



Meeting Date: 9/22/2021
Item Number: 4b
Time Estimate: 60 minutes

PLANNING COMMISSION AGENDA REPORT

SUBJECT: REVIEW OF A DRAFT ORDINANCE AMENDING TITLE 17 (ZONING REGULATIONS) OF THE MUNICIPAL CODE WITH OBJECTIVE DESIGN STANDARDS FOR QUALIFYING RESIDENTIAL PROJECTS

PROJECT ADDRESS: Citywide

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FILE NUMBER: CODE-0523-2021

FROM: Tyler Corey, Deputy Director

RECOMMENDATION

Adopt a draft Resolution recommending the City Council introduce and adopt an Ordinance amending Title 17 (Zoning Regulations) of the Municipal Code adding Objective Design Standards Chapter 17.69 for qualifying residential projects.

1.0 COMMISSION'S PURVIEW

The Planning Commission's role is to review the proposed Zoning Regulations amendment for consistency with the City's Housing Element and State Law and make a recommendation to the City Council regarding the proposed amendment that includes the addition of Objective Design Standards for qualifying residential projects.

2.0 PROJECT INFORMATION

2.1 Background

In 2017, the Governor signed multiple housing bills, including Senate Bill (SB) 35 Streamlined Approval Process, which added [Section 65913.4](#) to the Government Code providing for a streamlined, ministerial approval process for multi-unit housing projects of two or more residential units or mixed-use, subject to certain conditions and consistent with objective zoning and design review standards. In addition, [Government Code 65583.2](#) requires a city to allow housing developments, in which at least 20 percent of the units are affordable to lower income households on sites that have been listed in the City's Housing Element inventory in two or more consecutive planning periods, to be processed through a ministerial review. In response, the City adopted Program 6.22 as part of the [City's 6th Cycle Housing Element](#). Program 6.22 states that the City will update the municipal code to expand objective design standards for qualifying residential projects within one year of the adoption of the Housing Element Update (the Housing Element was adopted by City Council on November 17, 2020).

2.2 Objective Standards

Objective¹ standards are regulations that do not require judgement to determine whether they have been met. For example, the City has Zoning Regulations that identify specific building height limits, require that buildings be setback a certain distance from property lines, and establish the minimum number of parking spaces required for a development project. These regulations are all considered “objective standards” because they are numeric and do not require a subjective opinion to determine whether a development project follows those standards.

2.3 Objective Design Standards

Currently, design related direction is provided in the City’s Community Design Guidelines (CDG). While these guidelines will still be applicable to projects that qualify for discretionary review, most of the guidelines are not objective and cannot be used for projects subject to a ministerial review process. The ministerial process is where a development project is reviewed and approved at the staff level, utilizing established objective code requirements and standards (such as those outlined in the Zoning Regulations and mentioned in Section 2.2 above). To continue to preserve and enhance the City’s unique architectural characteristics within the ministerial review process, staff has developed Objective Design Standards (ODS). The ODS utilize concepts and direction from the CDG, City policies, and examples from other jurisdictions to provide minimum design standards to ensure new qualifying residential development is compatible and complimentary with existing development while also allowing flexibility for creativity.

2.4 Applicability

Projects that will be reviewed against Objective Design Standards are residential projects (including mixed use projects) that qualify for streamlined, ministerial processing per Government Code Section 65913.4 (SB 35²), or that are a “use by right” residential project. A “use by right” residential project is a residential project that includes at least 20 percent of the units as affordable to lower income households (low, very low, and extremely low) and does not require discretionary review or approval (see [Government Code Section 65583.2](#) and Housing Element Programs 2.17³ and 2.18⁴) and residential projects that are otherwise deemed subject to ministerial processing per state or local law.

¹ The Housing Accountability Act defines “objective” as “involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.” (GC Section 65589.5(h)(8).)

² SB 35 allows streamlining for residential project in cities that have not met their RHNA numbers. Eligible developments must include a specified level of affordability, be on an infill site, comply with existing residential and mixed-use general plan or zoning provisions, and comply with other requirements.

³ Housing Element Programs 2.17 allows residential developments that include at least 20 percent of the units as affordable to lower income households, by right (no discretionary review) on sites identified in Housing Element Table E-2.

⁴ Housing Element Program 2.18 allows residential developments by right (no discretionary review) for those developments that include at least 20 percent of the residential units as affordable to low-income households.

Residential projects seeking exceptions or modifications to any objective development standards set forth in the City's Zoning Regulations or the ODS, excluding modifications granted as part of density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to State Density Bonus Law or the City's density bonus regulations (Chapter 17.140), are not eligible for the ministerial, streamlined processing, and will be subject to the City's discretionary development review process outlined in Chapter 17.106 of the Municipal Code.

