



Objective Design Standards

FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT

What are Objective Standards?

An “objective” standard is one that involves no personal or subjective judgement by a public official and is verifiable by reference to criteria available and known to both an applicant and the public official. Many design standards, however, are “subjective” and require personal interpretation of their meaning and application. This interpretation, in turn, can lead to a lengthy project review and approval process. The intent of new State housing law (SB 35) is to streamline the review process for multifamily residential projects in order to increase housing production.

California is in the midst of a housing crisis in which communities throughout the State are challenged with accommodating their fair share of housing production. The housing shortage has prompted California to enact new laws requiring towns, cities, and counties to streamline housing approval by establishing a by-right, ministerial approval process for multifamily residential development. Key to ministerial approval is the replacement of subjective design guidelines and discretionary review with objective standards and ministerial approval.

Through its Zoning Ordinance, Downtown Specific Plan, and adopted Town Design Standards, the Town of Windsor has a unique opportunity to revisit existing design guidelines, convert any subjective multifamily residential guidelines to design standards, and create new standards that further enhance the Town’s character and family oriented way of life. This paper provides an overview of State legislation, the Town’s existing design guidelines and standards, and areas where the Town can streamline multifamily residential development approval.

State Legislation

Assembly Bill 35

California State Senate Bill 35 (Government Code Section 65913.4), which went into effect on January 1, 2018, was part of a comprehensive bill package aimed at addressing the State’s housing shortage and high costs. SB 35 requires the availability of a streamlined ministerial approval process for multifamily residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA).

Included in the streamlining process, cities are required to establish objective design standards for multifamily residential development. SB 35 defines an objective design standard as one that involves "no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant... and the public official prior to submittal."

Design vs. Development Standards

In the planning and development realm, there is an important distinction between development standards and design standards. While each inevitably play a large role in the overall look and feel of a structure, they have historically been treated and enforced differently.

Development Standards

Development standards are regulations pertaining to the physical modification of a structure or development, including the size and location of structures in relation to the lot. Development standards include maximum height of structures, minimum lot area, minimum setbacks, maximum lot coverage, maximum floor area ratio, view corridors, and open space. By nature, these standards are objective because they establish standards that are verifiable by reference to known criteria (e.g., maximum lot size: 5,000 square feet, Maximum height: 35 feet). In Windsor, development standards are primarily established in the Zoning Ordinance.

Design Standards and Guidelines

Design standards and guidelines provide design guidance for Town staff and applicants. Used in conjunction with the Zoning Ordinance and applicable development standards, design standards/guidelines provide a common basis for the evaluation of design during the project approval process. Typically, design standards incorporate objective language in the form of mandates whereas design guidelines are often subjective and make design recommendations. Where the word “shall” or “must” is used it is intended to be a mandate; and where the word “should” or “encouraged” is used, it is intended to be a recommended guideline. The mandates are treated as standards with little room for variation whereas the recommendations are subject to some interpretation and have room for minor deviations.

Design guidelines and standards regulate a multitude of design features. These features include lighting, articulation, building materials, color, fenestration, roof design, and building massing.

Existing Design Standards and Guidelines

There are two key documents which establish design guidelines and standards for multifamily residential development in Windsor: Town of Windsor Design Standards and the Station Area Downtown Specific Plan. This section summarizes each document and provides examples of design related guidelines and standards for multifamily residential development contained in each.

Options for Alternative Design Standards

According to SB 35, the Town must establish a by-right multifamily residential development process. If a project applicant complies with the objective design standards (as well as all zoning and other related requirements), the Town must approve the project through a staff-level administrative process with no public review or hearing. For a project to be eligible under SB 35, it must meet the following criteria:

- Provide a level of affordability
- Be located on an infill site
- Meet wage requirements
- Comply with General Plan and Zoning provisions
- Comply with locational and demolition restrictions

However, if an applicant prefers project design features that vary from the objective standards, they would still have the option to seek approval through the Town's discretionary review process.

Town of Windsor Design Standards

The Town of Windsor currently establishes community-wide design standards and guidelines in the Town of Windsor Design Standards. The Standards was originally adopted in 1997 and was later updated in 2005. The Design Standards apply to all elements that make up Windsor's public realm: streets, parks, trails, and public and private development. The Design Standards emphasize the importance of the interaction between building facades, site plans, and landscapes with streets and other public spaces.

The Design Standards specify overarching standards for development and offer guidelines on how to achieve them. The standards link the goals, policies, and programs established in the General Plan and the detailed requirements of the existing zonings codes, ordinances, and specific plans. It is through this link that the standards and guidelines serve as the basis for project approval and the entitlement process.

The Design Standards are generally divided into 12 categories that apply to all new development, including multifamily residences. These categories include:

- Site Placement
- Architecture
- Parking and Circulation
- Private Open Space
- Resources
- Signs
- Site Development
- Materials
- Public Open Space
- Landscaping
- Fences and Gates
- Utilities and Service Areas

As discussed further on page 4 Subjective vs. Objective, most of the standards and guidelines in the Design Standards contain subjective language and serve to make design recommendations rather than mandates. Additionally, there are few guidelines in the Design Standards specifically related to multifamily residential development. The following are examples of adopted multifamily design guidelines in the Design Standards.

