housing Action Plan process.

PROPOSED INTERIM AMENDMENTS

POLICY LEVEL RECOMMENDATIONS	CODE SECTION
<ul style="list-style-type: none"> • Analyze the impact of all proposed development code amendments on the key findings from the San Marcos Housing Needs Assessment. Amendments that may exacerbate the identified housing needs should be discouraged. 	N/A
<ul style="list-style-type: none"> • Include whether the proposed development is addressing affordability as defined in the needs assessment as one of the criteria to be considered during a zoning change request. 	<u>Sec. 2.5.1.4</u>
ADMINISTRATIVE / PROCESS RECOMMENDATIONS	
<ul style="list-style-type: none"> • Promote the existing affordability incentives introduced in 2018 with the adoption of the new San Marcos Development Code through the development and promotion of a user’s guide. 	N/A
<ul style="list-style-type: none"> • Develop a “Clear Path” permitting process as an incentive for projects that include affordability. 	<u>Sec. 4.3.1.3</u>
<ul style="list-style-type: none"> • Include a waiver of permitting fees as an incentive for projects that include affordability. 	<u>Sec. 4.3.1.3</u>
TECHNICAL RECOMMENDATIONS (Represent barriers to diverse housing types)	
<ul style="list-style-type: none"> • Exempt smaller lot and infill development from the Lot Width to Depth requirements. 	<u>Sec. 3.6.3.1</u>
<ul style="list-style-type: none"> • Modify the parking requirements for Accessory Dwelling Units so that the additional required parking space is allowed in the second layer in addition to the third layer of the lot. 	<u>Sec. 4.4.6.1</u>
<ul style="list-style-type: none"> • Modify the definition of RV and Manufactured Home Parks to include Tiny Homes and adopt Appendix Q of the 2018 International Residential Building Code to facilitate the construction of Tiny Homes on residential lots. 	<u>Sec. 5.1.5.7</u> & <u>Sec. 7.6.1.1</u> & Building Code

COMPREHENSIVE CODE AMENDMENTS TO ADDRESS THE KEY FINDINGS FROM THE NEEDS ANALYSIS

The following comprehensive amendments have been discussed by the task force for potential inclusion in the strategic housing action plan. These amendments have been designed to address the key findings from the needs assessment and will be reviewed, revised and vetted over the next several months. This is also not an exhaustive list as additional solutions and strategies may emerge during the process.

ADDITIONAL AFFORDABLE RENTALS FOR RESIDENTS EARNING LESS THAN \$25,000

- Create Opt-In Zoning District Overlays that allow a property owner to opt-in to a more intense zoning district in exchange for a certain percentage of affordable units.
 - Develop a Voluntary Inclusionary Zoning Program that provides incentives such as increased density, reduced parking, fee waivers, additional height and clear path permitting processed in exchange for a certain percentage of affordable units.
-

DISPLACEMENT PREVENTION

- Modify the Occupancy Restrictions to mitigate the effects of the ordinance on nontraditional or flexible living arrangements such as unmarried adults buying a home together, coop or other intentional living models of housing, intergenerational living, and artist/DYI space housing.
-

HOMES PRICED NEAR OR BELOW \$200,000 AND INCREASED OWNERSHIP PRODUCT DIVERSITY

- Create Opt-In Zoning District Overlays that allow a property owner to opt-in to an equivalent Neighborhood Density zoning district to provide diverse forms of ownership opportunities in Infill Neighborhoods in exchange for a certain percentage of affordable units.
 - Remove barriers within conventional residential zoning districts such as SF-6 to encourage diverse housing types within existing neighborhoods. Barriers to be addressed include minimum lot sizes, parking requirements, allowable building types, and density.
 - Remove barriers in the development process for small scale residential development within existing neighborhoods such as watershed protection plans and complete site permits. Process these projects similarly to a single family home or duplex on an infill lot.
 - Require all new larger scale residential communities to use character districts in order to deliver more diverse housing options and improved development standards.
 - Modify or waive the watershed and site planning requirements and processes for small residential projects of less than 6 to 9 units to better reflect the environmental impact of smaller scale projects, minimize cost, and encourage missing middle housing types.
-

IMPROVE THE CONDITION AND ACCESSIBILITY OF EXISTING HOUSING STOCK

- Modify the Rental Registration program to focus the program on the condition of rental units while balancing continued affordability.

CURRENT INCENTIVES FOR AFFORDABILITY

Background

The San Marcos Development Code was adopted in April of 2018. During the re-write process encouraging affordable housing was brought up as an important element of the development code. As a result of this feedback an affordable housing section was added as part of the third draft of the code. Following is a description of the code elements.

Available Incentives

Under the code, incentives are available for developments that elect to incorporate affordable or workforce housing into the development. The three incentives include:

- **Bonus Density** – A Bonus Density is allowed for developments where at least ten percent of the units are affordable. The Bonus is an increase to the maximum density for the site based on the percentage of affordable units being provided within the development.
- **Additional Stories** – Incorporating affordable or workforce housing into a residential development is one of the criteria that is considered when the City Council considers a request by a developer to increase the number of stories allowed.
- **Reduced Parking** – Residential developments that elect to incorporate affordable or workforce housing are eligible for a reduction in the number of parking spaces to 1 per unit.

MAXIMUM DENSITY = 100 UNITS
AFFORDABLE HOUSING UNITS = 12 UNITS (12 PERCENT)
DENSITY BONUS = 24 PERCENT (100 x .24 = 24 UNITS)
TOTAL UNITS = 124 UNITS

TABLE 4.11 DENSITY BONUS

PERCENT AFFORDABLE UNITS	AFFORDABLE HOUSING BONUS	WORKFORCE HOUSING BONUS
10%	20%	10%
12%	24%	12%
14%	28%	14%
16%	32%	16%
18%	38%	18%
20% or more	45%	20%

Eligibility Requirements:

In order to qualify for the incentives under this section the affordable or workforce housing that is offered must meet several requirements including

- **Period of Affordability** – For-Sale and Rental products receiving incentives under this section must remain affordable for a period of at least 30 years.
- **Eligible Households** – Affordable and Workforce Housing must meet the following requirements with regards to eligibility:
 - Affordable Housing is for households earning no more than 80% of the median family income.
 - Workforce Housing is for households earning no more than 140% of the median family income.
 - Not located in a purpose built student housing complex
 - Targeted to residents that are 22 years of age or older
- **Location Efficient Areas** – Affordable and workforce housing must be located in an area that is accessible and convenient.
- **Dispersal of Units and Construction Phasing** – When affordable and workforce housing is incorporated within a development it must be dispersed throughout and not built as the last units.
- **Enforcement:** Prior to a building permit being issued restricted covenants and deed restrictions shall be filed.



