



## RECOMMENDATION RESOLUTION

### Historic Preservation Commission

Recommendation Number: (2021-02RR): Recommending that the City Council authorize an amendment to Table 2.1 and Section 2.5.5.3 of the San Marcos Development Code to require posted signage providing notice of any public hearing regarding a request for a Certificate of Appropriateness.

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 nine 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, requests for Certificates of Appropriateness have an impact on adjacent properties in a historic district and are of interest to the public; and

WHEREAS, to increase awareness of public hearings regarding Certificates of Appropriateness, posted notice of public hearings should be added as an additional form of notice provided to the public regarding such hearings.

NOW, THEREFORE, BE IT RESOLVED that the Historic Preservation Commission recommends that the San Marcos City Council consider the initial authorization of a text amendment, per Section 2.4.1.2 of the San Marcos Development Code, to amend Table 2.1 "Development Applications, Decision Authority, and Notice Requirements Table" and Section 2.5.5.3(A)(2) to require posted signage providing notice of any public hearing regarding a request for a Certificate of Appropriateness.

Date of Approval: May 6, 2021

Record of the vote: 7-0

Attest:

  
Ryan Patrick Perkins, Chair, Historic Preservation Commission

### Section 2.5.5.3 Approval Process

#### A. Responsible Official Action

1. The Responsible Official shall review the application for a certificate of appropriateness in accordance with the criteria in Section 2.5.5.4 and provide a report and recommendation to the Historic Preservation Commission.
2. The responsible official shall schedule a public hearing and prepare personal notice and posted notice before the public hearing in accordance with Section 2.3.2.1.

#### B. Historic Preservation Commission Action

1. The Historic Preservation Commission shall conduct a public hearing concerning the application in accordance with Section 2.3.3.1
2. The Historic Preservation Commission shall approve, approve with conditions or deny the application for a certificate of appropriateness after consideration of the request during the public hearing.
3. If the Historic Preservation Commission determines that a certificate of appropriateness should not be issued, or should be issued subject to conditions, it shall place upon its records the reasons for its determination.
4. The Historic Preservation Commission shall render its decision on the request within forty-five (45) days of the date the application is deemed complete and adequate for review, subject to the supplemental options available under Section 2.5.5.3(c).

### Section 2.5.5.4 Criteria for Approval

The following criteria shall be used to determine whether the application for a certificate of appropriateness shall be approved, conditionally approved or denied:

- A. Consideration of the effect of the activity on historical, architectural or cultural character of the Historic District or Historic Landmark;
- B. For Historic Districts, compliance with the Historic District regulations;

- C. Whether the property owner would suffer extreme hardship, not including loss of profit, unless the certificate of appropriateness is issued; and
- D. The construction and repair standards and guidelines cited in Section 4.5.2.1.

### Section 2.5.5.5 Appeals

- A. **General Procedure.** An applicant or other interested person within the four-hundred foot (400') personal notification area may appeal a final decision of the Historic Preservation Commission on an application for a certificate of appropriateness to the Zoning Board of Adjustments within ten days of the Historic Preservation Commission's action on the application, except for appeals pertaining to property owned by the City of San Marcos. Appeals pertaining to property owned by the City of San Marcos shall be made to the City Council within ten days of the Historic Preservation Commission's action on the application. The appellate body shall decide the appeal in accordance with Section 2.8.1.1.
- B. **Supplemental Procedure.** In considering the appeal, the appellate body shall:
  1. Review the record of the proceeding from which an appeal is sought;
  2. Receive an overview of the case from the Responsible Official, including previous recommendations from city staff and the decision of the Historic Preservation Commission;
  3. Hear arguments from the party appealing the decision of the Historic Preservation Commission; and
  4. Remand the matter back to the Historic Preservation Commission when relevant testimony and newly acquired evidence is presented that was not previously presented at the time of the hearing before the Historic Preservation Commission.

**TABLE 2.1 DEVELOPMENT APPLICATIONS, DECISION AUTHORITY, AND NOTICE REQUIREMENTS TABLE**

APPROVAL PROCESS	CITATION	RESPONSIBLE OFFICIAL	STAFF	REVIEW AND APPROVAL AUTHORITY					NOTICE			
				HISTORIC PRESERVATION COMMISSION	NEIGHBORHOOD PRESENTATION	ZONING BOARD OF ADJUSTMENTS	PLANNING COMMISSION	CITY COUNCIL	APPLICATION NOTICE	PUBLISHED NOTICE	PERSONAL NOTICE	POSTED NOTICE
Replat without Vacation	Section 3.3.2.1	P	R				D/PH			Y	Section 3.3.3.1	N
Certificate of Appropriateness	Section 2.5.5.1	P	R	D/PH		A				N	Y	<del>Y</del>
Qualified Watershed Protection Plan	Section 2.6.1.1	E	R				D/PH	A		N	Y	N
Variance	Section 2.8.2.1	P	R				D/PH			N	Y	N
Alternative Compliance	Section 2.8.4.1	P	R				R/PH	A		N	Y	N
Alternative Compliance - Council Approved	Section 2.8.4.1	P	R				R/PH	D/PH		N	Y	N
Change in status of nonconforming uses or structures	Section 1.5.1.9	P	R				D/PH			N	Y	N
<b>ADMINISTRATIVE</b>												
Site Permit	Section 2.7.1.1	P	D				A			N	N	N
Minor or Amending Plat	Section 3.2.4.1	P	D							N	N	N
Public Improvement Construction Plan	Section 3.4.1.1	E	D				A			N	N	N
Watershed Protection Plan I or II	Section 2.6.1.1	E	D				A			N	N	N
Construction Permit	Section 2.7.3.1	B	D							N	N	N
Transportation Impact Assessment	Section 3.5.2.7	E	D				A			N	N	N
Floodplain Permit	Section 2.7.3.1	E	D				A			N	N	N
Regulating Plan	Section 2.5.5.1	P	D				A			N	N	N
Administrative Adjustment	Section 2.8.5.1	P	D				A			N	N	N

**LEGEND**

RESPONSIBLE OFFICIAL		ACTION		MEETING TYPE			
P	Planning Director	R	Review/ Recommend	PM	Public Meeting	Y	Required
E	Engineering Director	D	Decision	PH	Public Hearing	N	Not Required
B	Building Official	A	Appeal				



## **PLANNING AND DEVELOPMENT SERVICES**

**TO:** Historic Preservation Commission  
**FROM:** Alison Brake, CNU-A, Historic Preservation Officer  
**DATE:** March 11, 2021  
**RE: AGENDA ITEM 4: AMENDING TABLE 2.1 OF THE DEVELOPMENT CODE TO REQUIRE POSTED NOTICE FOR CERTIFICATES OF APPROPRIATENESS**

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Discussion was held during the March 3, 2021 regular meeting regarding amending the San Marcos Development Code to require signs to be posted for Certificate of Appropriateness requests much in the same manner as for zoning cases. Table 2.1 identifies the types of notices required for development applications. Currently, posted notice is not required for Certificates of Appropriateness; attached to facilitate discussion.

It is important to note that the signs utilized by the City for posted notice cost the City approximately \$50.00 per sign which could result in the need to impose an additional fee on the Certificate of Appropriateness application. Currently the only fee an applicant pays for a Certificate of Appropriateness application is the \$13 Technology Fee.

In keeping with the approved Commission bylaws, the next step in the process would be to approve a Recommendation Resolution which would include a redline of the proposed amendment to the Code. The Commission would act on the item and the Recommendation Resolution would be forwarded to City Council via the City Clerk and the City Manager.