3.2.3(a) Front Entrances. With multi-family units, front doors or common vestibules should face a street or a courtyard that provides a publicly accessible and direct walkway to a street. Such courtyards should be landscaped, should generally exclude vehicles, and should be visible from a street where feasible. Accessory dwelling units are exempt from these requirements.

3.2.3(b) Garages. All garages should be set back at least 18 feet from the front property line to provide an adequate parking "apron." For apartments and condominiums, garages should not make up more than 33 percent of the buildings street-facing width.

Windsor Station Area Downtown Specific Plan

In 2012, the Town adopted the Windsor Station Area Downtown Specific Plan. The Plan establishes an overall vision for the downtown area, goals and policies for each topic, and design guidelines and standards for development. The Plan seeks to establish a cohesive mixed-use core and transit-oriented community which links the downtown to the surrounding community. Like the Design Standards, the Plan establishes guidelines and standards that apply to all elements that make up the downtown area, including streetscape, building design, and multifamily residential development.

The multifamily residential development design standards in the Plan make use of objective language, while the guidelines are more subjective. Below are examples of multifamily design guidelines established in the Plan.

3.3-1(C)(2) Design. Primary building entries shall incorporate a projection (e.g., porch) or recess, or combination of projection and recess at least 48 square feet in area. The minimum width of the entry feature shall be 20 percent of the width of the street-facing façade. Alternative designs that create a welcoming entry facing the street such as a prominent porch provided for side doors, or entry courtyard that provides a direct walkway to the street may be allowed.

3.3-2(D)(2)(a) Variable Massing. Adjacent buildings and buildings on the same block shall exhibit variation in height and massing.

3.3-2(D)(2)(b) Façade Detailing and Materials. Each side of a building that is visible from a public right-of-way shall be designed with a contemporary level of detailing and quality of materials. Parking garages, ancillary structures, and carports shall be designed to be architecturally compatible with the main building.

3.3-2(D)(2)(c) Façade Articulation. All street-facing facades must include vertical projections or recesses at least four feet in depth, or two projections or recesses at least 2.5 feet in depth, for every 25 horizontal feet of wall. If located on a building with two or more stories, the articulated elements must be greater than one story in height, and may be grouped rather than evenly spaced in 25-foot modules. Building entrances and front porches and projections into required yards such as stoops, bays, overhangs, fireplaces, and trellises count towards this requirement.

Consistency with State Law

Subjective vs. Objective Standards

Many of the standards and guidelines established in the community-wide Town of Windsor Design Standards relating to multifamily residential development contain subjective language. That is, they offer recommendations for design rather than requirements. This results in the

need for interpretation and discretion in applying a particular standard project review. Under the SB 35 definition of objective standards, many of these standards could be considered subjective.

Typical subjective language includes terms such as “should,” “encourage,” “community character” that involve interpretation and is not verifiable by reference to known criteria. Take the following standards from the Town of Windsor Design Standards for example:

3.1.1(e) Materials and Detailing. Walls and fences *should* be constructed out of *attractive, long-lasting materials*, such as wood, masonry or stone. Chain link *should* not be used. Masonry walls *should* not consist exclusively of smooth-surfaced concrete masonry units (CMUs); the use of textured or "split-face" CMUs *is encouraged*.

3.2.7(a) Façade Composition. New buildings *should typically* have *generously* overhanging eaves and recessed openings, which both protect a building's materials from weather and reinforce *pedestrian scale*.

The underlined and italicized words in the above examples contain subjective language. These words result in standards and guidelines that are vague and subject to interpretation.

For the Town to be consistent with State law, standards related to multifamily residential development will have to be modified with objective language. The following are examples of how the above standards could be modified to be objective.

3.1.1(e) Materials and Detailing. Walls and fences *shall* be made of wood, masonry, or stone. Chain link fencing is *prohibited* as a fencing type.

3.2.7(a) Façade Composition. New buildings *shall* incorporate overhanging eaves no shorter than four feet.

Additional Objective Design Standards

Based on a comprehensive review of the Town’s existing design standards and guidelines, there are multiple areas that standards could be developed to help further the Town’s streamlining efforts for multifamily residential projects. These areas include standards for:

- Mixed-use building design
- Structure and development color pallet
- Building materials
- Fenestration
- Roofing types
- Structure massing
- Signage
- Pedestrian amenities
- Lighting style standards

Example objective design standards for multifamily developments could include:

Landscaping. Vegetation (i.e., bushes, shrubs, flowers) shall be maintained at a height of no more than three feet when located adjacent to pedestrian pathways and building facades and placed in such a manner that does not obstruct lighting.

Drainpipes. Drainpipes, parapets, and ledges shall not be located near windows, corridors, and balconies. If such placement is unavoidable, the features shall face parking lots, public spaces, and roads.

Lighting. Pedestrian pathways, elevator lobbies, parking areas, stairwells, and other common areas shall have a minimum illumination level of 0.5 foot-candles at the walking surface to illuminate any level or walking condition changes.

Conclusion

Many communities hoping to encourage multi-family residential development and streamline the entitlement process have found the establishment of objective design standards to be an effective and innovative solution. These standards offer certainty and provide clear and easily understood design expectations to applicants and developers. To bring the Town into compliance with State law, Windsor can convert subjective design guidelines and standards into objective standards, as well as establish new standards that further Town design objectives. In either case, these solutions will help the Town reduce barriers to residential development during this housing crisis.