HAYWARD
RESIDENTIAL DESIGN STUDY

OPTIONS AND RECOMMENDATIONS TECHNICAL REPORT

March 2023

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Prepared BY WRT
For City of Hayward

Contents

Overview

Purpose of the Report

The purpose of this report is to set the stage for Draft Residential Design Standards by:

- Evaluating if the current standards promote a diversity of housing options and achieve target density and the desired neighborhood environment.
- Identifying standards that need to be updated.
- Giving decision makers and community stakeholders options for possible approach(es) for making standards "objective".

This report incorporates findings from the Hayward Residential Design Study Background Report (September 2022), the Outreach and Engagement Summary Report (September 2022), Vision and Objectives (October 2022), and General Plan and Zoning Discrepancy Memo (March 2023).

City's Objectives for the Hayward Residential Design Study

Despite the multitude of State laws aimed at increasing affordable housing stock, the housing crisis has prompted many communities to find their own innovative solutions. Through its Zoning Ordinance and existing residential development standards, the City of Hayward has a unique opportunity to revisit existing residential development regulations that may not be resulting in the type of housing development the community would like and create new regulations that increase the feasibility of housing production and further enhance the City's character. The City's objectives for the Hayward Residential Design Study are to:

- Update the Zoning Ordinance to allow single-family zoned properties the ability to develop in compliance with their underlying 2040 General Plan designations to simplify and streamline the development of these properties.
- Analyze the City's current objective standards for residential development and determine whether these are sufficient to meet the City's goals for development.
- Explore options for and adopt new objective standards that address design, massing, neighborhood compatibility, parking, setbacks, and/or other topics identified as important by the community, stakeholders, decision makers, and City staff.
- Engage a wide range of community members and stakeholders, including communities that have limited or no access to technology, homeowners, renters, housing advocates, developers, architects, and community members who are hard to reach and/or do not typically participate in City processes.

This report presents findings and approaches for residential design standards, with consideration to the goals described above.

Key Takeaways from Outreach & Engagement

The following themes that emerged from the outreach and engagement efforts, directly inform the residential design standards.

- **Front yard setbacks:** Front yard setbacks and their treatment (with high-quality landscaping or lack thereof) directly impacts the street environment. On single-family parcels, inadequate front setbacks can cause cars parked in the driveway to hang over the sidewalk. On multi-family parcels with bigger buildings, front yard treatment with landscaping

and planting can create an inviting environment and balanced transition to adjacent buildings.

- **Building step-backs**: Upper floor "step-backs" create an attractive variation in the building mass and façade and a balanced transition to adjacent smaller scaled buildings.
- **Second story additions to single family homes:** Second story additions to single family homes that are well-articulated and scaled appropriately in relation to the first floor, result in a better building design, create a pleasing street environment, and avoid boxy buildings.
- **Porches, patios, and balconies:** Porches, patios, and balconies on street-fronting facades and overlooking interior courtyards create an engaging relationship with the street and ensure designated outdoor space in multi-family residential development.
- **Building frontage – windows:** Windows are an important building feature, not only because they provide direct access to light, but the scale and quantity of windows can impact the aesthetic of the building façade. Privacy of habitable spaces can be impacted by window placement and orientation.
- **Diversity of architectural styles:** Encouraging a diversity of architectural styles with a variety of tastefully coordinated building materials, and details will prevent cookie-cutter development and allow new development to respond better to specific neighborhood needs and enhance character.
- **Common outdoor spaces:** Common outdoor spaces in multifamily residential developments are important for providing access to outdoor space. Spaces must be designed to be inviting and usable.
- **Parking ratios and parking design:** A balanced supply of parking is important to maintain the overall scale and massing of a building and result in a development compatible with its context. Too much parking requires either large surface lots or parking garages leaving less usable space for residential development. Design and visibility of a parking lot or garage is critical in creating an inviting street environment.
- **Landscaping:** Well-designed and well-maintained landscaping is important to create a pedestrian- friendly and pleasing street environment, to buffer residences and larger scale development from the street, and to maintain privacy.
- **Fencing:** Fence height, fencing material and fence treatment are important characteristics for an engaging and attractive street environment.
- **Universal design:** Universal design features are important for accessibility and allowing residents to age in place.
- **Development feasibility:** Development standards have a direct impact on the ability to develop affordable and market rate housing.

Key Takeaways from General Plan and Zoning Discrepancy Memo

There are several single-family zoned parcels that are inconsistent with their underlying General Plan Land Use designations of Limited Medium Density Residential (LMDR), Medium Density Residential (MDR), and High Density Residential (HDR); primarily due to a discrepancy between allowed density ranges, and in some cases, allowed land uses. The development feasibility of individual parcels is also impacted by the cumulative effect of other development standards applicable to that parcel, such as setback requirements, maximum lot coverage, building heights, parking ratios, etc.

Evaluation of Current Standards

The Hayward Residential Design Study will focus primarily on three residential zoning districts: RS (Residential Single Family), RM (Residential Medium Density), and RH (Residential High Density). An example site was selected for each zoning district and current development standards were applied to each residential type that is allowed in the respective zoning districts.

Example Sites

Test Site 1: Lynn Street

Zoning: RS (Single Family Residential)

General Plan Land Use Designation: LDR (Low Density Residential)

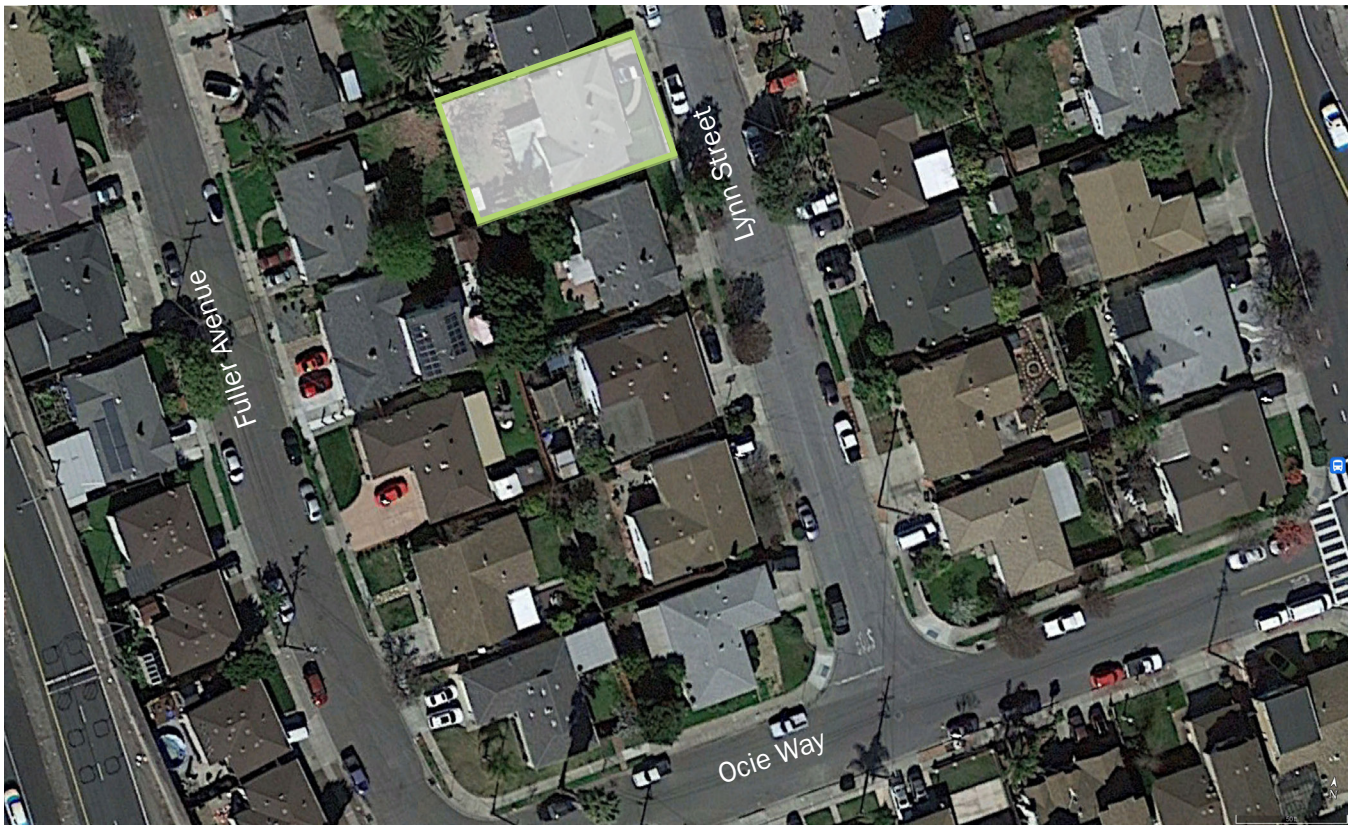
Lot Size: 5,035 square feet

Lot Features: Flat lot, interior lot

Existing Context: This site is located in a single-family residential neighborhood with most of the lots approximately the same size as the test lot. Most houses are single story with two car garages and consistent front setbacks.

Permitted Residential Types by current zoning standards and State Law:

- Detached single-family homes
- Accessory dwelling units as secondary use
- Up to four residential units (attached/detached) allowed under SB 9 with lot splits, where each lot is a minimum of 1,200 square feet and approximately equal size



RS - Single Family Residential Zoning District

Existing Development Standards

Test Site 1: Lynn Street

Lot Area - 5,035 Sq. Ft (Interior Lot)

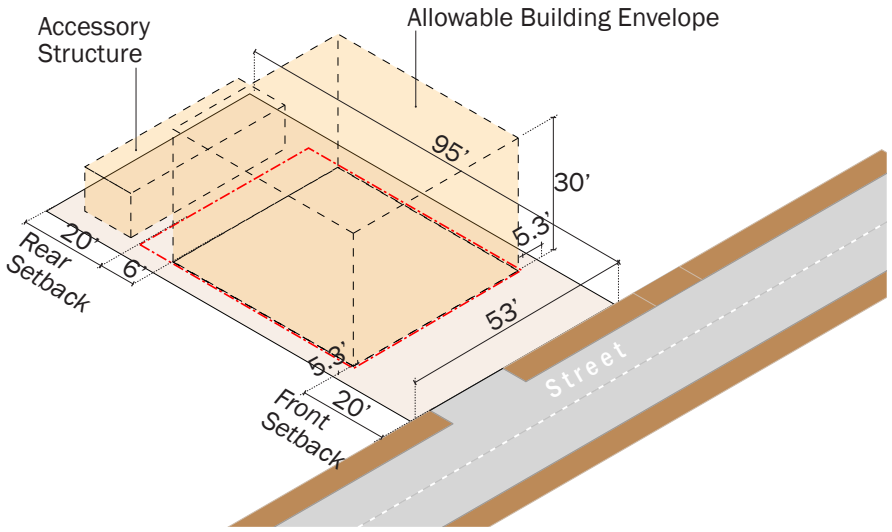


Fig 1: Building Envelope per Existing Standards

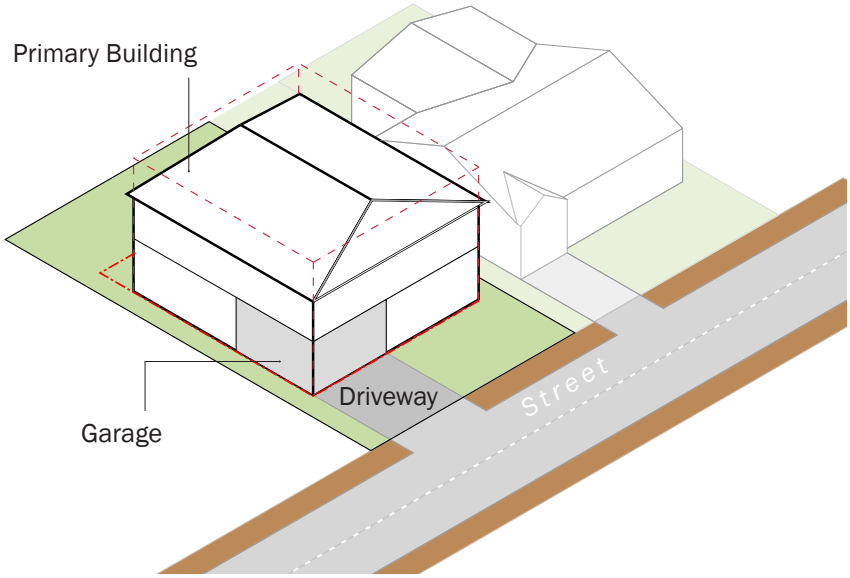


Fig 2: Test with 1 Primary Unit

RS - Single Family Residential Zoning District

Existing Development Standards

Test Site 1: Lynn Street

Lot Area - 5,035 Sq. Ft (Interior Lot)