RECOMMENDATION RESOLUTION

Historic Preservation Commission

Recommendation Number: (2019-02RR): Management of the painting of historic buildings, including the prohibition against painting of historic masonry in certain circumstances.

WHEREAS, the City's Comprehensive Plan, "Vision San Marcos: A River Runs Through Us," recognizes that the citizens of San Marcos "are conscious of preserving our rich historical past and will pursue future cultural enrichment"; and

WHEREAS, toward that end, the City boasts seven locally designated historic districts and eight locally designated landmarks while other structures and sites have been recognized at the national and state levels for their historical or cultural significance; and

WHEREAS, to uphold the goals of the Comprehensive Plan, City Council's Strategic Initiative concerning Downtown Vitality, and to preserve the City's historical and cultural resources for future generations, the Historic Preservation Commission has explored policies for possible management of the painting of historic buildings, including the prohibition against painting of historic masonry in certain circumstances; and

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Commission recommends that the San Marcos City Council consider the management of painting historic commercial buildings and masonry in the City. The Historic Preservation Commission further recommends that, if the City Council concurs that management of paint for historic commercial buildings and masonry should be explored, the City Council refer the matter of possible paint management back to the Historic Preservation Commission for the development of more specific recommendations for the adoption of ordinances, resolutions or programs. Upon the transmittal of the final recommendations of the Historic Preservation Commission regarding paint management in relation to historic commercial buildings and masonry to the City Council, the Historic Preservation Commission respectfully requests that the City Council consider implementation of the recommendations.

Date of Approval: March 14, 2019

Record of the vote: Unanimous on a 4-0 vote

Attest: Shay Seal



BACKGROUND

When the City of San Marcos first adopted a historic preservation ordinance in 1984, it was a requirement that exterior changes in color required a Certificate of Appropriateness for structures within a local historic district or landmark. Through the 1990s and until the Land Development Code was adopted in 2004 this remained a requirement. In 2004, changes in color to a structure's exterior no longer required an approved Certificate of Appropriateness. This requirement was carried over in Section 2.5.5.1(C)(1) of the newly adopted San Marcos Development Code in 2018. In recent years, concerns have been raised about the painting of a few properties within the City's Historic Districts. Of specific concern was the painting of masonry.

The Historic Preservation Commission has held discussions regarding adoption of a color palette along with discussions of the painting of brick and masonry during regular meetings as well as at the annual visioning workshop. To facilitate discussion among the Historic Preservation Commission, Staff has outlined how other Texas cities regulate painting of historic structures and has included best management practices for preserving the exterior masonry of historic buildings.

PAINT MANAGEMENT OF HISTORIC STRUCTURES

Generally, cities choose one of the following processes:

1. Exterior paint color changes are not reviewed by Historic Preservation Officer or Historic Preservation Commission.
2. Exterior paint color changes are administratively reviewed and approved by Historic Preservation Officer using design guidelines.
3. Exterior paint color changes are reviewed and approved by Historic Preservation Commission using design guidelines.

FEBRUARY 7, 2019 HISTORIC PRESERVATION COMMISSION DISCUSSION

Staff presented the Historic Preservation Commission with three different cities where exterior paint color is managed through a Certificate of Appropriateness.

1. Galveston

- Administrative approval of Certificate of Appropriateness using an approved palette ("Victorian" palette by Sherwin-Williams or paint from other paint companies that the color is matched to the approved palette)
 - If using a different palette, must receive approval from Historic Landmark Commission
- Only commercial properties within the Strand/Mechanic Historic District (approximately 13 blocks) are reviewed
- Design standards are specific to historic paint and the exterior color of a building ("EXHIBIT A")

2. **Grapevine:**

- Administrative approval of Certificate of Appropriateness for a request to change the color or placement of colors
 - If painting the same color, no Certificate of Appropriateness is required
- Historic paint color cards from all major paint manufacturers are allowed
- Both residential and commercial structures are reviewed
- Paint Guidelines are used to guide applicant with appropriate paint combinations (“EXHIBIT B”)

3. **Georgetown:**

- Administrative approval of Certificate of Appropriateness
- Both residential and commercial structures are reviewed
- No paint palette has been approved but staff reviews for historic appropriate colors
- Chapter 11 of Georgetown’s Design Guidelines are specific to historic color schemes, accent colors, and when to paint (“EXHIBIT C”)

PRESERVING HISTORIC MASONRY

Sealing or painting historically unpainted brick creates performance issues with the material. The paint traps moisture in the brick, which compromises the face and structural integrity of the brick, which leads to failure of the wall. The *Secretary of the Interior’s Standards for Treatment of Historic Properties* state that applying paint or other coatings to masonry that has been historically unpainted or uncoated is not recommended (“EXHIBIT D”).

The following are a couple of best practices for historic masonry:

- **Preserve and maintain original brick, stone, terra cotta, cast concrete, mortar and other masonry original to the building.** Masonry exterior is a character-defining feature, and its different textures, finishes and patterns contribute to the building’s appearance. Preserve the building’s masonry to retain your building’s historic character. Do not cover or conceal original masonry surfaces with non-historic materials such as metal, exterior insulated finishing systems or vinyl.
- **Keep the historic masonry visible and unpainted.** Do not paint or seal the masonry building if it has never been painted or sealed. The brick’s color and texture is an important part of its appearance. Any paint applied to the brick will require regular maintenance and periodic repainting. If the building is painted or sealed, it may trap the moisture in the wall and cause the bricks to fail. It may also cause moisture-related issues on the interior, such as mold. Silicone-based sealants do not allow bricks to “breathe” and can trap moisture within walls. If water is penetrating the historic masonry building, use one of the highly effective non-paint related treatments available to strengthen the damaged or sandblasted masonry and make it more water repellent and resistant to the elements.

Many cities have written into their design guidelines that painting of historically unpainted brick is prohibited; all three cities above have guidelines prohibiting painting of unpainted masonry. However, if the building has already been painted, the Texas Historical Commission Main Street Program provides guidance on removing paint where feasible or selecting appropriate paint colors ("EXHIBIT E").