2.5 Previous Advisory Body and Public Review

On June 21, 2021, the ARC received a presentation from staff regarding the development of Objective Design Standards (ODS). As a part of that presentation, staff requested that ARC select a subcommittee to assist staff with further development of the draft ODS. On July 21st and July 27th staff met with the ARC subcommittee to review the draft ODS. Additionally, staff requested professionals involved with local building design, architecture, and development comment on the draft ODS. Comments from the ARC subcommittee and the local professionals were integrated into the draft ODS and presented to the ARC on August 16, 2021. The ARC reviewed the draft ODS and recommended the Planning Commission recommend approval of the standards with specific changes. These recommended changes are discussed in Section 3.0 below.

3.0 PROJECT ANALYSIS

3.1 ARC Recommended Changes and Staff Response

1. ARC Recommendation: ODS 17.69.020.B(3) and 17.69.030.B(4) stated in part, "At least two (2) materials shall be used on any building exterior, in addition to any glazing and railings. Any one material must comprise at least 20% of the building's exterior..." The ARC recommended that this part of the standard be modified to include language that would allow for Spanish style architecture (all stucco) and allow industrial or historic architectural representations (e.g., all brick, all metal).

Staff Response: The issue brought forward was that this standard would preclude the ability for a residential project to use all of one kind of material on the exterior; for example, a Spanish style design. This standard was added to the ODS to require more variation in the overall exterior design. To add language regarding a specific type of architecture is not an objective standard. The standard would have to describe exactly what "Spanish style" or "industrial or historic architectural representations" and include detailed definitions that are not subject to interpretation or judgement. These terms are often defined differently depending on the person/entity describing the architecture. The removal of this requirement does not eliminate required variation on a building façade as the standards include other requirements for projections, setbacks, etc. under the Massing and Articulation section. Considering the ARC's concerns of the limitations contained in this standard, and that there are other standards that would provide sufficient articulation and variation, staff is recommending the two (2) material requirement in 17.69.020.B(3) and

17.69.030.B(4) be removed as follows (edits are indicated by underline and strikeouts):

~~At least two (2) materials shall be used on any building exterior, in addition to any glazing and railings. Any one material must comprise at least 20% of the building's exterior. Veneers shall turn corners and not expose edges so that finish materials appear "thin", as in the example of "brick" veneer applied to a single building face so that it is obviously only 3-inch thick when viewed from the side.~~

In addition, staff is recommending that 17.69.020.D(4) be amended as follows to be consistent with the direction from ARC:

~~Mixed-use buildings three or more stories shall provide a first story elevation that is distinctive from the upper stories by providing a through material change, change in color, or use of different architectural details such as reveals, course lines, decorative cornice, columns, etc. between the ground floor and upper floors along at least seventy-five (75) percent of the first floor building façade(s) with frontage upon a street.~~

2. ARC Recommendation: The ARC recommended that ODS 17.69.020.B(3) and 17.69.030.B(4) be modified to specify that veneers on the exterior of the building terminate at an inside corner or that the veneer end must be finished.

Staff Response: Staff has revised 17.69.020.B(3) and 17.69.030.B(4) to state the following (edits are indicated by underline and strikeouts):

~~Veneers shall turn corners and terminate into the inside corner of the building or be finished and not expose edges so that finish materials do not appear "thin" or artificial as in the example of "brick" veneer applied to a single building face so that it is obviously only ½ -inch thick when viewed from the side.~~

3. ARC Recommendation: ARC recommended that ODS 17.69.020.C(2) and 17.69.030.C(2) be modified to require a minimum eave of twelve (12) inches.

Staff Response: Staff has revised ODS 17.69.020.C(2) and 17.69.030.C(2) to state the following (edits are indicated by underline and strikeouts):

~~Overhanging eaves shall extend two (2) feet twelve (12) inches or more past the supporting walls. This does not apply to gable faces.~~

4. ARC Recommendation: ARC recommended that ODS 17.69.040.H(1) include flexibility and that a project could use paint as an option to screen mechanical equipment.

Staff Response: Staff has revised both ODS 17.69.040.H(1) and 17.69.040.H(2) to be consistent with one another and the direction as provided by the ARC (edits are indicated by underline and strikeouts):

All mechanical and electrical equipment shall be located internally within the proposed buildings. If equipment cannot be located internally due to code requirements, it shall be screened using a combination of at least two of the following: ~~with paint color, landscaping, fencing or walls, fencing, or landscaping or a combination these methods~~ consistent with other City standards.

Any required backflow preventer and double-check assembly shall be located inside the building within twenty (20) feet of the front property line. Where this is not possible, due to code requirements, the backflow preventer and double-check assembly shall be located in the street yard and screened using a combination of at least two of the following: paint color, landscaping, fencing or walls consistent with other City standards ~~and a low wall or fence~~.