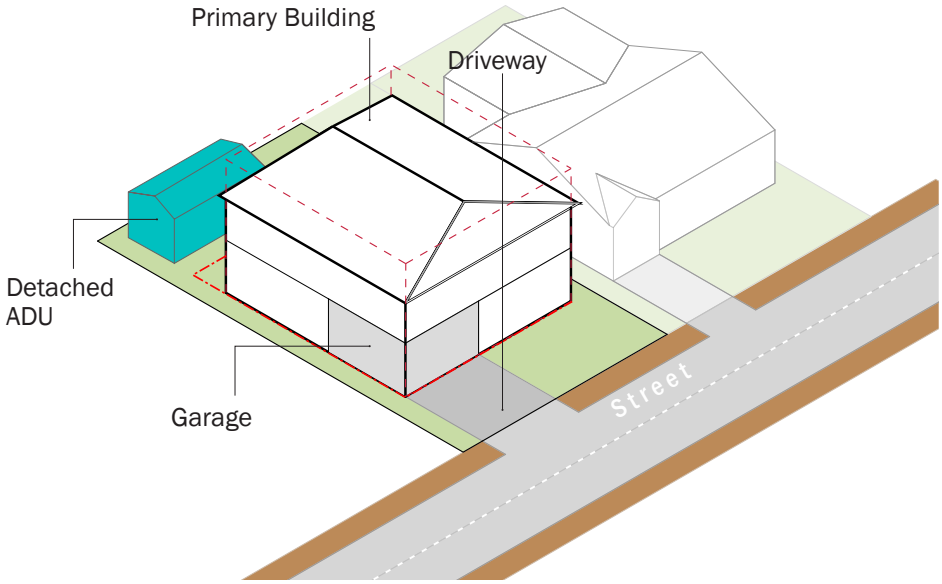


Fig 3: Test with 1 primary unit + 1 Detached ADU (Conversion of Accessory Structure)

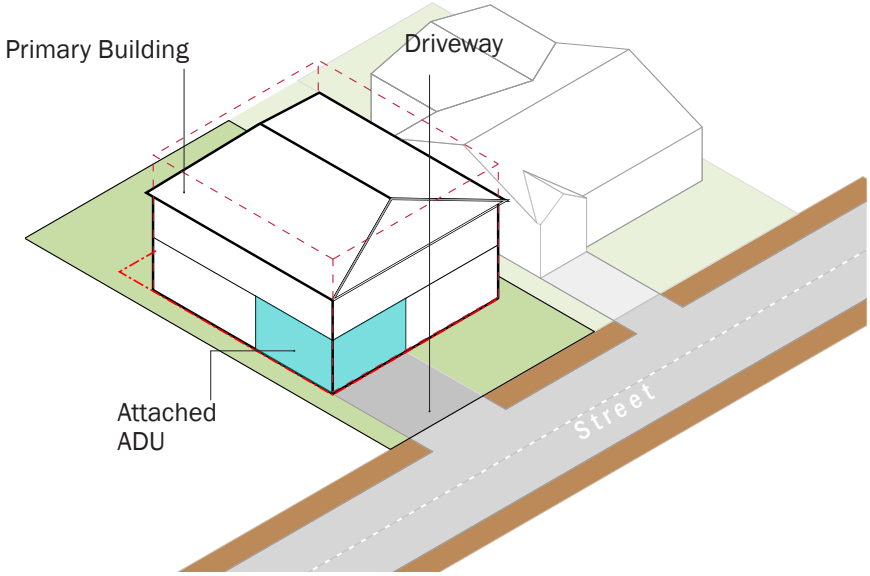


Fig 4: Test with 1 primary unit + 1 Attached ADU (Garage Conversion)

Standards	Requirements	Test Results (Fig. 2)
Min. Lot Size	5,000 sq. ft.	
Min. Yard Setbacks	Front - 20' Rear - 20' Side - 5' or 10% of lot width at front setback, whichever is greater	Front - 20' Rear - 20' Side - 5'3"
Max. Lot Coverage	40%	40% (Achieved)
Density	4.3 to 8.7 DU/Acre	8.6 DU/Acre
Building Height	30'	26'
Open Space	No requirements	
Min. Parking	2 spaces per single family unit (tandem or side-by-side)	2 spaces (side-by-side parking)
ADU (max. unit size)	• 850 sq. ft for 1 bedroom and studios • 1,000 sq. ft. for 2 or more bedrooms • Shall not exceed 50% of total floor area of primary units or 1,200 sq. ft. whichever is less	750 sq. ft.

Analysis Findings

- The test parcel was able to achieve the upper range of maximum allowed density of 8.7 DU/Acre; and the maximum lot coverage of 40% after fulfilling setback requirements.
- While RS zoned parcels have a maximum lot coverage requirement of 40%, there are no standards for the second story in the form of maximum square footage or as a percentage of the total area of the first story. This **results in bulky and boxy buildings without variation in massing.**
- Current development standards allow parking garages to be built up to the front setback line, which results in a significant length of the **street facing facade to be blank** (especially on narrow lots where the overall width of the building is also limited) **creating an less than ideal street environment.**

Test Site 2: Mohr Drive

Zoning: RM (Residential Medium Density)

General Plan Land Use Designation: MDR (Medium Density Residential)

Lot Size: 36,892 square feet

Lot Features: Flat lot, corner lot

Existing Context: This site is located in a predominantly residential neighborhood with neighborhood retail and community uses such as churches. The majority of the houses on the street are one to two story, with two-car garages. The neighborhood has a mix of single family residential, townhouses, and low-rise apartments.

Permitted Residential Types per current zoning standards:

- Detached single-family homes
- Attached single-family homes (townhomes and rowhouses)
- Multi-family dwellings
- Second units
- Accessory dwelling units as secondary use

RM - Medium Density Residential Zoning District

Existing Development Standards - with Apartments

Test Site 2: Mohr Drive

Lot Area - 36,892 Sq. Ft (Corner Lot)

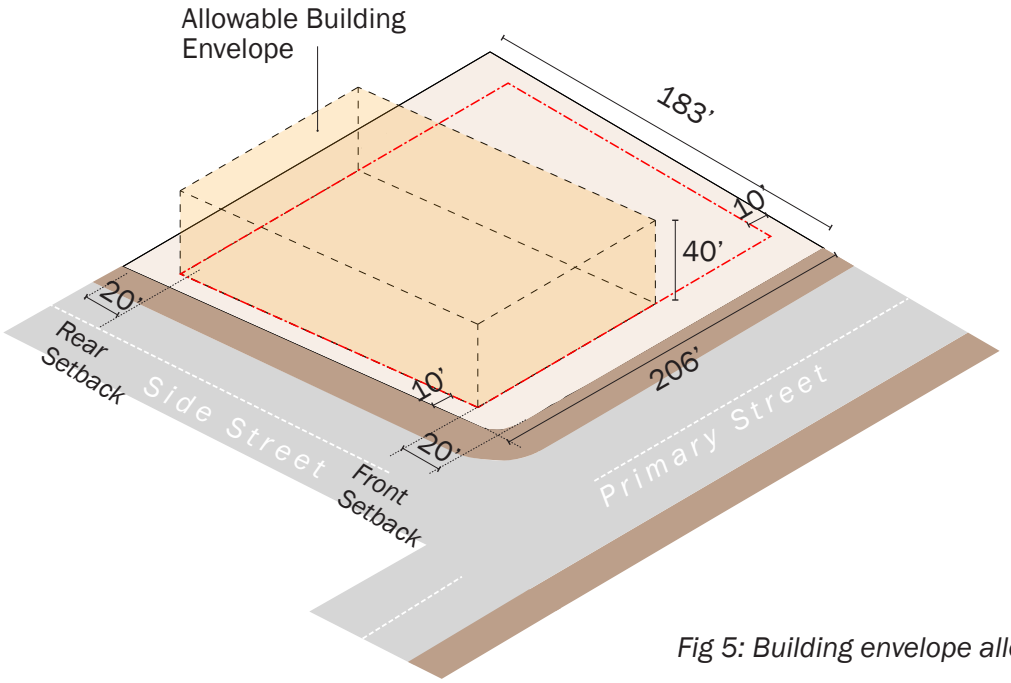


Fig 5: Building envelope allowed by existing standards

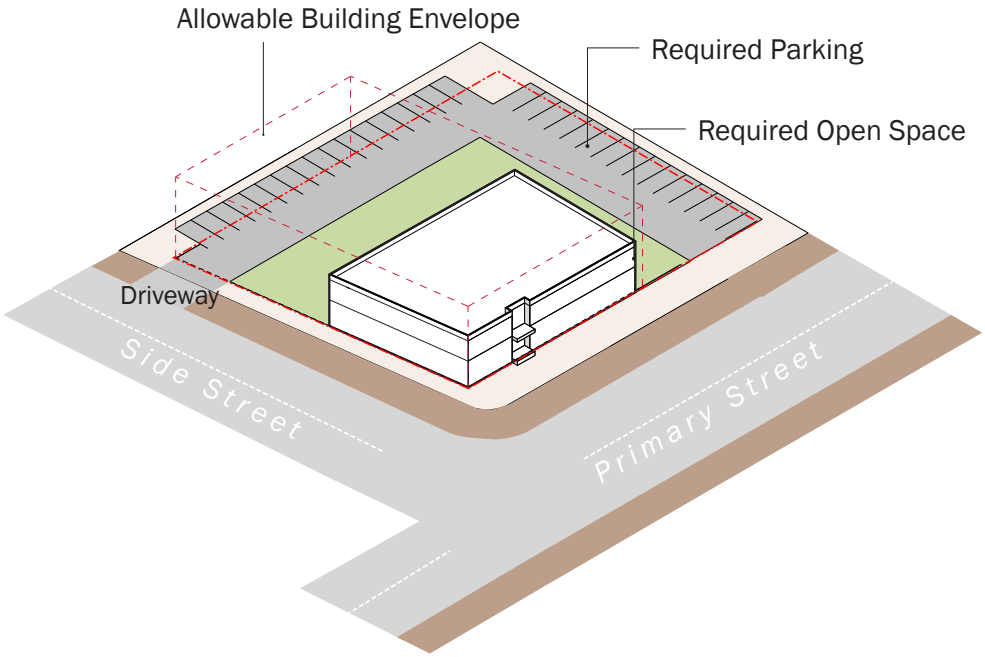


Fig 6: Test with apartments

RM - Medium Density Residential Zoning District

Existing Development Standards - with Townhomes

Test Site 2: Mohr Drive

Lot Area - 36,892 Sq. Ft (Corner Lot)