RECOMMENDATION

In the majority of cases, regulation of paint is kept to commercial buildings using design guidelines and administrative Certificates of Appropriateness and in all the cases researched, unpainted masonry is prohibited from being painted.

To keep with this standard, Staff recommends the following, which was supported by the Historic Preservation Commission at their February 7 Regular Meeting:

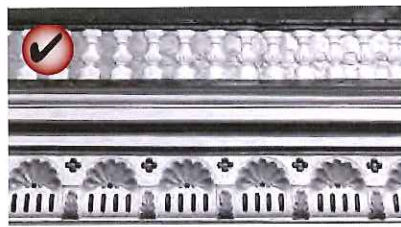
1. Amend the San Marcos Development Code to prohibit painting of previously unpainted masonry;
2. Adopt the color palette from the National Trust for Historic Preservation in Historic Design Guidelines, while allowing historic palettes from all major paint manufacturers, and require an administrative Certificate of Appropriateness for the current Downtown Historic District and potential future commercial historic districts; and
3. Include educational guidance and information for residential properties within guidelines and on website.
4. Strengthen the definition of primary materials in the San Marcos Development Code to include the Secretary of the Interior Standard's definition of masonry

EXHIBITS

- A. City of Galveston *Design Standards for All Historic Preservation Projects & Commercial Properties* and *Appendix V. Approved Paint Palettes*
- B. City of Grapevine *Paint Guidelines*
- C. City of Georgetown *Design Guidelines for Colors in the Overlay Districts*
- D. Secretary of the Interior's Standards for Treatment of Historic Properties – Recommendations for Preservation of Masonry
- E. Texas Main Street Program Design Guide – Color Palette & Paint Guidelines



Maintain protective coatings, such as paint, on exposed metals.



Preserve significant architectural metal features.

HISTORIC METAL

Metals were used for a variety of applications including columns, roofs, fences and decorative features. They include cast iron, steel and copper. Traditional metals should be preserved.

2.10 Preserve significant architectural metal features.

Appropriate

- Provide proper drainage on metal surfaces to minimize water retention.
- Maintain protective coatings, such as paint, on exposed metals.

2.11 Repair metal features by patching, splicing or otherwise reinforcing the original metal whenever possible.

Appropriate

- When replacement is necessary the new metal shall be compatible with the original.

HISTORIC PAINT

Historically, most wood surfaces on the exterior of a building were painted to protect them from weathering. Concrete and stucco structures were also sometimes painted.

Note that all projects must meet lead-based paint requirements.

2.12 Plan repainting carefully.

Appropriate

- Always prepare a good substrate. Prior to painting, remove damaged or deteriorated paint only to the next intact layer, using the gentlest means possible.
- Use compatible paints. Some latex paints will not bond well to earlier oil-based paints without a primer coat.

Exterior Painting and Colors

The Landmark Commission does not review exterior paint colors in residential historic districts but does review them in commercial historic districts as described on page 114.

When selecting colors, it may be helpful to consider historic color schemes on your street and block. Generally, a simple color scheme that does not include very dark colors or stained surfaces is preferable. White with green shutters or soft earth tones with white trim and dark shutters are often compatible color combinations.

Studies on paint colors used in 19th and early 20th Century Galveston are available from the Galveston Historical Foundation.

Appropriate Color Combinations

Three colors are generally sufficient to highlight a building façade.

Base Color. This appears on the upper wall and frames the storefront. The major expanses of space on a storefront will be painted this color.

Major Trim. This defines the decorative elements of the building and ties the upper façade trim with the storefront. The major trim color must complement the base or body color. Elements include:

- Building and storefront cornice
- Window frames, sills and hoods
- Storefront frames, columns, bulk-heads and canopies.

Minor Trim. This is intended to enhance the color scheme established by the base and major trim colors and may be used for window sashes, doors and selective details. It is typically a darker shade of the major trim color.

Approval of Paint Colors

Several paint colors have been pre-approved by the Landmark Commission for use in locally-designated commercial historic districts. Painting projects using these colors, or the original building colors may be administratively approved by the Historic Preservation Officer without design review by the Commission.

Painting projects that do not use pre-approved colors must be approved by the Commission on a case-by-case basis using the standards at left.

EXTERIOR COLOR

The Landmark Commission reviews exterior color for projects in locally-designated commercial historic districts.

Choosing the right combination of colors for a historic rehabilitation or new construction project can unify building elements with the façade and highlight important architectural detailing. Paint color selection should be appropriate to the architectural style and complement the building and its surroundings.

4.30 Use a façade color scheme that reads as a single composition.

Appropriate

- Use color schemes that are simple in character.
- Use one base color for the building walls and another for the roof.
- Use one to three accent colors for trim elements.
- Return the building to its historic paint colors if adequate archival information is available.

4.31 Use muted base or background colors.

Appropriate

- Use muted colors for building features.
- Use harmonizing or contrasting colors for trim accents.
- Use matte or low luster finishes instead of glossy ones.
- Use non-reflective, muted finishes on all features if possible.

Inappropriate

- Do not use accent colors that contrast so strongly as to not read as part of the composition.
- Do not paint unpainted stone, brickwork or terra-cotta.
- Do not use sandblasting to clean historic surfaces and/or to remove old paint. (See Treatment of Historic Materials and Finishes in Chapter 2.)

Appendix V. Approved Paint Palettes

The following paint palettes have been approved for use in the historic districts:

Strand/Mechanic Historic District: "Victorian" palette by Sherwin-Williams. Please see the Exterior Color section on page 114 for more information on exterior painting projects.

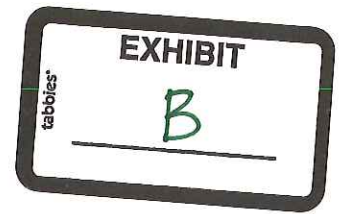
All Historic Districts: The following colors are the approved palette for items in the right-of-way such as cell nodes and associated ground equipment:

- Rookwood Dark Brown, SW 2808;
- Rookwood Medium Brown, SW 2807;
- Rookwood Shutter Green, SW 2809; and
- Black.

All paint shall be a satin or flat finish.

The paint palettes do not apply to structures located within the residential historic districts.

