



City of San Marcos

Meeting Minutes City Council

Tuesday, August 18, 2020

3:00 PM

Virtual Meeting

This meeting was held using conferencing software due to the COVID-19 rules.

I. Call To Order

With a quorum present, the work session of the San Marcos City Council was called to order by Mayor Hughson at 3:04 p.m. Tuesday, August 18, 2020. The meeting was held virtually.

II. Roll Call

Deputy Mayor Pro Tem arrived after roll call at 3:10 p.m.

Present: 7 - Council Member Melissa Derrick, Mayor Jane Hughson, Mayor Pro Tem Ed Mihalkanin, Council Member Joca Marquez, Deputy Mayor Pro Tem Mark Rockeymoore, Council Member Maxfield Baker and Council Member Saul Gonzales

PRESENTATIONS

1. Receive a Staff presentation and hold discussion on text amendments to the San Marcos Development Code to address recommendations from the Alcohol Conditional Use Permit Committee, the Housing Task Force, the Historic Preservation Commission, Planning and Zoning Commission, and recommendations from City staff concerning application processing and requirements, block perimeter standards, Certificate of Appropriateness appeals, Concept Plat applicability, right-of-way dimensional standards, building type definitions, Neighborhood Density District zoning regulations, Character District zoning regulations, a new Special Events Facility use, multifamily parking standards, accessory dwelling units, neighborhood transitions, durable building materials, detention and water quality requirements for plats of four residential lots or less, detention requirements outside the Urban Stormwater Management District, delineation of water quality and buffer zones, channel design for water quality zone reclamation, sensitive geologic feature protection zones, geological assessment waivers, and Qualified Watershed Protection Plan applicability, and adoption of Appendix Q of the International Residential Code. Such presentation will also include an update on the status of the San Marcos Strategic Housing Action Plan.

Bert Lumbreras, City Manager, provided a brief update regarding Phase 2 of the Land Development Code (LDC) amendments. Mr. Lumbreras stated the amendments are also on this evening's regular meeting agenda for consideration. Mr. Lumbreras stated the items are the result of over a year-long process beginning in the Spring of 2019.

City Council approved the Phase 1 amendments last December, and we were on track to bring Phase 2 in the spring but were delayed due to COVID-19. Amanda Hernandez, Development Services Manager, and Greg Schwarz, Senior Engineer, will provide a description of the topic, reason for change, proposed revision, and the Planning and Zoning Commission's recommendation. The Land Development Code is an integral part of directing how the community grows and making any changes understandably involves thoughtful deliberation. There will be a public hearing and action on the proposed amendments at the regular meeting tonight. Mr. Lumbreras stated that Ms. Hernandez will present the proposed amendments.

Ms. Hernandez provided the code amendment history:

- March – May, 2019 – Public Solicitation for Amendments
- June, 2019 – City Council / Planning and Zoning Commission Joint Workshop
- December, 2019 – Phase 1 approved by City Council
- March 3, 2020 – Phase 2 initial authorization from City Council
- May 12, 2020 – Phase 2 Public Hearing at Planning & Zoning Commission(postponed from March 28, 2020 due to COVID-19)
- June 9, 2020 – Phase 2 Recommendation from Planning and Zoning Commission
- August 18, 2020 – Phase 2 Work Session Presentation & Discussion
- August 18, 2020 – Phase 2 Public Hearing and Action
- September 1, 2020 – Phase 2 Ordinance Reconsideration

Mr. Schwarz presented items one through nine. Ms. Hernandez presented items ten through thirty-eight.

Michael Ostrowski, Assistant Director of Planning and Development Services, provided a brief update on the status Strategic Housing Action Plan. The Planning and Zoning Commission eliminated some actions but staff provided other actions. Mr. Ostrowski provided the next steps in Strategic Housing Action Plan to Council in the next couple of months for consideration, present the plan on Housing Task Force recommendations, the Planning and Zoning Commission recommendations and other alternate recommendations developed with the Comprehensive Plan Project.