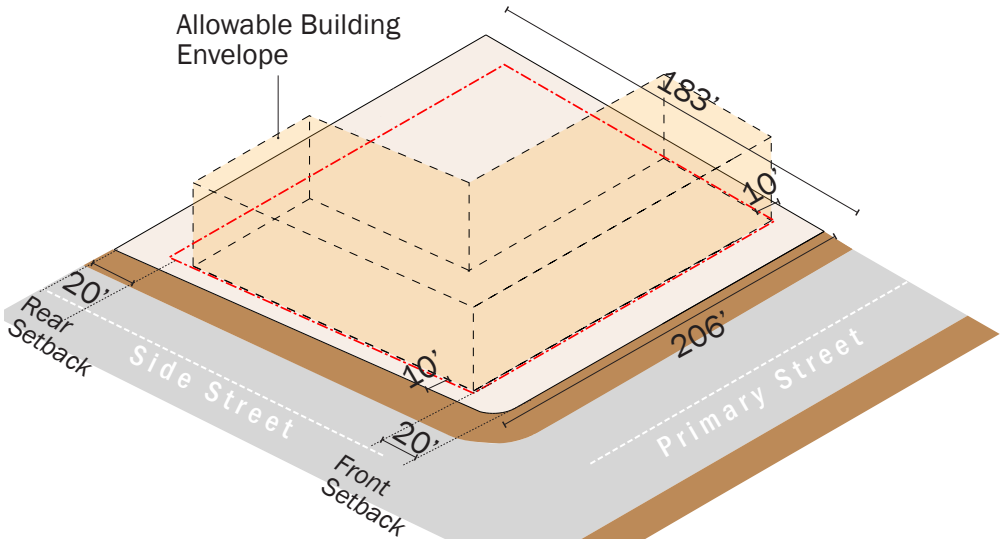


Fig 7: Building envelope as per existing standards

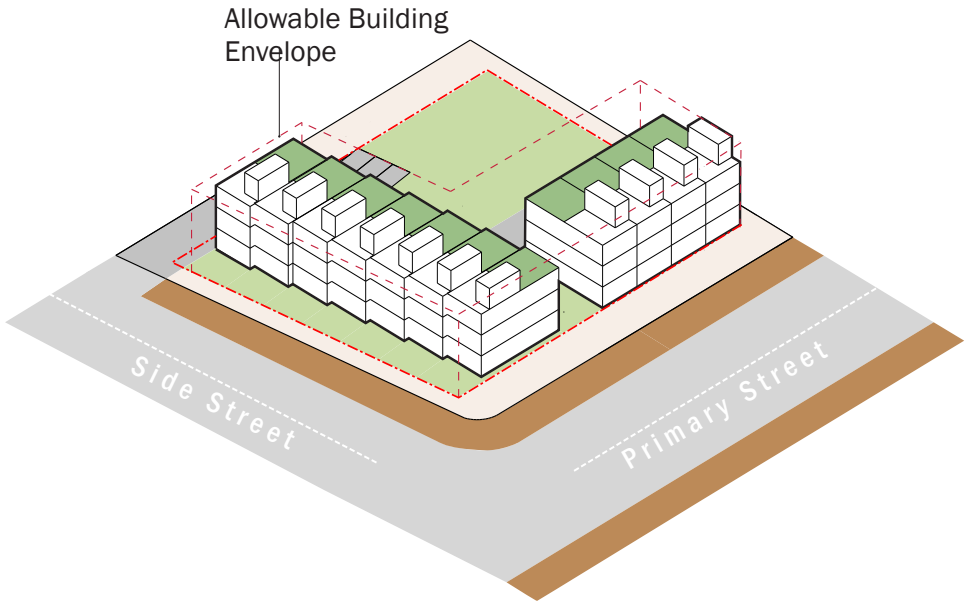


Fig 8: Test with townhomes

Standards	Requirements	Test Results with Apartments (36,892 sq. ft.)	Test Results with Townhomes (36,892 sq. ft.)
Min. Lot Size	5,000 sq. ft.		
Min. Yard Setbacks	• Front yard- 20' • Rear yard - 20' • Side Street yard - 10' • Interior side yard - 5' or 10% of lot width at front setback, whichever is greater, up to a maximum of 10'	Front yard - 20' Rear yard - 20' Side yard - 10'	Front yard - 20' Rear yard - 20' Side yard - 10'
Max. Lot Coverage	40%	20% (Achieved)	30% (Achieved)
Density	8.7 to 17.4 DU/Acre	17.4 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area)	13 DU/Acre
Building Height	40'	23' (2 stories)	40' (3 stories + roof top open space)
Open Space per dwelling unit	Open Space - 350 sq. ft. Dedicated Common Open Space - 100 sq. ft./DU	Common Open Space - 600 sq. ft/DU. (outdoor at grade)	Common Open Space - 550 sq. ft/DU. (outdoor at grade)
Min. Parking	1 space per unit (covered) 1.1 spaces per unit (open to sky)	1 space per unit (covered) 1.1 spaces per unit (open to sky)	2 spaces (tuck under parking)

Analysis Findings

- Apartment buildings with surface parking were able to achieve the maximum allowed density of 17.4 DU/acre, however the **building footprint occupies only 20% of the lot area**. The lot has capacity to accommodate more dwelling units within the allowable building height limit.
- The **parking requirement of 2.1 spaces per unit, is restrictive in achieving maximum density** in an apartment typology, because parking takes up a large portion of the site. This also results in a large surface with impervious paving creating a heat island effect, and does not contribute to an active street environment.
- Limiting building heights to 40 feet results in apartment buildings with nine feet floor heights which is less than ideal. With an optimal floor height of 10 feet, only 3 stories will be feasible considering the ground floor should be at least three feet above grade for privacy.
- **Achieving maximum allowed density with a townhome typology is challenging** due to site design standards such as setback requirements and maximum lot coverage.
- **Open space standards are difficult to understand**, as clear definitions of general open space, group open space, and private open space are not available. It is also not clear if yard setbacks can be applied towards open space.
- The standards don't clearly explain whether general and group open spaces are required to be outdoor and at grade, or can also include indoor spaces, rooftop spaces, balconies and patios.

Test Site 3: Alice Street

Zoning: RH (High Density Residential)

General Plan Land Use Designation: HDR (High Density Residential)

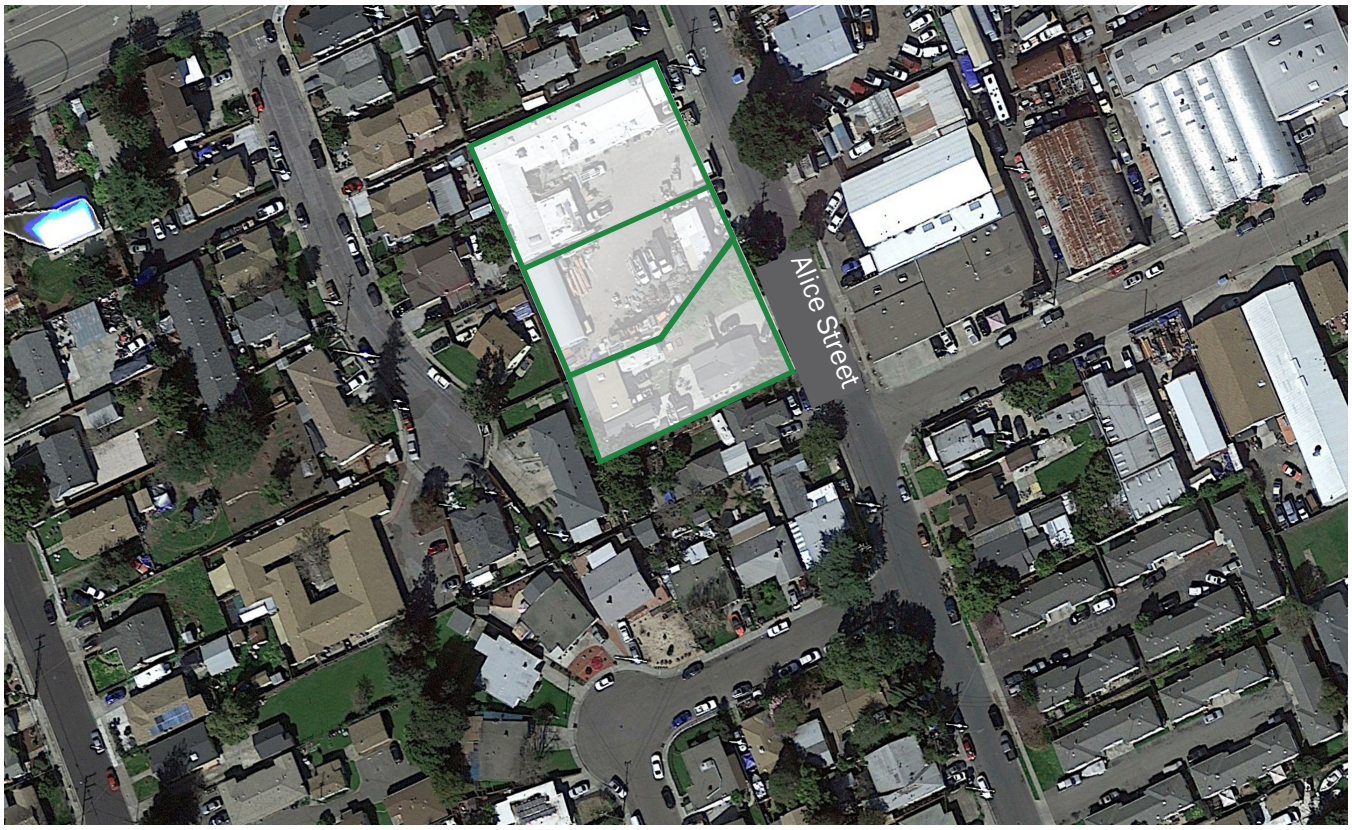
Lot size: 16,968 square feet (single parcel) & 42,300 square feet (3 aggregated parcels)

Lot features: Flat lot

Existing context: This site is in a predominantly residential neighborhood with some commercial uses. Building types in the neighborhood consist of detached and attached single family residences, multiplexes, and multi-family.

Permitted Residential Types per current zoning standards:

- Attached single-family homes (townhomes and rowhouses)
- Multi-family dwellings
- Small group homes
- Accessory dwelling units as secondary use



RH - High Density Residential Zoning District

Existing Development Standards - on a small site | single parcel

Test Site 3: Alice Street

Lot Area - 16,968 Sq. Ft (Interior Lot)

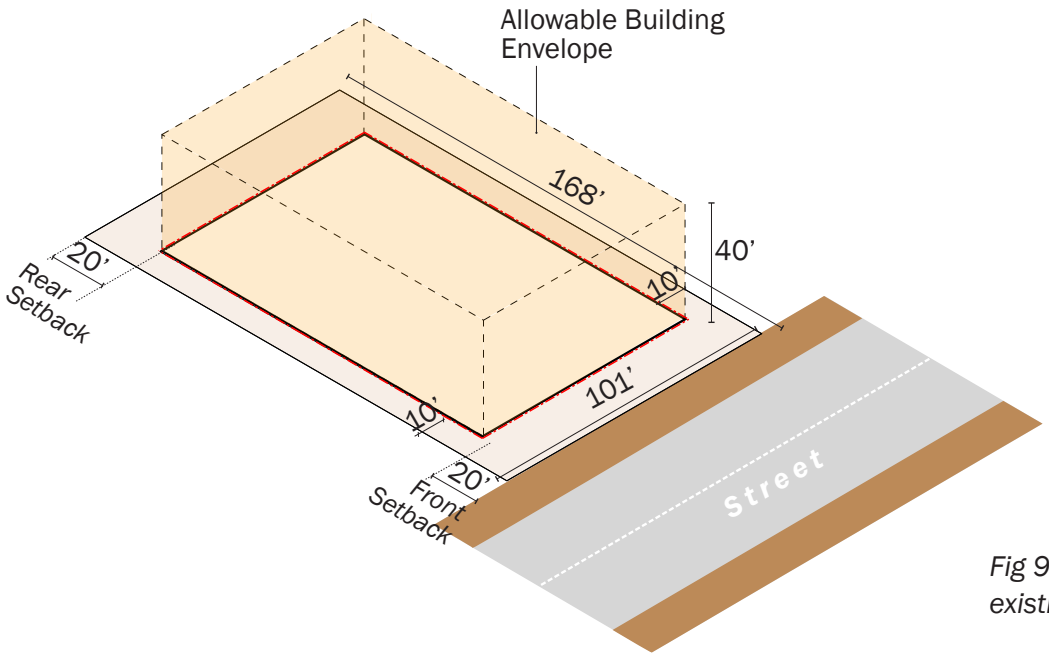


Fig 9: Building envelope per existing standards

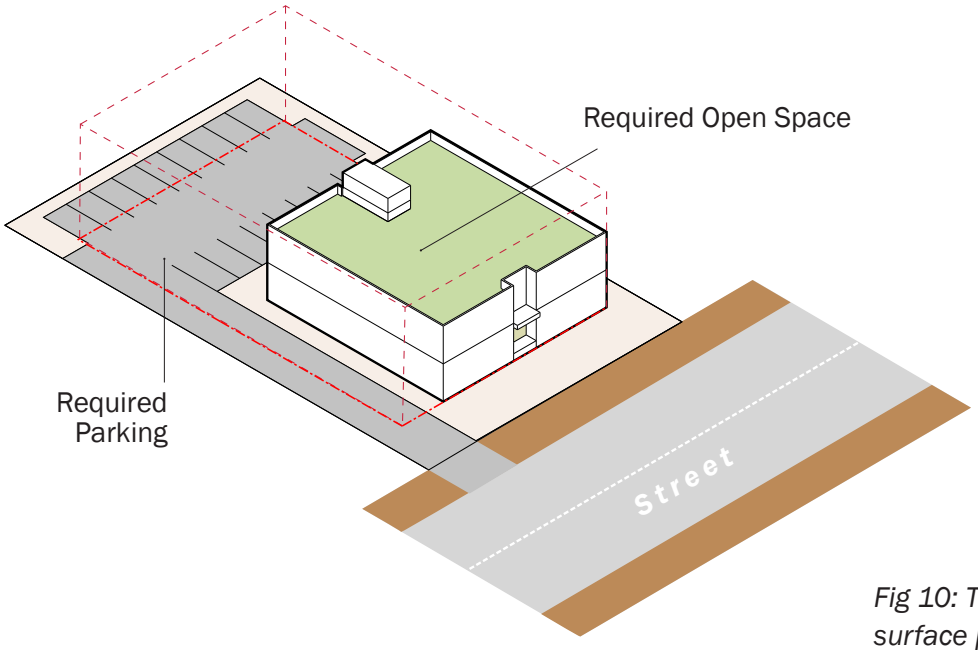


Fig 10: Test with apartments + surface parking

RH - High Density Residential Zoning District

Existing Development Standards - on a large site / aggregated parcels

Test Site 3: Alice Street

Lot Area - 42,300 Sq. Ft (Interior Lot)