Please note that use of Sherwin-Williams paint is not required. Any paint company may be used provided the color is matched to the approved palette.



PAINT GUIDELINES

Adding Character

The exterior surfaces of historic buildings are painted for two primary reasons – to protect and preserve the exterior materials and to create color schemes appropriate for the building's architectural style. An appropriate paint scheme on an historic building will accentuate its architectural details and add to the character of the historic district.

The paint colors selected for a historic building will greatly contribute to the historic character of the building and surrounding historic district, and as such should reflect the historical age, period and style of a building, accentuate the architectural features of the design, and represent the current owner's taste.

The articulation and details of exterior walls, window and door openings, trim, scale, and texture of exterior materials can be enhanced or obscured by appropriate and inappropriate paint colors selected for a building.

Select and locate paint colors that are appropriate to the style, period, and type of building and its district or area. Selection and location of paint colors based on research of historic finishes is encouraged. Paint colors should be

complementary to each other and used to accentuate a building's significant features.

This method of selecting colors and locations of colors does not mean that every house or building in a historic district or of a particular period or style should be painted the same color. There is a wide range of attractive colors, which may be combined in hundreds of ways to provide for individuality with overall continuity.

While Grapevine did not have as great a selection of historic paint colors (most houses in town were painted white, both body and trim, while window screens or shutters were painted dark green or black), the selected colors are based on paint companies' available color palettes for the period when Grapevine's historic buildings were being constructed.

Note

Original stone or masonry surfaces should be maintained and not be painted, unless severe deterioration of the brick or stone can be shown to require painting and other consolidation or stabilization methods cannot be shown to be appropriate. If masonry was previously painted, it is often not appropriate or possible to remove paint and appropriate repainting should be considered.

Paint Color Location

Having selected a base or body color that is appropriate to the period and style of your historic building, the next decision is for a trim color to contrast and compliment that of the body color.

Trim

Nearly all houses and some commercial buildings built in Grapevine prior to WWII were defined by trim colors. Trim color, for houses, was used to define wood elements such as porch features, corner boards, window, and door trim and fascia boards. All of these elements were usually painted the trim color to provide a contrast or to define the main body (or base) color of the house.

Porches were also painted a trim color to provide an outline or contrast of color to the main body color.

Commercial buildings typically had their body color defined by the material the building was constructed of (i.e. brick and stone) while a trim color was utilized for defining windows, doors and other architectural elements such as cast iron. Body and trim colors should not be similar in hue or tone intensity (i.e. two shades of colors that are closely related like green and red or two dark or light shades of color that are similar in darkness or lightness).

Accent

A third color, commonly called an accent color, was quite often utilized to accentuate or highlight a particular feature of a house or building. On houses, the accent color typically was painted on doors, window sashes or special decorative wood trim. It was also common to see the front doors stained a natural color so as to accentuate the natural grain of the wood on the door. On commercial buildings, the accent color was also used to highlight particular architectural features of the building façade.

Color Palettes

The Grapevine Historic Preservation Commission has approved the following paint manufacturer's preservation color palettes for Historic Landmarks and buildings within Historic Districts:

- Sherwin Williams - Preservation Palette
- Pittsburgh Paints - Historic Paints
- Do It Best Paints - American Historical Restoration Colors (Exteriors only)

- Valspar - American Tradition Historic Colors (Lights only)

A good rule of thumb to follow is the simpler the design of the building or house, the fewer colors used.

Certificate of Appropriateness

Any exterior modifications, including new paint colors, to buildings and properties that are designated Historic Landmarks or within Grapevine's Historic Districts require a Certificate of Appropriateness (CA) be approved before modifications may begin.

Many modifications are simple and routine and can be approved by City of Grapevine Staff within a few days after the CA application is submitted. More significant projects require review and approval by the Historic Preservation Commission, which meets monthly. The Commission has approved various preservation color palettes to assist the building owner with appropriate colors for their historic buildings.

For further information on approved color palettes or Grapevine's Historic Preservation Programs, or to obtain a Certificate of Appropriateness application package, please contact the Historic Preservation Office at 817.410.3197.

Contact Us

David Klempin

Historic Preservation Officer

Manager, Heritage Programs & Preservation

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Grapevine, TX 76051

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[Email](#)

Hours

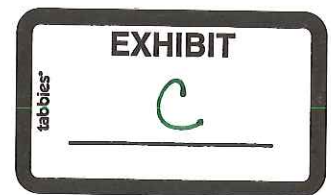
Monday - Friday

8am – 5pm

FAQs

- [What are the advantages of owning property in a historic district or an individual landmark?](#)
- [How do I know if I own property in a designated historic district or landmark?](#)
- [Is being designated a City of Grapevine Historic District or Landmark different from being listed on the National Register of Historic Places?](#)

[View All](#)



DESIGN GUIDELINES FOR COLORS IN THE OVERLAY DISTRICTS

This chapter presents design policies and guidelines that apply to paint colors. The City of Georgetown does not have a specific color palette. Paint color changes to single-family and two-family residential properties in the Old Town Overlay District do not require design review.

In This Chapter:

Color schemes	118
Accent colors	119
When to paint	120

Historic Color Schemes

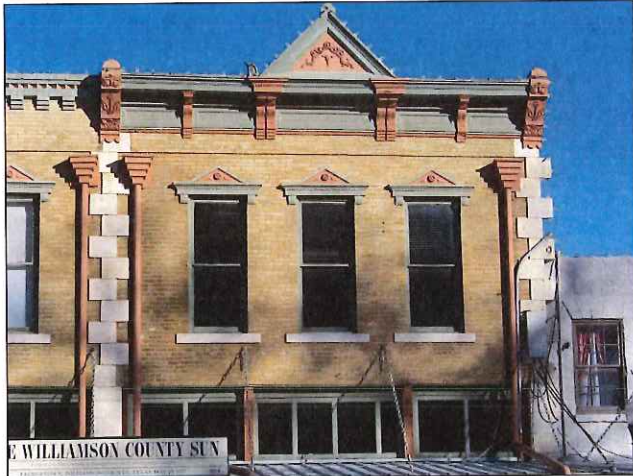
When renovating an historic building, first consider returning to the original color scheme, which can be discovered by carefully cutting back paint layers. Accurately determining the original color scheme requires professional help, but one may get a general idea of the colors that were used by scraping back paint layers with a penknife. Since the paint will be faded, moisten it slightly to get a better idea of the original hue. It is not necessary, however, to use the original color schemes of the building. An alternative is to use colors in ways that were typical of the period or architectural style, and with them create a new color scheme.