5. ARC Recommendation: ARC provided direction that residential developments located within residential zones should be able to utilize metal as an exterior accent material and cover no more than 15% of the exterior.

Staff Response: Staff has revised ODS 17.69.020.B(1) to allow for metal as an accent material in residential zones (edits are indicated by underline and strikeouts):

Buildings shall use high-quality exterior wall materials chosen from the list below.

- a. Smooth or sand finished stucco
- b. Cut stone
- c. Rusticated block (cast stone)
- d. Precast concrete
- e. Brick veneer
- f. Ceramic or porcelain tiles
- g. Fiber Cement board planks, panels, siding, board and bat, etc. (e.g., Hardi plank, Hardi panel)
- h. Corrugated metal (~~only~~ within Commercial Zones (C-C, C-T, C-S, C-R, M), or as an accent material, covering no more than 15% on the exterior, within all other zones)
- i. Metal paneling (~~only~~ within Commercial Zones (C-C, C-T, C-S, C-R, M), or as an accent material, covering no more than 15% on the exterior, within all other zones)
- j. Corten steel paneling (~~only~~ within Commercial Zones (C-C, C-T, C-S, C-R, M), or as an accent material, covering no more than 15% on the exterior, within all other zones)
- k. Wood plastic composite siding (e.g., Resysta products)
- l. Wood siding
- m. Burnished block (~~only~~ within Commercial Zones (C-C, C-T, C-S, C-R, M))

6. ARC Recommendation: ARC provided direction that ODS should include a requirement regarding privacy (windows not looking into other windows).

Staff Response: Staff has added ODS 17.69.020.B(11) and 17.69.030.B(14) that states:

Where windows are proposed within ten (10) feet of another building, the windows shall be offset horizontally at least 12 inches (edge to edge) or use clearstory windows, glass block or non-operable opaque windows so as not to have a direct line-of sight into adjacent units.

7. ARC Recommendation: ARC provided direction that ODS should include required common open space, with enhanced amenities) for residential development located within the Downtown.

Staff Response: The ODS includes requirements for open space within all zones except the Downtown Commercial (C-D) zone. Staff did not include open space as a requirement for Downtown for several reasons:

1. Anticipate maximum build out of the site (zero setback requirements)
2. Amenities (creek, mission plaza, restaurants, businesses, etc.) are in very close proximity to any development located within the Downtown.
3. Adds additional costs for an affordable housing project that is not required of other projects in the Downtown

8. ARC Recommendation: The ARC recommended that the ODS include illustrations. In particular, illustrations that show examples of reveals, cornices, and other architectural details; how a building looks utilizing the various roof design standards; and how to utilize different materials on a given building.

Staff Response: Staff will be developing a separate document to accompany the ODS amendment to the Zoning Regulations that will include illustrations and other helpful information on how to apply the standards. The intent is for this document to be easy to understand and use but will not be part of the Municipal Code.

9. ARC Recommendation: The ARC provided direction that the ODS should include a requirement for visual access to public spaces (sidewalks, roads, parks, etc.) and common and private outdoor spaces to provide visibility and community safety (eyes on the street).

Staff Response: Staff has added ODS 17.69.020.B(12) that states:

All residential units that front, face, or overlook a public, common or private outdoor space shall be designed with at least one window that provides overlook on the outdoor space.

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3.2 Focus of Review and Discussion Items

As noted in Section 2.4 above, the Objective Design Standards will only apply to those projects that meet certain qualifications. Items for the Planning Commission to consider and discuss regarding the draft ODS include:

- Clarity of the proposed standards
- Implementation of the proposed standards
- Is anything missing

4.0 ENVIRONMENTAL REVIEW

The project is exempt per CEQA Guidelines Section 15061(b)(3), the “Common Sense” exemption because the proposed action consists only of the adoption of new standards for objective review of qualifying projects and will have no physical effects on the environment and has no possibility of a significant effect on the environment. The Objective Design Standards are consistent with development standards of the Zoning Regulations and projects which qualify for the Objective Design Standards will be required to comply with all relevant City standards, codes, and regulations.

5.0 OTHER DEPARTMENT COMMENTS

Staff comments have been incorporated into the draft Objective Design Standards. In addition, all eligible residential projects must comply with all objective City policies, thresholds of significance, development standards, and design standards as established in, but not limited to, the General Plan, Zoning Regulations, City Standard Specifications and Engineering Standards, Active Transportation Plan, Transportation Impact Study Guidelines, Climate Action Plan, and the Municipal Code.

6.0 ALTERNATIVES

- 6.1 Continue the project. An action continuing the project should include direction to the staff on pertinent issues.

7.0 ATTACHMENTS

A – Draft Resolution (includes Draft Ordinance)