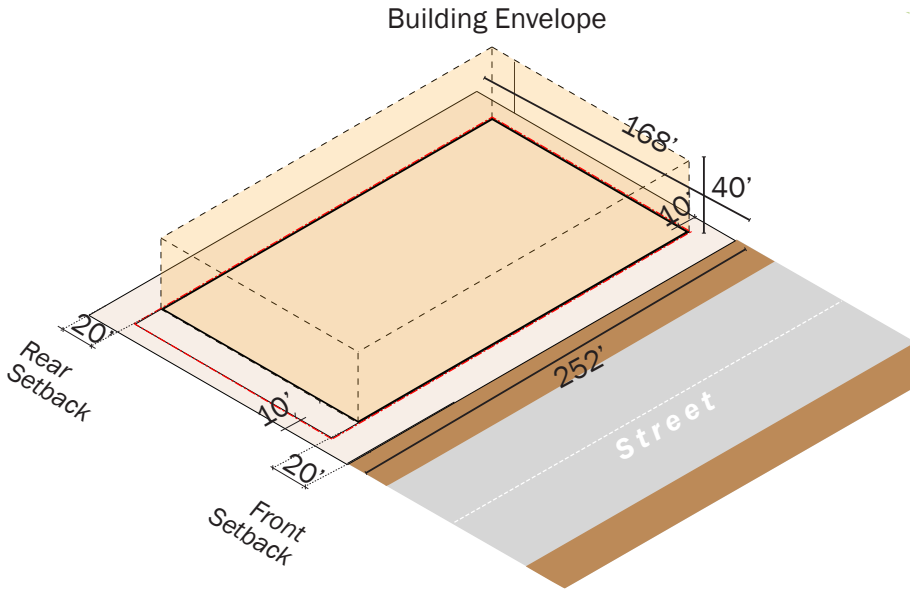


Fig 11: Building envelope per existing standards

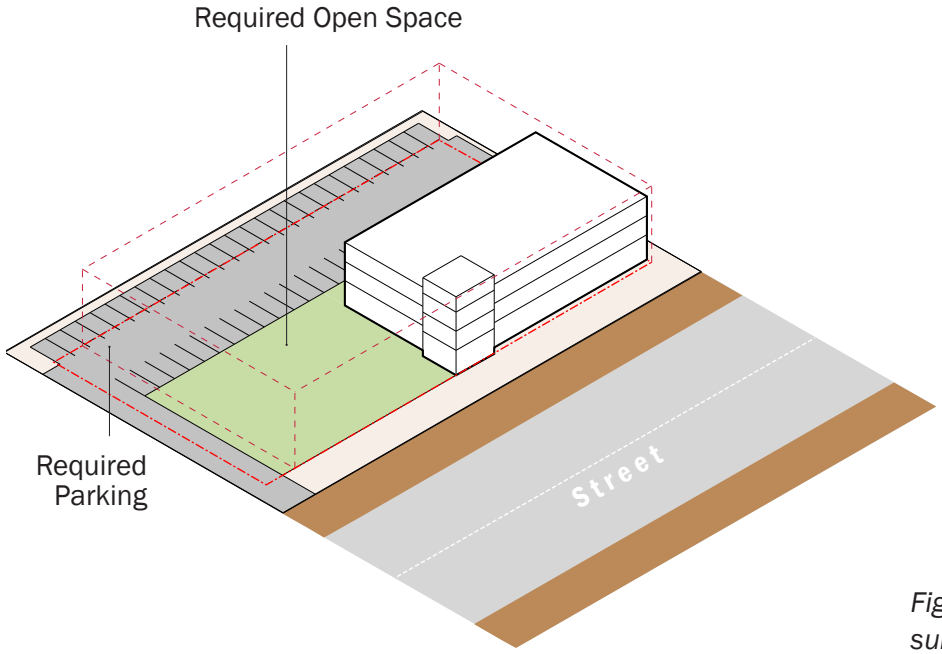


Fig 12: Test with apartments + surface parking

RH - High Density Residential Zoning District

Existing Development Standards

Test Case for minimum required lot size in RH Zoning District

Lot Area - 7,500 Sq. Ft (Interior Lot)

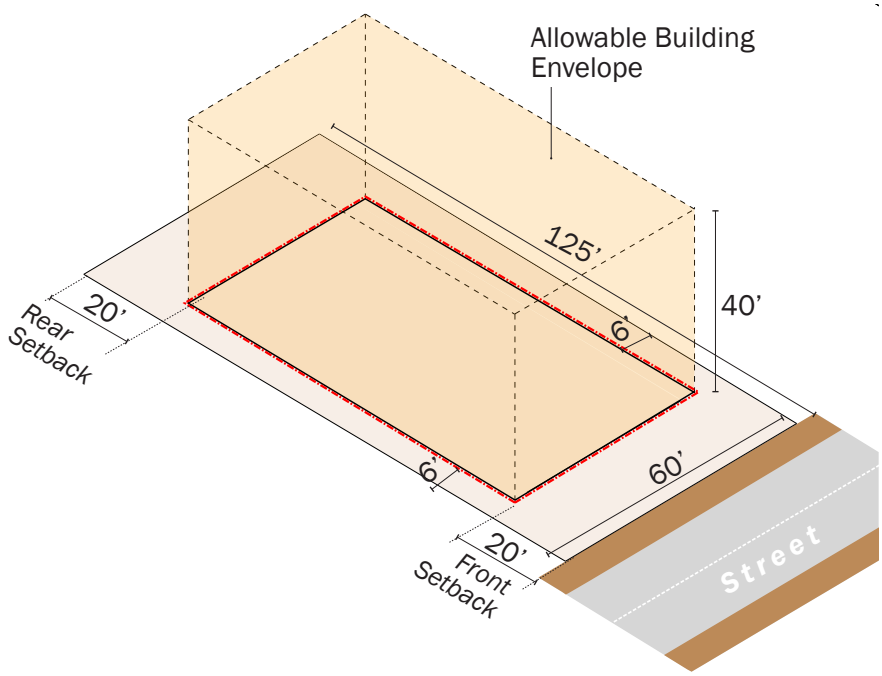


Fig 12: Building envelope per existing standards

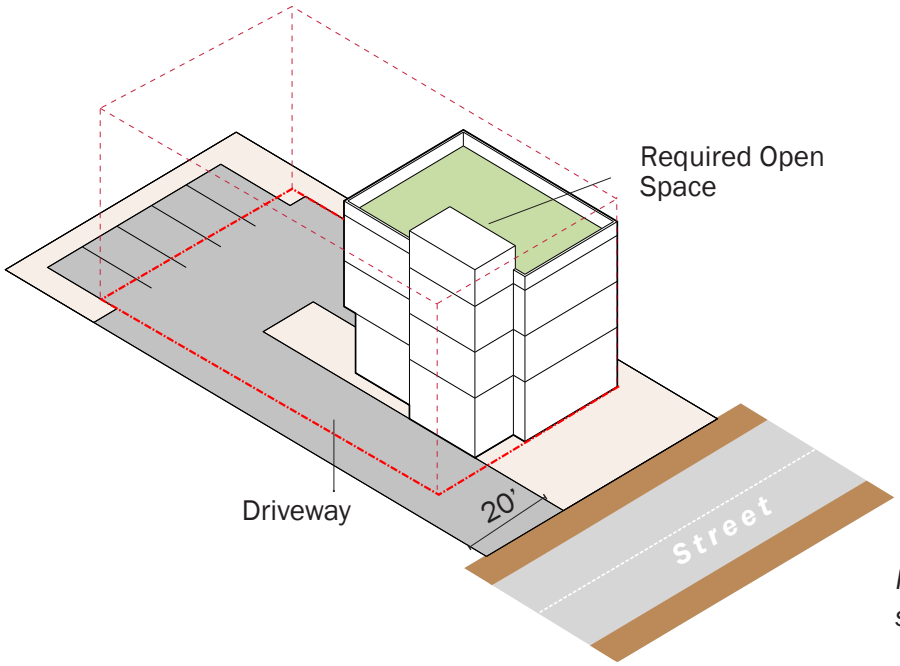


Fig 13: Test apartments + surface parking

Standards	Requirements	Test Results with Apartments (single parcel - 16,968 sq. ft.)	Test Results with Apartments (three aggregated parcels - 42,300 sq. ft)	Test on minimum required lot size (7,500 sq. ft.)
Min. Lot Size	7,500 sq. ft.			
Min. Yard Setbacks	• Front yard- 20' • Rear yard - 20' • Side Street yard - 10' • Interior side yard - 5' or 10% of lot width at front setback, whichever is greater, up to a maximum of 10'	Front yard - 20' Rear yard - 20' Side yard - 10'	Front yard - 20' Rear yard - 20' Side yard - 10'	Front yard - 20' Rear yard - 20' Side yard - 6'
Max. Lot Coverage	65%	25% (Achieved)	17% (Achieved)	16% (Achieved)
Density	17.4 to 34.8 DU/Acre	20.5 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area)	24.7 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area)	17.4 DU/Acre (assumes avg. unit size at 900 sq.ft. gross area)
Building Height	40'	23' (2 stories)	33' (3 stories)	33' (3 stories)
Open Space per dwelling unit (DU)	General Open Space - 350 sq. ft. Dedicated Common Open Space - 100 sq. ft./DU	Common Open Space 420 sq. ft./DU (rooftop)	Common Open Space - 370 sq.ft/DU (outdoor space at grade)	Common Open Space 350 sq.ft/DU (Rooftop)
Min. Parking	1 space per unit (covered) 1.1 spaces per unit (open to sky)	1 space per unit (covered) 1.1 spaces per unit (open to sky)	1 space per unit (covered) 1.1 spaces per unit (open to sky)	1 space per unit (covered) 1.1 spaces per unit (open to sky)

Analysis Findings

- **Maximum allowed density for apartment buildings with surface parking, cannot be achieved** due to the parking requirement of 2.1 spaces per dwelling unit, because parking takes up a large portion of the site. This also results in a large surface with impervious paving creating a heat island effect, and does not contribute to an active street environment.
- Buildings with podium or subterranean parking may be able to achieve maximum allowed density but would likely be cost prohibitive for many projects.
- Development on **lot sizes less than 18,000 sq.ft. cannot achieve maximum allowable lot coverage** with current setback requirements.
- Large front yard setbacks (same as RS zone) make feasibility of high density residential challenging.
- Side setbacks of 10 feet on sites with narrow frontage pose a constraint for achieving an efficient floor plate size for residential development.
- Limiting building heights to 40 feet results in apartment buildings with nine feet floor heights which is less than ideal. With an optimal floor height of 10 feet, only 3 stories will be feasible.
- **Open space standards are difficult to understand**, as clear definitions of general open space, group open space, and private open space are not available. It is also not clear if yard setbacks can be applied towards open space.
- The standards don't clearly explain whether general and group open spaces are required to be outdoor and at grade, or can also include indoor spaces, rooftop spaces, balconies and patios.

Possible Approaches for Updating Residential Design Standards

This section suggests key considerations for updating the residential design standards so that they support the City's goals in achieving density targets and responding to community concerns, while ensuring that the criteria are objective.

Site Development

Site development standards such as minimum setbacks, maximum lot coverage, etc. together with maximum building heights and parking requirements affect the feasibility of achieving maximum allowed densities and the building to street relationship. Large setbacks for multi-family residential can make it difficult to develop a project that can achieve the maximum density allowed, especially on smaller parcels.

Recommendation: The City should consider establishing site development standards based on the size of the parcels, lot widths, and context such as street width and adjacencies.

Some options to consider for building setbacks would be:

- Reduce front and rear setbacks for multifamily zones.
- Reduce front setback in single family zones if certain architectural features are included .

Building Height

Existing standards for both RM and RH allow small scale multi-family residential, 3 to 4 stories tall with surface parking. But current height standards and site development standards restrict large-format apartment buildings with podium parking.

The Mission Boulevard Code (MBC) allows a maximum of 4 stories and 5 stories with major site plan review. A 5-story allowance makes podium parking feasible especially on larger sites, making the land available for common outdoor open space which would otherwise be taken up by a surface parking lot. It also offers opportunity to provide common indoor space on the ground floor or upper floor without the need to reduce residential units.

The MBC also allows an overall height of 57 feet, compared to the maximum height of 40 feet in RM and RH zoning standards.

Recommendation: Update building height and other site development standards of RM and RH parcels to be more consistent with building heights in the Mission Boulevard Code (MBC).

Increase maximum allowable height (measured up to highest finished floor) for residential only buildings of four stories to 50 feet to allow generous floor to ceiling heights of 10 feet or more, raised plinths with stoops for privacy, a sub-basement for amenities and/or parking, and taller ground floor height to accommodate common use amenities without reducing the ability to achieve maximum allowable density.

Increase maximum allowable height (measured up to highest finished floor) for residential only buildings of five stories to 60 feet. to allow generous floor to ceiling heights of 10 feet or more, raised plinths with stoops for privacy, a sub-basement for amenities and/or parking, taller ground floor height to accommodate common use amenities and mechanically stacked parking, without reducing the ability to achieve maximum allowable density.

Legacy / Hayward, CA. Building height is about 44 feet for 4 stories, with an allowance for some areas to be taller than 44 feet to accommodate architectural elements.