Discussion was held on recommendation item #15 that exempts smaller lot and infill development from the Lot Width to Depth requirements. This amendment would exempt infill development only (not small lot development)

from the 3:1 lot width to depth requirement. The amendment as proposed would not allow these lots to exceed a 6:1 width to depth ratio. Council consensus was in agreement with the Planning and Zoning Commission recommendation to remove this item from the list because someone can still apply for it, it just will not be allowed by right. The request would be decided by the Planning and Zoning Commission.

Discussion was held on recommendation item #17 regarding Tiny Homes in the Development Code. They are allowed, as long as they meet our building codes, but haven't specifically been listed. This is to add the option for updated use table to show that tiny homes are allowed. Council would like to see this added.

Mayor Hughson stated concerns with certain lot size and limit on lot size. Mayor Hughson would like this added to the code.

Council Member Baker stated about tiny home village and what constitutes such? Ms. Hernandez stated when there is more than one home on lot. Would a tiny home build an accessory unit? Ms. Hernandez stated no the accessory unit would need to be 250 ft. and could be permitted.

Discussion held on recommendation #19 regarding initial authorization from City Council for amendments initiated, requested, or directed by City Council. Mrs. Mattingly stated this initial authorization would only be skipped by council if specific direction was provided.

Discussion held on recommendation #26 regarding occupancy restrictions. Motion will be made later this evening at the regular meeting. Leave CD 3 as is and create a new CD-2.5 that has most of the characteristics of CD-3, but with only detached houses, ADUs, and occupancy restrictions.

Discussion held on recommendation #32 regarding PSA for increase in density. Council Member Derrick asked if postponing this item would create issues. Ms. Hernandez stated it could be postponed but would like to approve the clarity portion. Council consensus is to remove #32 Staff Proposal Summary #7 to reduce the number of meetings and therefore reduce the amount of time required.

Mayor Hughson suggested to add table 4.5 option for character districts in low intensity to add clarity. Council consensus to add table 4.5 to the code.

See Exhibit B (attached to minutes)

Discussion held on recommendation #35 to require a conditional use permit for ADUs in single family neighborhoods. Mayor Hughson stated that she would be in favor of reducing the fee if this is approved. Discussion was held regarding on permitted vs. limited in accessory dwelling units. Council consensus is to remove item #35.

Consensus on #38 is to not have any exemptions for parking in CD-5D districts over 4 parking spaces and allow for a Conditional Use Permit otherwise.

Council consensus was provided to move forward with the following:

1. Removal of Amendment #26 which was intended to add occupancy restrictions to Character District 3 (CD-3).
2. Removal of Staff Proposal #7 under Amendment #32 which would require additional meetings for Neighborhood Density District requests in Existing Neighborhoods and only require the Neighborhood Presentation Meeting as currently required in the Development Code.
3. Add the provided table, and required associated text, to Amendment #32 which provides clarity for Character District zoning change requests in Low Intensity Areas on the Preferred Scenario map.
4. Removal of Item #35 which would require a Conditional Use Permit for Accessory Dwelling Units in certain zoning districts.
5. Removal of Item #37 which would allow an exemption for parking for small multifamily in CD-5D, but keep the conditional use permit process for properties with up to 5 units.

Mayor Hughson abstained from the vote on Item #29 adding a new Special Event Facility because the letter in the packet indicates a request by her neighbor for this new zoning district.

To see the full staff recommendation table see exhibit A (attached to minutes)

III. Adjournment.

A motion was made by Mayor Pro Tem Mihalkanin, seconded by Deputy Mayor Pro Tem Rockey Moore, to adjourn the work session meeting of the City Council at 5:28 p.m., August 18, 2020. The motion carried by the following vote:

For: 7 - Council Member Derrick, Mayor Hughson, Mayor Pro Tem Mihalkanin, Council Member Marquez, Deputy Mayor Pro Tem Rockey Moore, Council Member Baker
Against: 0 and Council Member Gonzales