With respect to the treatment of color on individual historic buildings, colors that represent the appropriate period of history are preferred, but not necessarily required. Color does not damage the historic materials or alter significant details and can always be changed in the future and thus its application is not as critical as some other design options.

Inappropriate applications of color, however, may hinder one's ability to perceive the character of the building's architecture. For example, if a building with jig-saw brackets and moldings is painted solid black, with no contrast between the background and the details, and little opportunity for expression of shadows, the perception of the character of the building may be diminished.

This concern for perception of character is more relevant in the context of the Downtown Overlay District, where assemblage of buildings on the street is important to one's perception of the character of the streetscape. In this sense, one building that stands out from the rest with an inappropriate color scheme will impede one's perception of the continuity in the district. For this reason, the city reviews the use of color as part of its consideration of design issues. In general, HARC will consider color on a case-by-case basis, and in context with the building's location.

Policy: In general, bright colors used on large surfaces are discouraged. In all cases, the following standards for use of color shall apply.



Develop a color scheme for the entire building that coordinates all the façade elements.

11.1 Develop a color scheme for the entire building that coordinates all the façade elements.

- Using the historic color scheme is encouraged.
- Choose a base color that will link elements of the entire building face together. It can tie signs, ornamentation, awnings, and entrances together. It can also help the building better relate to others on the block.
- A single color scheme should be used for the entire exterior so upper and lower floors and subordinate wings of buildings are seen as components of a single structure.
- For a newer building in the Overlay Districts, a color scheme that complements the historic character of this district should be used.



Choose colors for trim, accents, and architectural details that complement the main color on the body of the structure.

11.2 Paint colors should enhance individual building elements while creating a unified, coordinated appearance for the entire structure.

- Paint colors and placement should create a cohesive look for the structure. There should be one main color on the body of the building to unify the façade.
- Choose colors for trim, accents, and architectural details that complement the main color on the body of the structure.
- Consider the palette of surrounding structures to create a harmonized appearance along the block face.
- Background and accent colors should be consistent within separate buildings, where a number of buildings are attached or where unity in theme is desired.

11.3 A muted color is preferred for the base color of most buildings.

- Use muted colors to minimize the apparent scale of buildings and blend them with the natural colors of area.
- Matte finishes are preferred to glossy ones.

11.4 Roof colors must complement the style and overall color scheme of the structure.

Policy: Focus attention to a building's decorative details and entrances.

11.5 In general, use bright colors for accents only.

- Colors of a vivid saturation are not appropriate for the body of commercial buildings.
- Overly strong or bold colors are not appropriate for the main body of a structure. Reserve the use of strong, bright colors for accents when you want to draw the customer's eye, such as to the sign, the building's ornamentation or entrance.
- In most cases only one or two accent colors should be used in addition to the base color.
- Doors may be painted a bright accent color or they may be left a natural wood finish. Historically, many of the doors would have simply had a stain applied.
- Window sashes, casings, and trims are also an excellent opportunity for accent color.
- Brilliant luminescent or day-glow colors are not appropriate.
- Minimize the metallic shine of aluminum and door frames.

11.6 Paint colors should highlight architectural details.

- Plan painting to use more than one color. It is inappropriate to allow architectural details to be camouflaged by painting them the same color as the background of the structure.
- Strong or bold colors can be appropriate for trim, accents, and architectural details.



Bright colors can be used to identify a building entrance.



Paint colors should highlight architectural details

Policy: It is important to know when to paint buildings and when to leave the material in its natural state or color.



Leave natural masonry finishes unpainted when feasible.

11.7 Wooden structures must be painted.

- Historically wooden structures in Georgetown were painted and would not have been left exposed wood.
- Stained wood is inappropriate for the body of a structure.
- Certain wooden details, such as doors and windows, may remain unpainted. But the wood must not be exposed to the elements, so the materials need to be treated.
- The use and color of stain must be a typical style for the period of the structure.

11.8 Leave natural masonry finishes unpainted when feasible.

- Where the natural color of the materials exists, such as with stone or brick, they should be left unpainted.
- Painting an unpainted brick or stone wall may trap moisture inside the walls and will drastically alter its character and appearance.
- For other parts of the building that do require painting, select colors that will complement those of the natural materials.

11.9 Where brick has been painted historically it should remain painted.

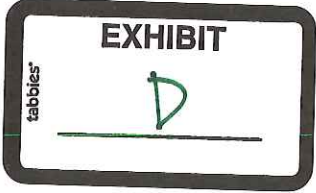
- If a wall is made of porous brick, which has always been painted, it should remain painted. Removing the paint will expose the brick to weather, accelerating its deterioration.
- If a building was originally plain brick, but was painted sometime in the past, consider applying new paint colors that simulate the original brick color.

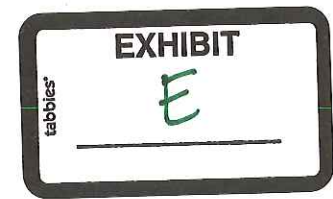
MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADOBE, STUCCO, AND MORTAR

RECOMMENDED		NOT RECOMMENDED	
Identifying, retaining, and preserving masonry features that are important in defining the overall historic character of the building (such as walls, brackets, railings, cornices, window and door surrounds, steps, and columns) and decorative ornament and other details, such as tooling and bonding patterns, coatings, and color.		Altering masonry features which are important in defining the overall historic character of the building so that, as a result, the character is diminished.	
		Replacing historic masonry features instead of repairing or replacing only the deteriorated masonry.	
		Applying paint or other coatings (such as stucco) to masonry that has been historically unpainted or uncoated.	
		Removing paint from historically-painted masonry.	
		Failing to stabilize deteriorated or damaged masonry until additional work is undertaken, thereby allowing further damage to occur to the historic building	
Stabilizing deteriorated or damaged masonry as a preliminary measure, when necessary, prior to undertaking preservation work.		Failing to identify and treat the causes of masonry deterioration, such as leaking roofs and gutters or rising damp.	
Protecting and maintaining masonry by ensuring that historic drainage features and systems that divert rainwater from masonry surfaces (such as roof overhangs, gutters, and downspouts) are intact and functioning properly.		Cleaning masonry surfaces when they are not heavily soiled to create a “like-new” appearance, thereby needlessly introducing chemicals or moisture into historic materials.	
Cleaning masonry only when necessary to halt deterioration or remove heavy soiling.		Cleaning masonry surfaces without testing or without sufficient time for the testing results to be evaluated.	
Carrying out masonry cleaning tests when it has been determined that cleaning is appropriate. Test areas should be examined to ensure that no damage has resulted and, ideally, monitored over a sufficient period of time to allow long-range effects to be predicted.			