The Mix / Hayward, CA. Building height to the highest roof plane is 46' for 4 stories and to the highest parapet is 55'

Building Massing

Building massing, modulation of form and facade articulation all help to break the monotony of a continuous building edge and to create a visually rich street environment. Especially in larger buildings they help to break down the mass and create a transition that is appropriately scaled to the street or adjacent buildings.

Step-backs and step-downs are particularly effective to create a better transition between taller, bigger buildings to smaller scale buildings on adjacent parcels. Step-backs are also a good tool to ensure privacy and daylight access to the upper floors.

Recommendation: Update standards to include building step-backs for new two-story single family homes or second story additions to single family homes or for multifamily residential development taller than two stories, to break the mass and bulk of the building and create a visually pleasing street environment due to variation in building form.

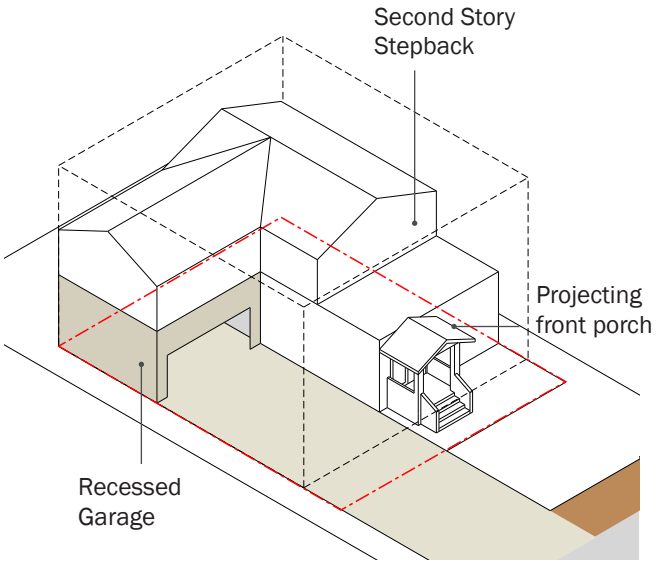


Illustration of a two story Single-family residence with upper story step-back, projecting front porch and a recessed garage that creates a visually pleasing building form by articulation building mass.

Four story multi-family residential building with upper story step-back, a step-down towards single family home, and recessed and projecting facade elements creates a visually pleasing street environment and a well-scaled transition to adjacent buildings.

Building Frontage

Building facades which incorporate architectural treatments such as windows, balconies and terraces, roof articulation, overhangs, shallow projections and recesses, and material changes create a visually rich frontage along the street.

Recommendation: The City should consider updating current standards for building frontage, ground floor treatment, facade treatment, fenestration, roof variation, front yard treatment, and fencing.

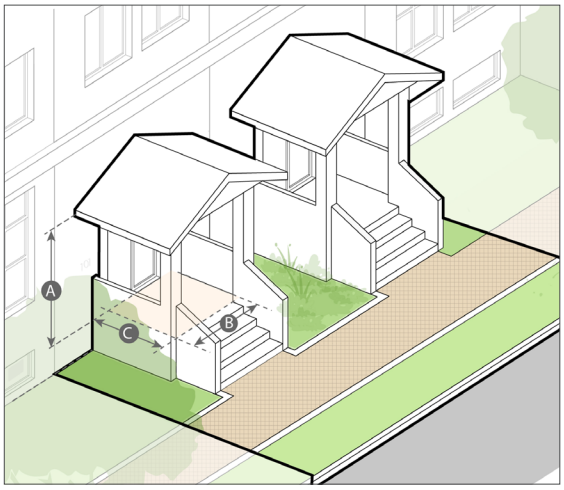
Options for quantifiable standards would be:

- Require minimum ground floor height of 14 feet (finished floor to finished ceiling) for non-residential uses such as community rooms, fitness room, lobby, gallery, etc.
- Require minimum 50% of the ground floor to have a transparent facade to encourage “eyes on the street”.
- Establish a vertical rhythm of bays at least 15 feet wide, and no more than 50 feet wide.

Options for qualitative standards would be:

- orientation of the entrance (multifamily),
- lighting,
- seating.

Example of ground floor articulation, focusing on entrances, materials, transparency, facade articulation, fenestration, etc. to strengthen the building-to-street relationship



Example illustration for standards on ground floor treatment, focusing on entrances, porches and stoops, to create an engaging street environment.

Architectural Styles

Recommendation: Allow a diversity of architectural styles and building types by not making design standards too prescriptive around any particular architectural style.

Basic design characteristics such as site development, building massing, height, frontage and landscaping are applicable to all buildings irrespective of the architectural style used, and when regulated appropriately for different building types, will yield desired outcome.

Open Space Requirements

Recommendation: Update standards to make open space requirements easy to understand and apply to projects. Provide clear definitions of the different types of open spaces desired to ensure good quality shared spaces such as outdoor open space, rooftop or podium top landscaped area, indoor common use spaces, and private open spaces such as balconies, patios and terraces.

Open space requirements should ideally not limit the feasibility of achieving maximum allowed density. The higher the open space requirement, the smaller the building footprint, and lesser the units achieved. This can be balanced by either lowering the open space requirements or increasing allowable building height.

Some options for consideration would be:

- Reduce open space requirement to 150 s.f./unit for 1-3 story buildings;
- Reduce open space requirement to 75 s.f./unit for 4+ story buildings.
- Allow some setbacks to count toward open space if “usable”.
- Reduce front setback to create more space for usable common open space elsewhere on the parcel.
- Allow increased building height for roof garden structures.
- Minimum private open space requirement of 50 square feet per dwelling.

Landscaping and Lighting

Landscape reduces stormwater run-off, improves privacy, and creates an aesthetic transition between the building and the street. Well-lit buildings contribute to a sense of security.

Recommendation: Codify lighting standards.

Limit area of impervious surface on the parcel by establishing maximum square footage or percentage of paved area.

Require surface parking lots to have stormwater systems such as bioswales along with landscaping and trees.

Require front setbacks to have landscaping and planting for privacy of ground floor residential units.

Parking Standards

Tests on example sites illustrate that the current parking standards are quite high and occupy a lot of developable land, resulting in a lower unit yield. If current parking standards are to be maintained, then other standards such as building height, setbacks, maximum coverage, and open space requirements need to be adjusted to make sure maximum allowed density can be achieved on a parcel, and cost of a podium or sub-terranean garage can be recovered.

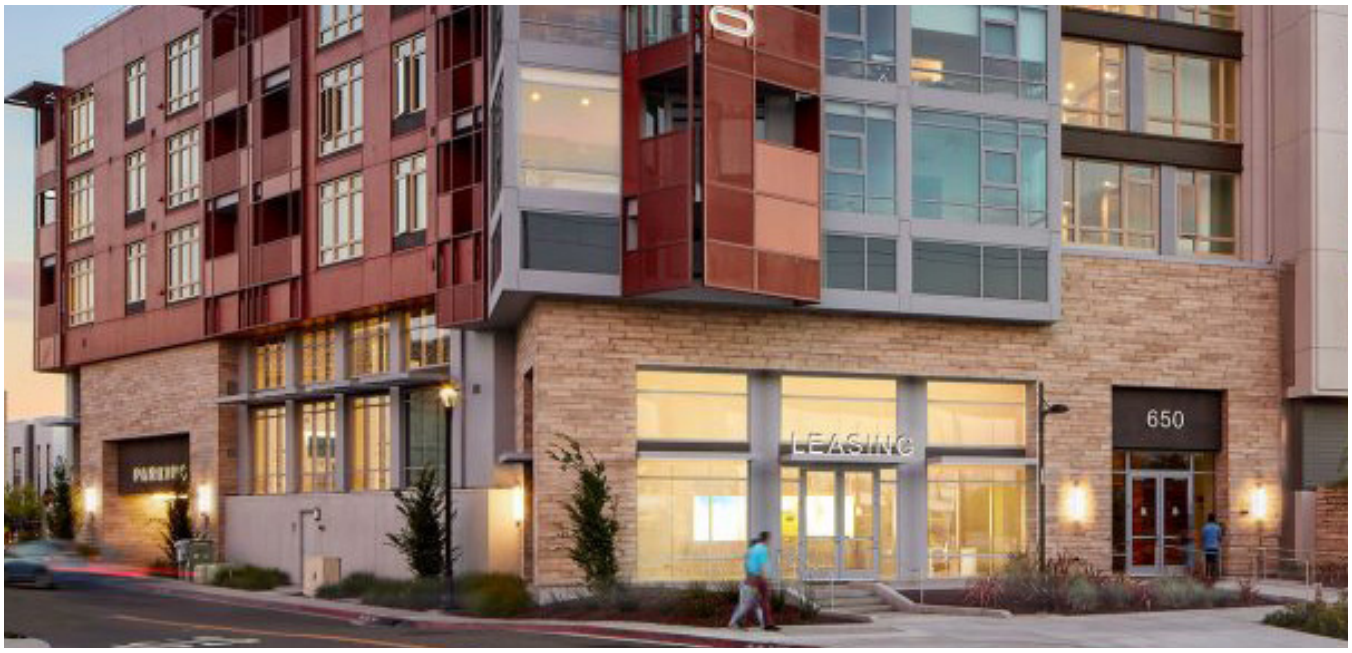
Parking Garage Design

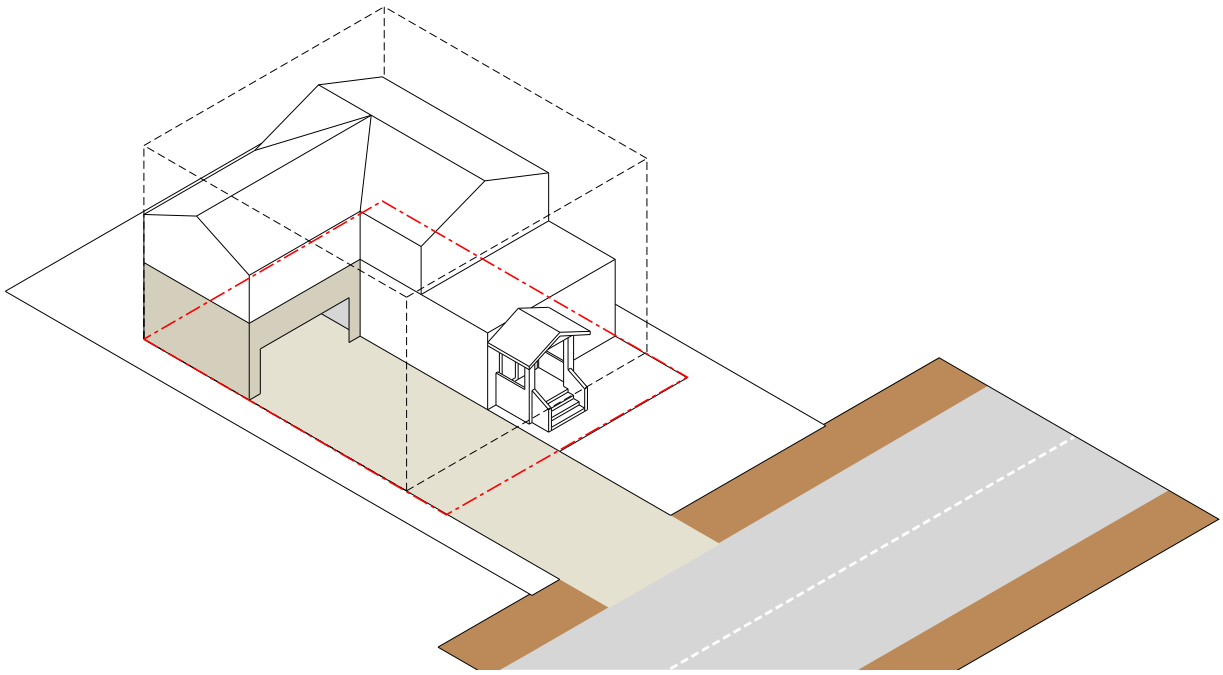
Recommendation: Include design standards for parking garages to avoid blank facades and long garage walls or parking lots along the street. For single family homes, require garages to be set back from the primary building.

Some options for consideration would be:

- For single family homes, garage must be setback 20', but reduce the front setback of primary building to 10 feet (This may be allowed only if an architectural treatment from a list is incorporated into the facade design such front porch, dormers, bay windows, etc.)
- Keep front yard setback at 20', but increase setback for garage to 25 or 30'.
- For multifamily residential, limit garage entrances to 22' width.
- Limit the length of blank garage walls facing the street.

Example of garage design of a multi-family residential building. Non-parking uses fronting the garage and use of building materials creates a less hostile street environment.





Example illustration of a garage of a single family home setback further from the primary building.

Example of of a single family home with the garage setback further from the primary building.