Tammy K. Cook, Interim City Clerk

Jane Hughson, Mayor

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
1	Engineering Department Recommendation	2.6.1.1.D, - 2.6.1.4	Make Qualified Watershed Protection Plans administrative	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to include administrative approval capability for Qualified Watershed Protection Plans. P&Z recommended an amendment that would require an informational meeting with the Commission Watershed Protection Plans for projects over 40 acres</p>
2	Engineering Department Recommendation	3.9.1.1.G	Add exception to detention/retention requirement for residential plats of 4 lots or less. Require approved drainage analysis and payment-in-lieu to stormwater management fund.	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to include fee-in-lieu option for minor plats demonstrating no adverse impacts. P&Z recommended providing standards for exemption including lot size and impervious cover limits, and to not allow exemption for 4 lots with the intention of creating more than 4 lots in the future.</p>
3	Engineering Department Recommendation	6.1.1.2.B	Add exception to detention and/or water quality requirements for significantly constrained sites outside the Urban Stormwater Management District.	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to include waiver option when payment into stormwater management fund is made, and no adverse impacts have been demonstrated through a drainage analysis.</p>
4	Engineering Department Recommendation	6.1.1.1.D	Add exception to water quality requirements for residential plats of 4 lots or less.	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to waive water quality requirements for residential plats of four lots are less that are served by an existing street. P&Z recommended providing standards for exemption including lot size and impervious cover limits to mirror Item #2 changes.</p>
5	Engineering Department Recommendation	6.2.2.1 - 6.2.2.2	Clarify how WQZ and Buffer Zones are delineated now that entire floodplain is considered floodway	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to clarify how the water quality zone and buffer zone are determined.</p>

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Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
6	Engineering Department Recommendation	6.2.2.3.C	Modify sensitive feature protection zone to include 25 ft buffer around feature and additional buffer in upstream direction.	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to include a buffer around the feature and additional buffer in upstream direction.</p>
7	Engineering Department Recommendation	6.2.3.2	Require reclamation of water quality zones to incorporate natural channel design and shape.	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to require the incorporation of natural channel function, aesthetics, and design.</p>
8	Engineering Department Recommendation	6.3.2.1.C	Add waiver of geological assessment requirement for sites that do not warrant assessment	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to allow waivers from the Responsible Official for sites that do not warrant assessment.</p>
9	Engineering Department Recommendation	6.2.3.5	Clarify mitigation requirements within water quality and buffer zones	<p>This recommendation from the Engineering Department was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented to clarify mitigation requirements within water quality and buffer zones.</p>
10	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.5	Expire conditional use permits after 3 years. (no longer allow lifetime approvals)	<p>This recommendation from the Alcohol Conditional Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would require all Alcohol CUP holders to renew their permit, at a minimum, every three years.</p>
11	Alcohol Conditional Use Permit Committee Recommendation	2.8.3.6	Limit appeal eligibility to applicant only. (does not remove citizen appeal eligibility)	<p>This recommendation from the Alcohol Conditional Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would limit appeal eligibility of those within the 400' buffer zone to decisions of approval only.</p>
12	Alcohol Conditional Use Permit Committee Recommendation	5.1.5.5	Require all permit holders to keep site in clean and sanitary condition.	<p>This recommendation from the Alcohol Conditional Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends consideration of the edits as presented which would require all Alcohol CUP holders to keep their site in a clean and sanitary condition.</p>