[1] A test patch should always be done before using a chemical cleaner to ensure that it will not damage historic masonry, as in this instance, terra cotta.





TEXAS MAIN STREET PROGRAM DESIGN GUIDE

Color Palette + Paint

When visiting Main Street communities one of the most frequently asked questions by building owners is “What color should I paint my building?” For those brick and stone buildings that have not been painted or have less than 50% painted, the answer is easy. DO NOT PAINT! Remove the paint that is there, then give your entire building a good washing. The results will surprise you when all the years of dirt and smog that have collected are removed. But, if your building is already painted and the paint will not come off without further deteriorating the brick, you now have paint color options for stone, brick, wood and metal trim.

The selection of paint colors is a personal decision, as future changes can be made to the palette without impacting the integrity of the historic building. It’s a common rule of thumb to select 3 colors or less to compose the palette and in these general proportions: body color (60%), major trim (30%), minor trim / accent (10%). To select colors, a handful of factors can guide the decision-making process.

Consider the history of the building and the historic context. Research on the building era will reveal a range of commonly used colors. Historic photographs may indicate the original palette and/or color relationships if the images are black-and-white. On-site investigation, including scraping of a small area to uncover hidden layers, may reveal the original color. Look closely at the natural landscape, street, and block your building is a part of, noticing the larger color palette that your building is a part of. Your final paint selections will impact your neighbors and visual appearance of the area. Identify any local guidance and/or regulations in your community regarding paint colors in the historic district.

With a historical perspective in-hand, consider your priorities and the starting point for your selection process. If exposed building materials, such as brick or stone, or roof materials are a visual component of the façade, these static colors and textures should be considered at the start. For example, the color of a brick façade would automatically be the body color to base the selection of the other colors on. Other starting points from your process might be a business logo or branding scheme and an awning fabric that you’d like to incorporate into the façade.

A strong palette pulls together the visual appearance of the building, connecting façade design with the current use and interior space. The body color, the largest proportion of the façade, is likely a neutral or color similar to the original façade material. This background allows the trim and accent colors to highlight notable elements on the façade or signage to stand out. In general, A lighter body color causes a building to appear visually larger, while a darker color causes a building to appear smaller. The body color also impacts heat gain, as the darker colors will cause heat to be absorbed, rather than reflected by lighter colors. The accent color, the smallest portion of the façade, is commonly the visual pop or color used to highlight smaller elements on the facade. In some cases, an accent color is not used – allowing the body and trim color to compose the palette.

There are many resources available to assist in your color selection. Roger Moss in his book “Paint in America: The Color of Historic Buildings” surveys 250 years of paint history. Many major paint companies have composed historic paint palettes for use by consumers, as well as tools to visualize paint colors on your building’s facades. You may consider hiring a design and historic preservation professional to provide a color consultation for more complex projects.

To test your selections, purchase quart or smaller quantities of paint to cover a portion of the façade. Review the selections over several days in natural light, both in full sun and shade, to determine any differences. Remember, colors can't be seen in isolation. When selecting colors with paint chips, you'll be visually influenced by other colors on the surrounding chips, light conditions, etc. Similarly, the colors and materials around your building will impact the way your building is seen – such as the sky, sidewalk, street, plants, neighboring buildings, etc. You'll likely need to adjust your selections once you've tested the palette in place.

Painting the Building

Painting can be one of the most impactful improvements you can make to your building. Understanding the proper process is necessary before you begin, to ensure the paint is long lasting and visually appealing. In your planning, consider the time of year and temperature to identify the best times to undertake the project.

To prepare for painting, all needed repairs should be addressed, such as replacing rotten wood, repointing brick mortar, and repairing window putty. On all surfaces to be painted, peeling and loose paint should be removed. A wire brush, scraper, or heat gun can be used carefully and with the appropriate safety precautions. If the building was painted before 1978 years old, the paint may contain lead and should be tested. The Environment Protection Agency's website provides guidance on the appropriate removal of lead-based paint.

Following any paint removal, the surfaces should be washed by hand or with a pressure washer set to less than 200 psi. At a minimum, bare surfaces should be primed before applying the new coats of paint. If possible, all surfaces should be primed increase the likelihood the new paint will properly adhere.

In selecting the paint, consider the advantages and disadvantages of oil and latex paints. Oil paints are more durable and may adhere better, yet they are more difficult to clean up. Latex paints are less durable, easier to apply, and easier to clean up. Problems can arise in switching back and forth between the different types of paint, so it is important to investigate the previous type of paint used. Also, consider the level of shine: gloss, semi-gloss, eggshell, or matte. Follow all manufacturer's instructions when applying.

Note on Color Interactions:

Color, either found inherently in building materials or applied with paint, can never be viewed in isolation. Our eyes always see color in combination and our perception is affected. It's helpful to have a basic understanding of complementary colors and the way they interact. The basic color wheel sets up three complementary color pairings: red + green, orange + blue, purple + yellow. If a red swatch is placed next to a blue-green swatch - because red and green are complementary - the blue-green will appear more green, as our eye pulls the green out. Also, our eyes prefer to view each of the complementary colors in varying portions. For example, our eyes prefer 5 parts red to 5 parts green, yet only one-part yellow to 9 parts purple. These interactions and proportions explain why we prefer certain color schemes over others.

**NEIGHBORHOOD COMMISSION RECOMMENDATION
RESOLUTION NO. 2019-001R**

A RECOMMENDATION RESOLUTION OF THE NEIGHBORHOOD COMMISSION TO THE CITY COUNCIL TO ADVISE THE CITY MANAGER TO LOOK INTO THE SIDEWALK PLAN AND ENSURE CLEAR COMMUNICATION AMONGST ALL CITY DEPARTMENTS AND ALL AFFECTED CITIZENS INVOLVED IN THIS PROJECT; IN PARTICULAR WE ASK THAT COUNCIL BE SENSITIVE TO SIDEWALKS AFFECTING OUR IRREPLACEABLE HISTORIC AREAS.