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APPENDIX: REFERENCE MATERIALS

HCD Guide for Objective Development Standards

Approaches and Considerations for

OBJECTIVE DESIGN STANDARDS

INTRODUCTION

To address the housing shortage, recent State legislation, including Senate Bill (SB) 35 and SB 330, requires projects to be reviewed against objective standards. Objective standards include a **broad set of standards used by an agency to regulate development,** including "objective zoning standards," "objective subdivision standards," and "objective design review standards." Objective standards are the only basis a local agency may use to deny or reduce the density of certain eligible projects.

This toolkit focuses on how to regulate design objectively and presents approaches and considerations for adopting objective design standards. There is no one-size-fits-all approach to objective design standards, and each community should consider different options for implementing such standards. Although there are a range of approaches, it is important to balance flexibility and predictability while minimizing constraints on the development of new housing.

WHAT ARE OBJECTIVE DESIGN STANDARDS?

Objective design standards are intended to make the requirements that apply to certain eligible residential projects more predictable and easier to interpret for all stakeholders, including decision makers, staff, applicants, and members of the public. The purpose of objective design standards is for applicants to know beforehand what requirements apply to a proposed development and for the applicant to be able to design a project that meets those requirements before submittal. Objective design standards are defined in Government Code Sections 65913.4 and 66300(a)(7) as standards that:

> *involve no personal or subjective judgment by a public official and are 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 before submittal.*

Objective design standards may include portions of general plans, specific plans, zoning codes, overlay zones, subdivision requirements, and landscaping and other land development regulations.

Provided as Part of HCD's SB 2 Technical Assistance Program

The Building Homes and Jobs Act (SB 2, 2017) provides funding and technical assistance to all local governments in California to help cities and counties prepare, adopt, and implement plans and process improvements that streamline housing approvals and accelerate housing production. The California Department of Housing and Community Development (HCD), in coordination with the Governor's Office of Planning and Research (OPR), has developed this toolkit as part of a technical assistance program to accelerate housing production and streamline the approvals of housing.

SB 2 Planning Grants Technical Assistance

https://www.hcd.ca.gov/community-development/planning-grants-ta.shtml

Contents

OVERVIEW OF GUIDING LEGISLATION

Affordable Housing Streamlined Approval Process (SB 35, 2017)

SB 35 creates an opt-in program for developers that allows a streamlined ministerial approval process for developments in localities that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA). 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 such as, locational and demolition restrictions. The streamlined, ministerial entitlement process created by SB 35 relies on objective design standards.

Housing Crisis Act (SB 330, 2019)

SB 330 allows a housing developer to submit a "preliminary application" to a local agency for a housing development project. Submittal of a preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the full amount of information required by the local government for a housing development application. Upon submittal of a preliminary application and payment of the permit processing fee, a housing developer is allowed to "freeze" the applicable fees and development standards that apply to a project while the rest of the material necessary for a full application submittal is assembled. After an application is deemed complete, local agencies cannot "disapprove" an eligible housing development project or condition its approval at a "lower density," as defined in Government Code Section 65589.5(g), if the project is consistent with objective standards. SB 330 also places additional limitations on an "affected" agency's ability to limit development, and requires HCD to develop a list of cities ("affected cities") and census designated places (CDPs) within the unincorporated county ("affected counties") that are prohibited from taking certain zoning-related actions, including, among other things:

- Downzoning or actions resulting in lesser intensification
- Imposing a moratorium on development
- Imposing design standards that are not objective

The law also requires jurisdiction-wide housing replacement when housing affordable to lower-income residents is demolished. Most of these provisions sunset on January 1, 2025, unless extended by the legislature and governor.

Streamlined Ministerial Approval Process Guidelines prepared by HCD are available at: https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-final.pdf

SB 35 Statewide Determination Summary
A summary of which jurisdictions are subject to the streamlined ministerial approval process (SB 35 streamlining) is available on HCD's website (Statutory Determinations for Limiting Jurisdictions' Abilities to Restrict Development): https://www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml

Preliminary Application for Development
SB 330 requires HCD to develop a standardized form that applicants for housing development projects may use for the purpose of satisfying the requirements for submittal of a preliminary application if a local agency has not developed its own application form. HCD has also provided a template that local governments may use to develop their own preliminary application form.

- Preliminary Application Form for use by Developers (PDF)
- Preliminary Application Template for use by Local Governments (Word)

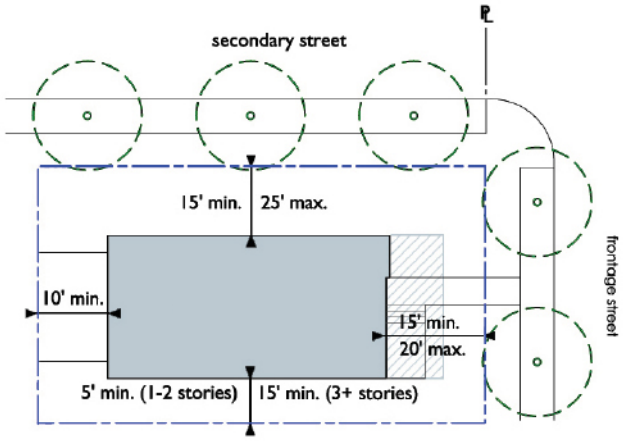
Designated Jurisdictions Prohibited from Certain Zoning-Related Actions
A list of "affected cities" and "affected counties" can be found on HCD's website (Statutory Determinations for Limiting Jurisdictions' Abilities to Restrict Development). Visit: https://www.hcd.ca.gov/community-development/accountability-enforcement/statutory-determinations.shtml

HOW DO YOU MEASURE DESIGN OBJECTIVELY?

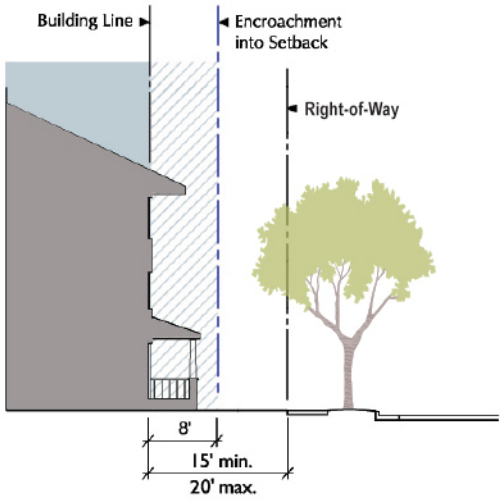
Developing objective design standards for sites and buildings is challenging. On the one hand, standards should provide a predictable outcome for a wide variety of contexts and scenarios; on the other hand, standards must avoid being restrictive and producing monotonous or undesirable development. Furthermore, design may be considered subjective, and preferences can vary among community groups, places, and time periods, so today's standards will need to adapt to changes in preference, evolutions in technology, and changing design solutions.

Objective design standards must be measurable and verifiable.

Objectivity requires that a standard can be measured and be verifiable (i.e., no "gray area" for interpretation). Objective design standards should have a predicable input: knowing what the requirements are and how they are measured. Objective standards should also result in a predicable output: a determination of consistency that can be validated. The result should be the same consistency determination no matter who is reviewing the project, and there should be no dispute between applicants and staff as to whether a project is consistent.



Plan View



Building Section

Example graphics illustrating setbacks and allowable encroachments.

HOW IS A DESIGN GUIDELINE DIFFERENT FROM A DESIGN STANDARD?

Many jurisdictions use design guidelines as a tool to shape the design of sites and buildings. Design guidelines provide direction to applicants and staff when reviewing projects but are often vague and open to interpretation, which adds uncertainty to the development process. Guidelines and standards are distinguished by their level of enforceability. In general, objective standards are requirements (e.g., "shall" or "must"), and guidelines are recommendations (e.g., "should" or "may").

Typical Characteristics of Guidelines Versus Standards

Design Guidelines	Design Standards
Subjective	Objective
Recommendations, which may not be enforceable or have the "teeth" of regulations	Requirements, which are enforceable as regulations
Open to interpretation, difficult to measure or verify	Measurable and verifiable
Use words such as "should" or "may"	Use language such as "shall," "must," or "is required to"
Adopted by resolution	Adopted by ordinance

Examples of Guidelines and Standards

Design Guidelines	Design Standards
Provide articulation to reduce the apparent mass and scale of the building and to be sensitive to the neighborhood.	At intervals of at least 100 feet of building length, there shall be a plane break along the facade composed of an offset of at least 5 feet in depth by 25 feet in length. The offset shall extend from grade to the highest story.
Rooftop mechanical equipment *should be* screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment.	Rooftop mechanical equipment *shall* be screened from public view by a parapet wall, decorative equipment screen, or other architectural treatment.
Provide ample width and design for universal access along pathways and walks.	The paved section of sidewalks shall be at least 8 feet in width.

A VARIETY OF APPROACHES

The use of objective design standards does not require that everything be quantifiable and presented with a numeric value. The following differing approaches can be used to craft objective design standards:

- True/False
- Counts and Measurements
- Ratios and Calculations
- Lists
- Scorecards
- Benchmarks and Performance Measures

These and other approaches can be used to create effective objective standards that are measurable and verifiable. Descriptions of these basic approaches are presented below, along with examples of objective design standards that demonstrate use of each approach. Of course, it is possible, if not required, to mix and match approaches to develop solutions that achieve a balance between predictability and flexibility.

True/False

A true/false standard can be used to evaluate whether a proposed development has satisfied a criterion that is specified in an objective standard. A true/false standard can be useful for criteria that cannot be measured or counted.

Example of Objective Design Standards

Street-facing building facades shall include building entrances that front the street.

Automobile and pedestrian access points shall not be gated or otherwise closed off to the public.

Counts and Measurements

Numeric values, including counts and measurements, are a clear and direct way to structure objective design standards, especially when a standard is based on a minimum value, a maximum value, or an acceptable range of values. Counts represent a number of specified elements, and measurements represent the size of design features. Many zoning and subdivision standards that are fundamental to land use and development regulation, such as those related to lot size, height, setbacks, and stepbacks, may already be built around measurements.

Example of Objective Design Standards

Any development that includes 10 or more units shall provide a minimum of 10% of the total number of units as three-bedroom dwelling units.

Walls adjacent to streets shall not run in a continuous plane for more than 48 feet without incorporating at least two of the following design features:

1. A minimum 2-foot change in plane for at least 10 feet;
2. A minimum 18-inch raised planter for at least 10 feet;
3. A minimum 18-inch change in height for at least 10 feet;
4. Use of pilasters at 48-foot intervals and at changes in wall planes and height; or
5. A section of open grillwork a minimum 4 feet in height for at least 10 feet.

Ratios and Calculations

Ratios and calculations can be used to create standards that are linked to the scale of a project. Many common planning tools, including density, floor area ratio, parking, private and common open space, and landscaping requirements, rely on ratios and calculations. Ratios and calculations are also well suited for objective design standards because they can be used to address design features that are directly related to the scale of a development. Ratios and calculations often require additional standards to clarify how to satisfy the requirement of the ratio. For example, if a minimum area of 300 square feet of common open space is required per unit, a designer may try to make that space 3 feet wide and 100 feet long in the setback in front of the parking stalls. This technically meets the standard but would appear to fall short of the intent of the common open space. A design standard that refers not only to 300 square feet of open space per unit but to a minimum of a 10-foot width is more likely to result in a usable lawn than in perimeter landscaping.

Example of Objective Design Standards

The common open space area shall be at least 300 square feet or 25 square feet per dwelling unit, whichever is greater. Common open space must have a minimum width of 10 feet on any side.

For ground-floor commercial uses in mixed-use buildings, exterior walls facing a street shall include windows, doors, or other openings for at least 75 percent of the building wall area.

Lists

Where flexibility is desired, consider including a list of options. Lists can be structured by specifying a range of acceptable options ("Any of the following…") or by requiring compliance with a minimum ("At least one of the following…") or a maximum ("No more than three of the following…") number of elements. Lists work well with design elements like color where a palette of choices may be acceptable, including main color, trim, and accent. They also work well for variations of a typical architectural element.

Example of Objective Design Standards

1. All primary entryways shall incorporate at least four of the following elements:
   a. The entryway shall be recessed at least 2 feet from the building facade to create a porch or landing area.
   b. The doorway shall be recessed at least 3 inches from the building facade.
   c. The entryway shall be designed with an overhead projection of at least 6 inches, such as an awning or other architectural design features, so as to distinguish the front door from the rest of the building facade.
   d. The entryway shall be clearly marked with a side light window panel, adjacent window, or a door with a window.
   e. The entryway shall be raised or sunken at least one stair step from the pedestrian pathway.
   f. The landing area shall be enhanced with a unique paving material, texture, pattern, or color that is differentiated.

Scorecards

Scorecards require applicants to select from a menu of options. Each option is assigned a point value, and the combined point total of the options selected by the applicant must meet or exceed a specified target. Each requirement must be an objective standard in and of itself, and similar types of requirements are often grouped together. Scorecards expand on the list approach but differ in their ability to provide more specificity and control over a larger range of possible options. A scorecard can also be used to incentivize development projects to provide exceptional design and include features beyond the bare minimum, in exchange for additional "bonuses" as part of the entitlement.