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Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
13	Alcohol Conditional Use Permit Committee Recommendation	7.4.2.1	Update noise ordinance to include enforcement details and procedure.	<p>This recommendation from the Alcohol Conditional Use Permit Committee was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would clarify applicability, measurement protocols, the hours max decibels are allowed, the max decibels allowed from single-family residential zoning or uses, and provide specific instances where exemptions are allowed. P&Z recommended changes to provide clarity and remove single family specific regulations.</p>
14	Housing Task Force Recommendation	2.5.1.4	Add "meets affordability needs as defined in the Strategic Housing Action Plan" as rezone evaluation criteria.	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would require staff and decision makers to consider alignment with <u>all</u> applicable City Council adopted plans as a criteria for approval when considering rezones.</p>
15	Housing Task Force Recommendation	3.6.3.1	Exempt smaller lot and infill development from the Lot Width to Depth requirements	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends consideration of the edits as presented. This amendment would exempt infill development only (not small lot development) from the 3:1 lot width to depth requirement. The amendment as proposed would not allow these lots to exceed a 6:1 width to depth ratio. P&Z Recommended Denial of this amendment.</p>
16	Housing Task Force Recommendation	4.4.6.1	Allow ADU parking in second layer of lot.	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would allow the additional parking required for Accessory Dwelling Units in the second, as well as third layer of the lot.</p>

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17	Housing Task Force Recommendation	Chapter 7, Article 6 San Marcos Code of Ordinances, Chapter 14, Buildings and Building Regulations	Modify definition of RV and manufactured home parks to include tiny homes. Adopt Appendix Q of 2018 building code	<p>This recommendation from the Housing Task Force was reviewed at the June 5, 2019 workshop.</p> <p>Staff recommends the edits as presented which would clarify that 1) tiny homes (built to building code) are allowed in Manufactured Home zoning districts and should follow Manufacture Home park standards, and 2) that tiny home construction and inspections shall meet requirements in Appendix Q of the International Residential Code.</p> <p>Staff recommends consideration of tiny home specific standards and policy decisions following the update and adoption of the San Marcos Comprehensive Plan.</p>
18	Predevelopment Meetings	2.3.1.1 (D)	Make predevelopment meetings mandatory. Provide Responsible Official with authority to waive if application does not warrant a meeting.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to require predevelopment meetings unless waived by the Responsible Official.</p>
19	Text Amendments	2.4.1.2 (B)	Remove requirement for initial authorization from City Council for amendments initiated, requested, or directed by City Council.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to remove requirement for initial authorization from City Council when analysis and recommendation on amendment is requested or directed by Council.</p>
20	Zoning Procedures	2.5.1.2-2.5.1.3	Allow Planning & Zoning Commission to recommend approval of a less intense zoning district classification. Allow City Council to approve a less intense zoning district classification.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to allow Planning and Zoning Commission and City Council to recommend and approve a less intense zoning district classification.</p>
21	Certificates of Appropriateness	2.5.5.5	Make City Council (not ZBOA) the appellate body for City owned properties.	<p>This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.</p> <p>Staff recommends consideration of the amendment as presented. This amendment would designate City Council as the appellate body for City owned properties.</p>

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Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
22	Concept Plats	3.2.1.1	Exempt applicant from requirement for Concept Plat when applicant is ready to submit a Preliminary Plat	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to remove requirement for a Concept Plat when the applicant is prepared to submit a preliminary plat.</p>
23	Block Perimeter	3.6.2.1	Increase maximum block perimeter in ETJ from 3,000 feet to 5,000 feet.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as increase the maximum block perimeter in the ETJ from 3,000 feet to 5,000 feet.</p>
24	Block Perimeter	3.6.2.1	Add waiver/exception to block perimeter requirement in Heavy Industrial districts.	<p>This amendment was reviewed by City Council and Planning & Zoning Commission at June 5, 2019 Workshop with the recommendation to staff to bring forward.</p> <p>Staff recommends consideration of the amendment as presented to allow for an increased block perimeter in HI districts in order to accomodate facilities that by their nature, are larger than general commercial facilities. Staff recommends not allowing the perimeter to exceed any more than what is needed for the individual structure and the required parking and landscaping.</p>
25	Streets	3.7.2.2- 3.7.2.6	Align right-of-way standards in Development Code to recommendations appendix of Transportation Master Plan.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendments as presented to ensure the dimensional standards for ROW in the Development Code match the Transportation Master Plan.</p>
26	Zoning	4.4.3.3.	Include occupancy restrictions in CD-3 zoning.	<p>This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments.</p> <p>Staff recommends the amendment as presented to apply occupancy restrictions in CD-3 zoning districts which are intended for low density residential.</p>