WHEREAS, the Neighborhood Commission wishes to recommend that the City Council advise the City Manager to look into the sidewalk plan and ensure clear communication amongst all City departments and all affected citizens involved in this project; in particular we ask that council be sensitive to sidewalks affecting our irreplaceable historic areas.

NOW THEREFORE, BE IT RESOLVED BY THE NEIGHBORHOOD COMMISSION OF THE CITY OF SAN MARCOS, TEXAS:

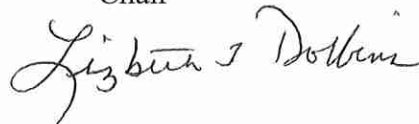
PART 1. It is recommended that the City Council advise the City Manager to look into the sidewalk plan and ensure clear communication amongst all City departments and all affected citizens involved in this project; in particular we ask that council be sensitive to sidewalks affecting our irreplaceable historic areas.

PASSED AND ADOPTED on May 8, 2019.

Attest:


Tammy Strakos
Staff Liaison

Lizbeth Dobbins
Chair



**NEIGHBORHOOD COMMISSION RECOMMENDATION
RESOLUTION NO. 2019-002R**

A RECOMMENDATION RESOLUTION OF THE NEIGHBORHOOD COMMISSION TO THE CITY COUNCIL AND PLANNING AND DEVELOPMENT SERVICES STAFF REVIEW THE DENSITY LEVEL AND USE OF ZONING REGULATIONS FOR NEIGHBORHOOD DENSITY - 3 (ND-3) AND NEIGHBORHOOD DENSITY – 3.5 (ND-3.5) AFFECTING EXISTING NEIGHBORHOODS.


WHEREAS, the Neighborhood Commission wishes to recommend that the City Council review density levels and use of ND 3 and ND 3.5 affecting existing neighborhoods.

NOW THEREFORE, BE IT RESOLVED BY THE NEIGHBORHOOD COMMISSION OF THE CITY OF SAN MARCOS, TEXAS:

PART 1. It is recommended that the City Council review density levels and use of ND3 and ND3.5 affecting existing neighborhoods.

PASSED AND ADOPTED on May 8, 2019.

Attest:


Tammy Strakos
Staff Liaison

Lizbeth Dobbins
Chair



Judy Brown
1308 Thousand Oaks Ln
5-5-19

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

ND3 - Section 4.4.2.1

ND3.5 - Section 4.4.2.7

ND4 - Section 4.4.2.4

NDMS - Section 4.4.2.4

Reason - These designations threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos. These zoning options are attractive to out of town investors who often do not share the best interest of our citizens. Allowing these types of zoning changes would alter an area, which is a root cause of increased property valuation, gentrification, and housing insecurity

(2) No more rent-by-the-bedroom (purpose built student housing) apartments.

Section - 5.1.4.7

Reason - we have enough of this type of structure and need to keep a balance of housing types throughout the city. RBBs also lend themselves to predatory practices which victimize students. Example: The students are charged for 12 months yet are only allowed to live there for a much shorter period of time. RBBs also artificially inflate the rental market in San Marcos by upwardly skewing the perception of "affordable rental rates". Example: By charging high prices per bedroom, they are driving up all rental rates in San Marcos.

(3) Do not use any corridors or gateways as an excuse or justification to up-grade or up-zone to any non-SF-6 zoning, including commercial and multi-family, within existing neighborhoods. Such a zoning change would drastically and negatively impact the neighborhood. **Example: Hopkins Street.**

Section 4.4.2.4

Reason - We need to keep stable, established neighborhoods in tact.

(4) All Accessory Dwelling Units (ADU) need to be approved through C.U.P's

Section - 4.2.1.2

Reason - Numerous ADU's will stress established neighborhoods by creating excessive traffic, noise, and parking problems. These ADUS are more likely to be rentals which will change the character in existing neighborhoods.

(5) Increase the size of the Personal Notification Area when property rezoning is requested.

Section - 2.3.1.1

Reason - The larger the incoming structure the larger the notification zone should be since large construction projects (such as The Woods) have the potential to impact entire neighborhoods and surrounding businesses. The larger notification zone will not be used when determining the 20% rule and the 51% rule.

(6) Redact Section 4.4.4.1, 4.4.4.2, and Section 7.2.2.3 Neighborhood Transitions

Reason: Our current transition requirements are minimal and ineffective and would deteriorate all neighborhoods surrounding downtown both in livability and property value.

Replace the current LDC Neighborhood Transitions with the following:

The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block.

(7) Do not allow developers to be granted another story of units in exchange for 10% of affordable housing.

Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

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Christine Dook 5/5/19
476 Ag. west Dr
Kyle, TX 78640

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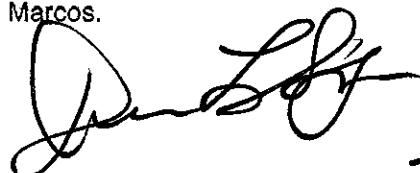
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 113 Deer Trail
SAN MARCOS TX 5/5/15

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Deane Cooper
115 Robin Way
5-5-17

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5-2-19 Nelson B Moore 809 Belvin Nelson B Moore

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Section 4.4.2.4

Reason - We need to keep stable, established neighborhoods in tact.

(4) All Accessory Dwelling Units (ADU) need to be approved through C.U.P's

Section - 4.2.1.2

Reason - Numerous ADU's will stress established neighborhoods by creating excessive traffic, noise, and parking problems. These ADUS are more likely to be rentals which will change the character in existing neighborhoods.

(5) Increase the size of the Personal Notification Area when property rezoning is requested.

Section - 2.3.1.1

Reason - The larger the incoming structure the larger the notification zone should be since large construction projects (such as The Woods) have the potential to impact entire neighborhoods and surrounding businesses. The larger notification zone will not be used when determining the 20% rule and the 51% rule.

(6) Redact Section 4.4.4.1, 4.4.4.2, and Section 7.2.2.3 Neighborhood Transitions

Reason: Our current transition requirements are minimal and ineffective and would deteriorate all neighborhoods surrounding downtown both in livability and property value.

Replace the current LDC Neighborhood Transitions with the following:

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(7) Do not allow developers to be granted another story of units in exchange for 10% of affordable housing.

Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Nicolasa G. Delgado
603 Alabama st

5/2/19
Nicolasa Delgado 70

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

ND3 - Section 4.4.2.1

ND3.5 - Section 4.4.2.7

ND4 - Section 4.4.2.4

NDMS - Section 4.4.2.4

Reason - These designations threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos. These zoning options are attractive to out of town investors who often do not share the best interest of our citizens. Allowing these types of zoning changes would alter an area, which is a root cause of increased property valuation, gentrification, and housing insecurity

(2) No more rent-by-the-bedroom (purpose built student housing) apartments.

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Adriel
Ruth D. Rice
1313 Belmont Dr.
San Marcos, TX 78666

4/30/19

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ND3 - Section 4.4.2.1

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NDMS _Section 4.4.2.4

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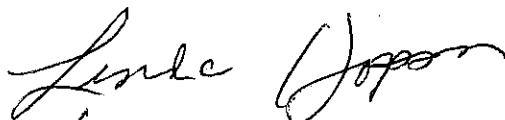
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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.


LINDA HOPSON

102 CANYON FORK
SM 7866

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

ND3 - Section 4.4.2.1

ND3.5 - Section 4.4.2.7

ND4 - Section 4.4.2.4

NDMS - Section 4.4.2.4

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Section - 5.1.4.7

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Section - 2.3.1.1

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

225 Split Rail Dr.
San Marcos TX
78666

Kathy Balusek
Kathy Balusek
4/29/19

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

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Section 4.4.2.4

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

MICHELLE HADLER
340 ELLIOT RANCH
BUDA, TX 78610 HAYS COUNTY
M Hadler 4/29/19⁷⁴

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225 Split Rail Dr
San Marcos TX
78666

Leanne Jarke
Leanne Jarke
4/29/19

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

274 Gustav Ln.
SM, TX 78666

Mike Butler
Mike Butler
4/29/19

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

ELIZABETH ANN MAZZARELLA
507 SETTLERS ST.
SAN MARCOS, TX 78666

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Section 4.4.2.4

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Carol O'Neil Goodwin
360 Birrmensdorf Dr 04/29/19
Carol O'Neil Goodwin

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Section 4.4.2.4

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Candace Engeling
Candace Engeling
4/29/19

106 Panorama Dr.
SM, TX 78666

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ND3.5 - Section 4.4.2.7

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Section - 5.1.4.7

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(3) Do not use any corridors or gateways as an excuse or justification to up-grade or up-zone to any non-SF-6 zoning, including commercial and multi-family, within existing neighborhoods. Such a zoning change would drastically and negatively impact the neighborhood. **Example: Hopkins Street.**

Section 4.4.2.4

Reason - We need to keep stable, established neighborhoods in tact.

(4) All Accessory Dwelling Units (ADU) need to be approved through C.U.P's

Section - 4.2.1.2

Reason - Numerous ADU's will stress established neighborhoods by creating excessive traffic, noise, and parking problems. These ADUS are more likely to be rentals which will change the character in existing neighborhoods.

(5) Increase the size of the Personal Notification Area when property rezoning is requested.

Section - 2.3.1.1

Reason - The larger the incoming structure the larger the notification zone should be since large construction projects (such as The Woods) have the potential to impact entire neighborhoods and surrounding businesses. The larger notification zone will not be used when determining the 20% rule and the 51% rule.

(6) Redact Section 4.4.4.1, 4.4.4.2, and Section 7.2.2.3 Neighborhood Transitions

Reason: Our current transition requirements are minimal and ineffective and would deteriorate all neighborhoods surrounding downtown both in livability and property value.

Replace the current LDC Neighborhood Transitions with the following:

The maximum height for a commercial building, across the street from an established neighborhood or area of stability, shall be no more than one-story. This one-story height applies to the first block.

(7) Do not allow developers to be granted another story of units in exchange for 10% of affordable housing.

Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Katherine G. Turner
Katherine G. Turner
May 5, 2019

402 Whitebail Dr
San Marcos, CA
78666

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

ND3 - Section 4.4.2.1

ND3.5 - Section 4.4.2.7

ND4 - Section 4.4.2.4

NDMS _Section 4.4.2.4

Reason - These designations threaten the stability, purpose, and function of areas of stability and neighborhoods in the entire town of San Marcos. These zoning options are attractive to out of town investors who often do not share the best interest of our citizens. Allowing these types of zoning changes would alter an area, which is a root cause of increased property valuation, gentrification, and housing insecurity

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Gary Smith

Gary Smith

420 Briarwood Dr.

San Marcos, TX 78666

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

ND3 - Section 4.4.2.1

ND3.5 - Section 4.4.2.7

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NDMS - Section 4.4.2.4

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Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Gayle Champion
502 Quail Run
San Marcos, TX 78666

Gayle Champion
5-5-19

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ND3 - Section 4.4.2.1

ND3.5 - Section 4.4.2.7

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NDMS _Section 4.4.2.4

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Section 4.3.1.2

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Mary Spurlock Mary Spurlock
110 Anderson Acres Ln
San Marcos, TX

S-S-19⁸³

Sonya Evans
Sonya Evans
2908 Great Oaks Dr.
San Marcos, TX 78666
5-5-19

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

Wiley Harris 2608 Oak Haven 5-5-19
San Marcos, TX 78666

1) Eliminate all ND3, ND3.5, ND4, and Neighborhood District Main Street (Commercial) designations in the code.

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Section 4.4.2.4

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Section 4.3.1.2

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Jewel Smith

420 Briarwood

San Marcos, TX

78666

5-5-19

Jewel L Smith

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Section 4.4.2.4

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Section 4.3.1.2

Reason: Giving developers another story of units in exchange for affordable housing will not result in viable affordable housing. This proposal is not a realistic plan to increase affordable housing in San Marcos.

5-5-19

Stewart Harris

2608 Oak Haven
San Marcos, TX 78666

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Section 4.4.2.4

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Adelaida Hernandez Nesbitt
Adelaida Hernandez Nesbitt

1440
South ~
Point Dr
San Marcos
5-5-19

5/5/19
Leslie W. Turner
402 WHITETAIL DR.
SAN MARCOS, TX 78666

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Approved Neighborhood Density District Requests



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Map Date: 5/17/2019

Approved Character District Requests



0 0.125 0.25 0.5 Miles

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Map Date: 5/22/2019