Example of Objective Design Standards

The required landscape area must provide the type of plants necessary to achieve a total of at least 35 points per square foot of landscape area according to the table shown below.

Plant Type	Plant Container Size	Points
Shrub	1-gallon container	1.0
	5-gallon container	2.0
	15-gallon container or larger	10.0
Tree	5-gallon container	5.0
	15-gallon container	10.0
	24-inch box	20.0
	36-inch box	50.0
	48-inch box or larger	100.0

Benchmarks and Performance Measures

External benchmarks can provide a strong foundation for creating objective design standards because they are accepted performance measures and are verifiable and well documented. In particular, many transportation-related development regulations are well suited as a foundation for objective design standards. Trip generation, vehicle miles traveled calculations, parking ratios, and minimum design standards for roads and parking are often already quantifiable. Similarly, landscape standards can be tied to external benchmarks for native species or water use.

Example of Objective Design Standards

Development must meet the California Green Building Standards Code (CALGreen) by achieving CALGreen Tier I or II as adopted by the State of California; Tier II is a higher level of performance than Tier I.

The landscaped area of single-family residential, multifamily residential, mixed-use, and institutional type projects shall be designed with no more than 20% of the landscaped area planted in turf or plants that are not water-wise plants. Water-wise plants are defined as plants that are evaluated as needing "low" (10–30% reference evapotranspiration [ETo]) or "very low"(<10% ETo) amounts of irrigation water as defined and listed by Water Use Classifications of Landscape Species (WUCOLS) at http://ucanr.edu/sites/WUCOLS or other sources of water-wise plant water use classifications as verified by a licensed landscape architect.

BEST PRACTICES

The following best practices demonstrate ways to make objective design standards more effective.

Use Simple, Clear Language

Avoid using "terms of art" and technical terms that are not universally understood. When such terms are used, explain how the standard can be measured or verified.

Examples of "Terms of Art" to Avoid

- Respond to adjacent residential uses with a sensitive transition in scale and massing.
- Design buildings to fit with the context of their surroundings.
- Use street trees to delineate a public street.

Group Similar Topics Together

Group similar topics together to highlight that multiple objective design standards are related. Limit each standard to one topic or idea to distinguish individual criteria and simplify verification during approval or implementation.

Examples of Standards Grouped under Topical Headers

Residential Frontages

1. Multifamily building frontages shall include a terrace or porch.
2. Terraces or porches shall measure at least 6 feet in depth and 8 feet in width.
3. Terraces or porches shall be raised up 2–3 feet from the adjacent grade.
4. Fences or walls defining and/or retaining the front yard shall not exceed 3 feet in height from the adjacent sidewalk.

Parking

1. Parking lots shall include shade elements, such as trees, vine-covered trellises, and overhead solar panels.
   a. Parking lots shall be located at the rear or interior of the block and shall not be located between the sidewalk and the building frontage fronting the street.
   b. Access to parking lots or structures shall be located along side streets or alleys.
2. Parking lots shall include shade elements, such as trees, vine-covered trellises, and overhead solar panels.

Use Tables or Lists

Use tables or lists with subbullets to organize more complex standards into individual components that can be interpreted and verified as unique standards.

Example of Complex Standards Organized as a Table

The required landscape area must provide the type of plants necessary to achieve a total of at least 35 points per square foot of landscape area according to the table shown below.

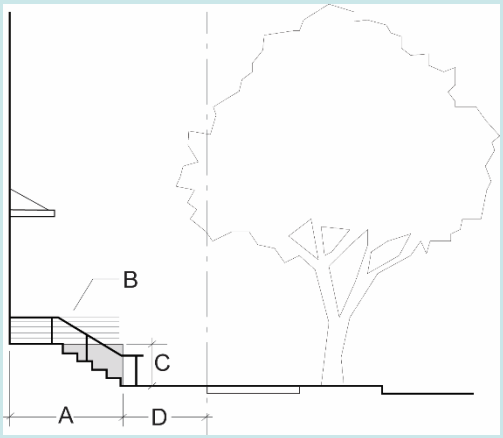
Setback from the Right-of-Way

Minimum	Maximum
0 feet (build-to-line)	5 feet, for up to 40% of the building frontage
6 feet	10 feet, for up to 40% of the building frontage
10 feet	15 feet, for up to 40% of the building frontage

Notes:

1. Arcades and colonnades may be used to satisfy the zero-foot build-to-line requirement.
2. Building entrances shall open to a public right-of-way or public courtyard.

Example of Complex Standards Organized as a List



Left: Illustrative diagram illustrating the requirements for porches and terraces.
Center & Right: Photo examples illustrate porches/terraces that meet the standards.

Standards for Porches and Terraces

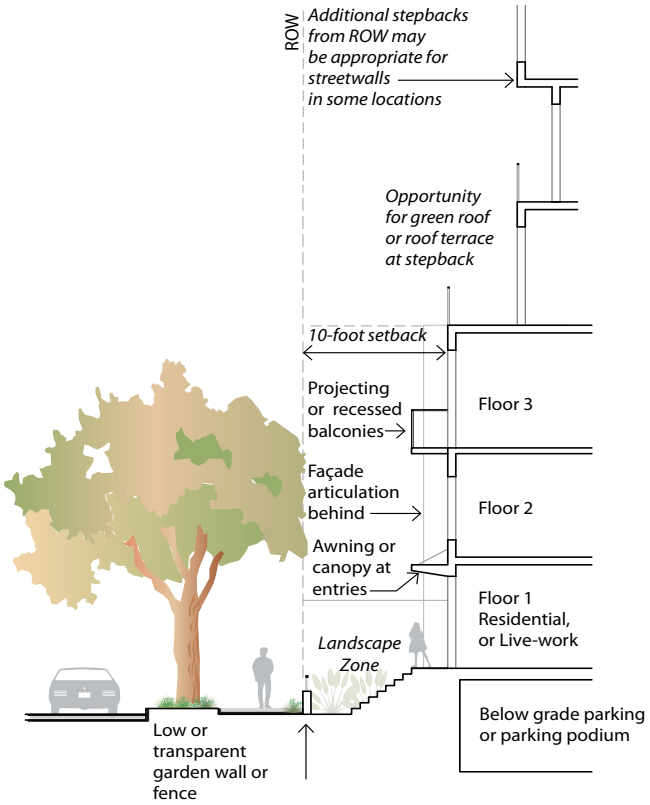
The main frontage of a multifamily residential building shall have an elevated porch or terrace. This frontage type creates a neighborhood character and street-facing orientation while providing a buffer from the sidewalk and space for landscaping. The depth of the porch or terrace will allow for a usable outdoor open space large enough to accommodate seating for at least two people.

Requirements:

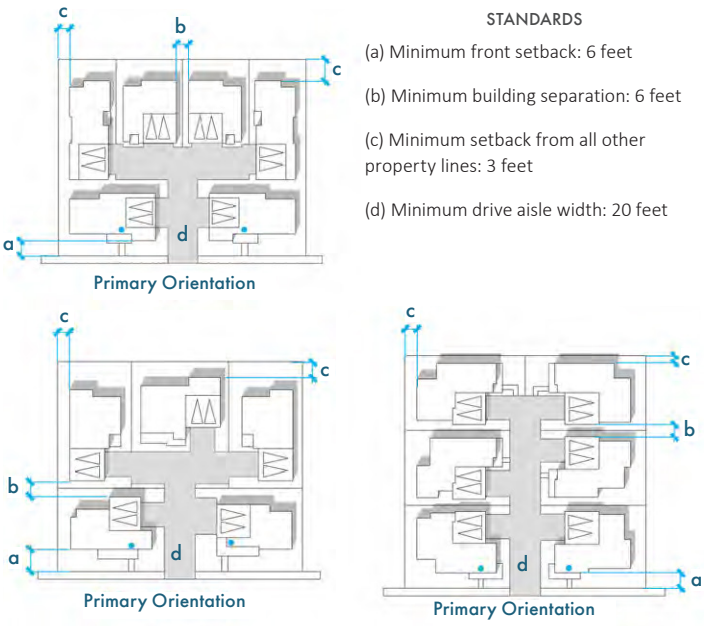
A. Depth: 6-foot minimum
B. Area of Porch or Terrace: 48-square-foot minimum
C. Finished Level above Sidewalk: 3 foot maximum
D. Garden Wall Setback from Right-of-Way: 5-foot minimum

Use Graphics to Illustrate Standards

Graphics, photos, axonometric drawings, sections, maps, and concept plan diagrams may be used to illustrate application of the standards. Use of annotations and callouts should be used to further clarify the relationship between the standards and the graphics.



Example graphic illustrating front yard setback and building articulation standards.



Example graphic illustrating acceptable forms of single-family cluster development.

Example of annotated photograph.

EXAMPLES

The following three examples demonstrate how to integrate different approaches and best practices to craft objective design standards that address different topics.

EXAMPLE #1

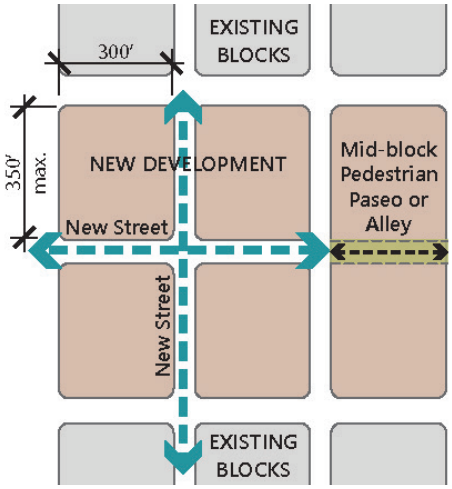
Block Size and Connectivity

Purpose

Block sizes establish the scale and character of the community and can help create connected, pedestrian-oriented neighborhoods.

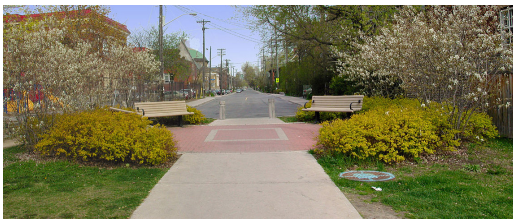
Example Objective Design Standards

1. The maximum length of any side of a block shall measure no more than 350 feet.
2. When developing an area with a block length that exceeds the maximum dimension, the area shall be subdivided with new streets such that all resulting blocks are less than the maximum allowed size.
3. No building shall be greater than 200 feet in length.
   a. Blocks greater than 400 feet in length shall be broken with a midblock connection, courtyard, or public paseo.
   b. The minimum width of a midblock connection or paseo shall be 20 feet and consist at a minimum of a walking path, landscaping, and lighting.
4. Blocks and connections shall be designed to improve pedestrian linkages.
   a. Where new streets are proposed, the ends of new streets shall align with existing streets or paseos in adjacent blocks.
   b. Where cul-de-sacs exist, pedestrian linkages are required and shall provide direct connections to adjacent streets or public areas.
5. The following are prohibited:
   a. Vacation of existing public street right-of-way
   b. Private development over public streets, courtyards, or paseos



***DO**: Limit the maximum length of any side of a block to no more than 350 feet.*

***DO**: Provide midblock connections to break up large developments.*



***DO**: Where cul-de-sacs exist, pedestrian linkages shall be provided to create direct connections.*

EXAMPLE #2

Residential Building Frontages

Purpose

Residential building frontages along a public street, public right-of-way, or common area provide an important transition between private development and the public realm.

Example Objective Design Standards

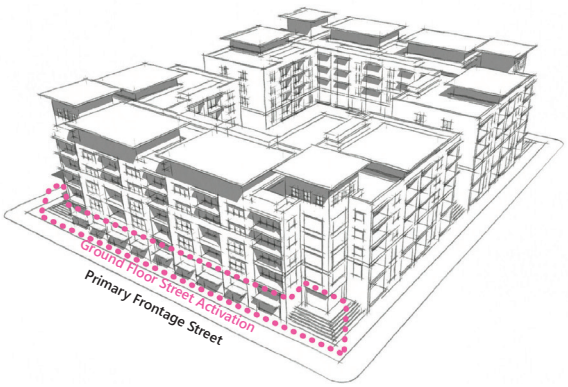
Setback Treatment

1. To accommodate porches and patios, a setback at least 5 feet and no more than 10 feet from the right-of-way shall be incorporated between the public and private realm and create individual semiprivate landscape areas or garden spaces along the street.
2. The residential ground floor shall be located within 3 vertical feet of the ground level.
3. Fences between any private open space, common areas, or public spaces shall be limited to a maximum of 3 feet in height.