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
27	Building Types	4.2.1.1 (Update 4.4.1.1-4.4.3.7 to reflect updated definition)	Provide better definition for "house" and "cottage."	This is an additional amendment identified by staff since the the June 5th workshop and Phase 1 amendments. Staff recommends the amendments as presented to clarify that since a "house" and "cottage" building type are identical and the base standards of the zoning district determine the structure size and scale, only one building type is necessary.
28	Historic Preservation Commission Recommendation	San Marcos Design Manual, Section C.5.1.1	Add sustainability purpose section to Historic Design Guidelines Standards for Sustainability	Resolution 2019-03RR was approved by Council in December 2019. In February 2020, Council directed staff to bring forward amendments during the current update rather than as a separate agenda item. Staff recommends consideration of the edits as presented in order to include a purpose statement in the Sustainability Guidelines in Historic Districts section of the Design Manual.
29	Event Center Use	5.5.5.9	Add new "Special Events Facility" use	This amendment was requested by a developer in January 2020. Staff recommends consideration of the amendments as presented in order to facilitate this new use city-wide.
30	Neighborhood Density District	4.4.2.2	Add an ND-3.2 zoning district which allows more moderate increase in density, setbacks, and allowed housing types from conventional residential districts	City Council request to expedite this amendment at the January 7, 2020 work session. Staff recommends consideration of the amendment as presented.
31	Comprehensive Plan Map Amendments	2.4.2.3	Require majority-plus-one vote from Planning & Zoning and City Council for all comprehensive plan map amendments	City Council request to expedite this amendment at the January 7, 2020 work session. Staff recommends consideration of the amendment as presented.
32	Application Processing- Informational Meetings	4.1.1.6	Require Comprehensive Plan Map Amendment any time a higher intensity zoning designation is requested Remove "Corridor" column from table.	City Council request to expedite this amendment at the January 7, 2020 work session. Staff recommends consideration of the amendment as presented which would require additional votes and additional meetings for requests in existing neighborhoods.
33	Neighborhood Transitions	4.3.4.5	Replace current standards with requirement that Commercial use across the street from established residential use be limited to 1 story.	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented to limit height within a certail distance of a single family zoning district.

Exhibit A - Recommendation Table

Item #	Amendment Type	Code Section	Proposed Amendment	Staff Notes & Recommendation
34	Durable Building Materials	4.3.5.1.7	Include a statement that the City prefers the use of Durable Building Materials	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented.
35	Accessory Dwelling Units	5.1.1.2 5.1.3.1	Change from by-right to conditional use in all districts	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented which would require a CUP in low density, single-family districts.
36	Parking	7.1.2.1	On street parking should not count towards Multifamily parking requirement in CD-5D districts	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented.
37	Parking	7.1.2.2.B.1	Remove exemption for projects of 10 or fewer units in CD-5 and CD-5D zones	The addition of this amendment was requested by City Council at the March 3rd work session. Staff recommends consideration of the amendment as presented which would allow an applicant to seek approval from City Council.
38	Character District	4.4.3.3	Add a Character District (CD) between 2 and 3 that allows single family with occupancy restrictions compatible with other CDs	The addition of this amendment was requested by City Council at the March 17th regular meeting. Staff recommends consideration of the amendment as presented.

EXHIBIT B

Table 4.5” Option for Character Districts in Low Intensity

	FD, AR, SF-R, MR, SF-6, SF- 4.5 (includes ETJ adjacent to the above)	DR, D, PH-ZL, TH, MF-12, P	MU, MF-18, MF- 24, P	OP, NC, CC, GC, HC, LI, HI, MH, VMU, P
CD-1	C	C	C	C
CD-2	C	NP	NP	NP*
CD-2.5	C	NP	NP	NP*
CD-3	NP	C	C	NP
CD-4	NP*	C	C	C
CD-5	PSA	NP*	C	C