Activation

1. Residential buildings shall be designed with active frontages, with residential units facing the street, public right-of way, or common open space, with overhangs, balconies, windows, and individual entries and porches to enliven the street edge and add "eyes" on the street.
   a. All ground-level units shall include an individual entry, porch, patio, or terrace.
   b. A minimum of 50% of upper-story units shall include a balcony or terrace.
2. Ground-floor windows shall not be opaque or tinted.
3. Rooms such as living rooms and dining rooms shall be oriented fronting toward the street and/or any adjacent common open space.
4. Where residential units are designed as townhomes or rowhomes, individual units shall be distinguished. This may be accomplished through the use of at least two of the following:
   a. Change in wall plane
   b. Change in color
   c. Change in roof form
5. Blank walls without windows, doors, or other articulation are strongly discouraged. The maximum length of any blank wall shall be limited to 20 feet.

***DO**: Provide a landscape setback between the right-of-way and individual porches and entries.*



***DO**: Design both street and courtyard frontages with overhangs, balconies, windows, and individual entries.*

***DON'T**: Sideload units or create blank or facades without entries.*

EXAMPLE #3

Design of Private Open Space

Purpose

Courtyards, roof terraces, and other common areas within individual residential developments provide needed amenities to improve livability and public health.

Example Objective Design Standards

Sizing and Scale

1. Common open space shall be provided for all residential development, consistent with the following requirements:
   a. At least 15% of the total gross development area shall be common open space.
   b. Setback areas shall not be used to satisfy common open space requirements.
2. Private open space shall be provided for all residential projects, consistent with the following requirements:
   a. 80 square feet for ground-floor units in the form of a covered or uncovered patio;
   b. 40 square feet for upper-story multifamily units in the form of a terrace, balcony, or rooftop patio; and
   c. 120 square feet for stand-alone, multistory residential units.
3. Common open spaces, such as courtyards and gardens, shall have a minimum dimension of 40 feet in any direction, building face to building face.

Character

1. A minimum of 50% of the open space area shall be landscaped with live plant material.
2. Open spaces shall be planted with a minimum of two trees, each of which shall have a minimum container size of a 36-inch box at installation.
3. A minimum of three of the following activating features shall be incorporated into open spaces:
   a. Fixed or movable seating
   b. Picnic style tables
   c. Shade trees or shaded canopy
   d. Outdoor kitchen equipment
   e. Children's play equipment
   f. Public art or interactive art, such as a life-size chess game
   g. Water feature (in conformance with sustainability standards)

***DO**: Design common open spaces with a minimum dimension of 40 feet in any direction.*

***DO**: Design common open spaces with live plant materials and shade trees.*

***DO**: Design common open spaces with active components, such as play equipment.*

OPTIONS FOR IMPLEMENTING OBJECTIVE DESIGN STANDARDS

There are a range of options for local agencies implementing objective design standards. The examples below highlight basic approaches that rely on and adapt a local agency's existing framework for regulating design.

Testing the Standards

As an initial step in implementation, test your standards against built projects considered acceptable to the community. This approach allows for refinement and helps ensure that your standards are effective and meet an agency's need for flexibility.

Implementation

Options for implementing objective design standards begin with existing regulations. The following approaches can be used to supplement those regulations to provide more nuance and detail.

1

Rely on Existing Regulations

Many existing zoning and other land development regulations already include objective design standards, such as minimum lot size, building height, setbacks, floor area ratio, and other standards that define a maximum building envelope.

2

Revise Existing Design Guidelines

Strategic updates to existing design guidelines can be made to remove or rephrase subjective language, incorporate objective requirements, and revise administrative intent (i.e., make them requirements instead of recommendations). Revisions will require more than searching for and replacing subjective terms. Once revised, design standards can be adopted as regulations to supplement existing zoning.

3

Expand Existing Regulations

Existing zoning and other development regulations can be expanded with new objective design standards, or can be updated to remove subjective language and strengthen existing standards to ensure they are measurable and verifiable.

Consider codifying informal requirements or creating a concise set of objective design standards. Zoning regulations may provide maximum enforceability; however, they are difficult to change, often lack extensive graphics, and depend on a formal process for variances.

ESSENTIAL COMPONENTS

The following components are essential to creating effective objective design standards.

Define Key Terms

Objective design standards rely on clear definitions of key terms. In some cases, it may also be necessary to define methodologies and procedures for performing calculations. Even terms that seem straightforward may need to be defined. Ideally, definitions should be coordinated and consistent with the underlying zoning code and the building code, especially when they involve architectural terminology.

Use a Statement of Intent

Statements of intent are often included to clarify the purpose and goals of particular design guidelines. Although a statement of intent is not essential to the regulatory aspect of objective design standards, it may be helpful to include one. Providing a statement of intent will help both applicants and agency staff understand the context of a group of standards. A statement of intent can also provide a basis for any variances from the standards that might be pursued or granted through a discretionary review process or through a minor variance.

Continue Using Discretionary Processes on an Opt-In Basis and for Noneligible Projects

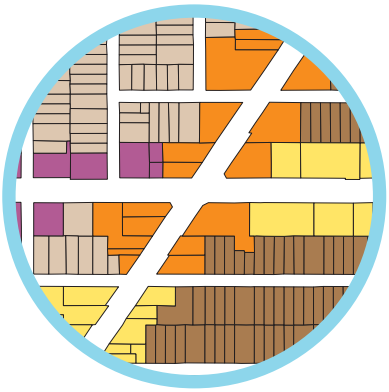
Agencies are allowed to create a list of guidelines (i.e., recommendations) that can be published and used. Although the guidelines cannot be used to deny a project, they can be used to help communicate additional, more nuanced, or subjective design preferences and to establish and communicate design concepts. They can also be used as a means to provide "incentives" to a project (e.g., additional units, reduced parking, reduced fees) if included as part of the design. Applicants that propose an extraordinary or unusual design that deviates from objective design standards should still be allowed to follow a discretionary or alternative and ancillary approval process and/or design review.

Allow Minor Variances or Deviations

Allowing minor variances or deviations at a staff level is an essential tool that can provide staff the ability to approve deviations from specified regulations. It can provide the flexibility necessary to allow small adjustments based on site conditions or specific design details while still relying on objective standards. Objective design standards should outline a process and requirements for staff to approve minor variances. Minor variances may be enabled within objective design standards by prescribing specific procedures and required findings for the relaxation of any specific portion of the standards.

KEY DESIGN TOPICS

Objective design standards must address a range of key design topics and be tailored to the unique needs of each agency. The key design topics presented on the following pages highlight incrementally more detailed and complex design topics. Many of the topics listed below may be included in different sections of a local agency's zoning and land development regulations. However, it is often beneficial for usability and administration to consolidate all applicable objective design standards in a single document.

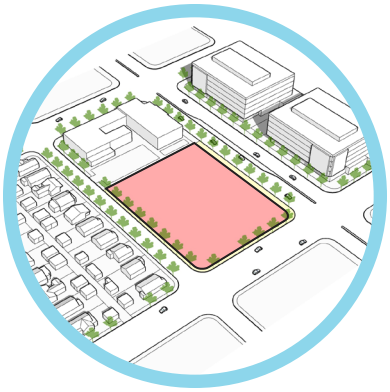


Local Context and Role of Place

Objective design standards need to be calibrated to local conditions and the context of different places in a given jurisdiction. There is no one-size-fits-all solution. Each jurisdiction should consider which topics are the most important to regulate through objective standards and on which topics it will remain silent on to allow creativity and flexibility. In addition, it may be desirable to provide design standards for different areas of the community or even housing types (e.g., downtown, historic, or mixed use).

What are the key design topics to regulate in your community? What design topics differentiate the district or community? And how can you distill those elements into objective design standards? Local context and general design guidance may already be found in plans and policies, such as:

- General plan goals
- Area and community plans
- Specific plans and planned unit developments
- Coastal zone
- Local hazards
- Open space conservation



Use Regulations

Ensure that allowable uses for residential and mixed-use projects are supported by clear definitions, and carefully consider the criteria required to allow any conditional uses. Depending on how they are written and structured, use regulations may themselves be considered objective design standards. Conditionally permitted uses often depend on other standards that also should be objective. Regulations on the following elements should be considered:

- Allowable uses
- Conditionally permitted uses
- Density

Building Envelope

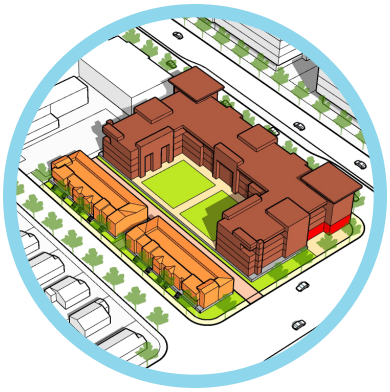
Zoning regulations typically provide objective design standards, such as those related to the following elements, which together help define the maximum building envelope:

- Lot/block size
- Lot coverage
- Height
- Setbacks or stepbacks

Site Design and Refined Massing

Zoning regulations may provide limited guidance on site design and refined building massing. More detailed standards for site design and building massing, including those related to the following elements, can be incorporated:

- Transitions from adjacent properties
- Maximum building length
- Programming/arrangement of spaces
- Orientation
- Pedestrian/vehicular access
- Parking



Building Design and Articulation

Design standards for building design and articulation address important topics related to the relationship between a building and its surroundings. Emphasis should be given to the design of ground floors, which have a significant influence on the pedestrian environment and the overall public realm. Standards can address topics such as the following examples:

- Frontage types
- Design of ground floors
- Building entries
- Facade/plane break
- Roof forms
- Corner treatment
- Private open space, balconies, and patios
- Common open space

Building and Landscape Details

The level of detail addressed in objective design standards should be tailored to the criteria that are most relevant to the community and the desired community character. For example, in some communities, it may be important to focus on building materials and landscaping, while in others, it may be important to provide limited objective design standards across a larger number of topics, including the following example topics:

- Materials
- Transparency
- Fenestration
- Color
- Awnings
- Plant palette
- Screening and fencing
- Outdoor furnishings
- Signage
- Exterior lighting

Architectural Style

In some communities, it may be important to address a particular architectural character or style. Standards that address architectural style need to be carefully tailored to ensure that they are objective and specifically address and define architectural style. Objective design standards may also be differentiated by building typology or focus area where necessary. Supplemental (nonobjective) architectural design guidelines may still be used to help communicate details of architectural style, but they cannot be used to deny an eligible housing development project. Where appropriate, objective design standards may address historic preservation, in conjunction with other requirements, including the Secretary of the Interior's Standards for the Treatment of Historic Properties.

OTHER CONSIDERATIONS

In conjunction with other related requirements included in SB 35 and SB 330, objective design standards present important considerations for local agencies approving housing developments.

Limited Role of Public Hearings

SB 35 and SB 330 both place additional limitations on public hearings. SB 35 explicitly requires cities and counties to provide a "streamlined ministerial approval process" for eligible affordable housing projects, which is defined in Government Code Section 65913.4(d)(1) as follows:

> *Any design review or public oversight of the development may be conducted by the local government's planning commission or any equivalent board or commission responsible for review and approval of development projects, or the city council or board of supervisors, as appropriate. That design review or public oversight shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards published and adopted by ordinance or resolution by a local jurisdiction before submission of a development application, and shall be broadly applicable to development within the jurisdiction. That design review or public oversight shall be completed as follows and shall not in any way inhibit, chill, or preclude the ministerial approval....*

Furthermore, until January 1, 2025, SB 330 prohibits an agency from conducting more than five hearings "if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete." As described in Government Code Section 65905.5(a), an agency "shall consider and either approve or disapprove the application at any of the five hearings."

Changing Burden of Proof

One of the implications of objective design standards is that there is a significant change in the burden of proof. Typically, design guidelines require an applicant to demonstrate consistency with design guidelines and often navigate the design review process. Through this process, the burden of proof rests on the applicant, who must demonstrate that the design guidelines have been applied in a manner that satisfies the design review board or zoning administrator.

However, objective design standards require an agency to provide a preponderance of evidence based upon a reasonable person standard showing that a project does not meet an objective design standard before it can deny the project. In other words, a project is assumed to be consistent unless an agency demonstrates through a preponderance of evidence in the record that the project does not meet an objective design standard. This significantly shifts the burden of proof from the applicant to the agency.[1]

CEQA Streamlining

SB 35

Projects eligible for the streamlining provisions of SB 35 are considered ministerial and are not subject to the California Environmental Quality Act (CEQA). SB 35 was amended in 2018 to include a specific exemption from CEQA for qualifying projects under Section 65913.4(c)(2). Only technical studies required by an objective standard may be required of a project eligible for SB 35 streamlining (e.g., stormwater quality management plan, water and sewer studies, traffic studies, biological survey, historical survey).

SB 330

Although projects eligible for streamlining under SB 330 are not considered ministerial by statute, the use of objective standards removes a potential CEQA trigger associated with the review of discretionary actions.[2] Although SB 330 may remove a CEQA trigger, other objective standards may still require technical studies to provide substantial evidence that there are no environmental impacts.

[1] See Government Code Section 65589.5 for additional detail about burden of proof.
[2] See *McCorkle Eastside Neighborhood Group, et al.* v. *City of St. Helena, et al.* (2019) 31 Cal.App.5th 80.