



MEMORANDUM

DATE: June 15, 2021

TO: Housing Advisory Committee

FROM: Pierce Macdonald-Powell, Senior Planner

SUBJECT: Informational Report on Objective Design Standards for Multi-family and Mixed-use Development

AGENDA ITEM NUMBER 4

RECOMMENDATION:

None. This report is informational. Comments from Committee Members and the public on this agenda item are welcomed and encouraged.

EXECUTIVE SUMMARY:

Objective design standards are intended to streamline the review of new apartment buildings by eliminating standards that involve subjective review and by providing developers clarity regarding the form and design of what is permissible. The Piedmont Design Guidelines and zoning regulations requiring conditional use permits (CUPs) for mixed-use multi-family apartment buildings are no longer permitted by California law because they are subjective, and the City must develop new objective design standards to comply with California law. To accompany this informational report, Lisa Wise Consulting (LWC) will provide a slideshow presentation of takeaways from the May 19, 2021 Housing Advisory Committee meeting and public comment. In addition, LWC will describe the architectural design elements that will be addressed in a draft set of objective design standards that is expected to be completed by this autumn. This report does not include changes to zoning regulations or design guidelines for single-family homes or ADUs.

This staff report will address:

- Project milestones
- Goals and benefits
- The role of resident comments
- What is being asked of the HAC
- When HAC review and action will occur

BACKGROUND AND ANALYSIS:

Project Milestones and Progress Meeting Project Deadline

On May 19, 2021, LWC and City staff presented the results of community engagement completed since November 2020. Public engagement with Piedmont residents, property owners, business owners, and workers encourages participation in development of new objective design standards for multi-family apartment buildings. The results of public engagement included 877 responses to the Fair Housing Community Survey and 90 comments on an online Interactive Pinnable Map.

Survey results showed general levels of familiarity with state and federal housing law, priorities for housing implementation strategies and funding sources, and design preferences.

Importantly for this staff report discussion, LWC presented the results of the design preferences in the Fair Housing Community Survey on May 19th and what they tell us about community values and the development of new objective design standards for multi-family apartment buildings. The meeting on May 19, 2021 included an interactive “charrette” or architectural design polling exercise to help members of the public think about design elements, residential densities (expressed in du/ac or dwelling units per acre), and architectural styles.

Objective design standard is defined in California law as “a design standard that involves no personal or subjective judgement 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 or proponent and the public official before submittal of a development application.”

California law requiring the objective design standards took effect on January 1, 2020. In 2020, the City sought and received \$160,000 from the SB 2 grant program to develop programs and regulations that facilitate the production of affordable housing. The grant deadline to develop ADU programs and incentives described in this report is June 2022.

Goals and Benefits of Objective Design Standards

Piedmont’s Design Guidelines and Design Review Ordinance ensure that construction of new and remodeled single-family residences fit in with neighboring residences, that designs are consistent with the General Plan, that sunlight, views, and privacy are preserved, and that vehicle and pedestrian safety are protected. Currently, a Conditional Use Permit (CUP) is not required to construct a new single-family home in any zone nor is a CUP required for the construction of a multi-family apartment building in zone C (multi-family residential).

However, a CUP is required to construct multi-family apartments above a ground floor commercial space as part of a mixed-use development in zone D (commercial and mixed-use). CUP applications are reviewed by the Planning Commission, which makes a recommendation to the City Council, which is the decision-making body.

Under current City regulations, the housing development application described above also requires a design review permit, another subjective process. Under California laws including SB 330 and SB 35, the CUP requirement, Design Guidelines and Design Review Ordinance procedures and standards are subjective and can no longer apply to multi-family apartment buildings. Accordingly, staff, with the assistance with LWC, is developing draft objective design standards for public review and comment prior to their consideration by the Housing Advisory Committee, Planning Commission and City Council.

The goals and benefits of new objective design standards are the following:

- compliance with California law
- streamline the review of new multi-family apartment buildings
- clarity on development standards to both project developers and Piedmont residents
- promote excellent design and high-quality building and landscape materials

Purpose of this Report

This report and accompanying slideshow presents information on objective design standards for multi-family apartments. Staff seeks comments from Committee Members and the public, including those about the following:

- community values, such as outdoor living spaces, and parking lots
- architectural elements such as roofs, entryways, building facades, details, and setbacks
- considerations if building sizes change in the future under possible future Housing Element policies
- neighborhood context and how buildings relate to neighboring buildings, sidewalk, and overall setting

Public Comment Informs Objective Design Standards

Public comments about community values, design elements, residential densities, and architectural styles will directly inform the preparation of draft objective design standards. Over the summer, LWC will consider comments from the public and Housing Advisory Committee, as well as LWC's experience working in a range of cities and towns that have recently changed their design standards to comply with California law, to develop a set of draft objective design standards. The draft standards will be made available for public review and comment for a minimum of 30 days, and objective design standards will be the topic of a community meeting this autumn.

Once all of the public comments have been received on the draft objective design standards document, the standards will be scheduled for meetings of the Housing Advisory Committee, Planning Commission, and City Council (the decision-making body).

CONFORMANCE WITH GENERAL PLAN:

Work to develop new objective design standards is consistent with the goals, policies, and actions of the 2015-2023 Housing Element of the Piedmont General Plan, including the following:

Goal 1: New housing construction – provide a range of new housing options in Piedmont to meet the needs of all household types in the community.

Goal 3: Affordable Housing Opportunities – Create additional housing opportunities for moderate, low, and very low income Piedmont residents.

Policy 1.7: Housing in commercial districts – Ensure that local zoning regulations accommodate multi-family residential uses on commercial properties in the City, including the addition of apartment to existing commercial buildings.

Action 1.E.: Allowing multi-family housing and mixed-use in in the Commercial Zone – Amend the Piedmont Zoning Ordinance to add multiple family housing and mixed-use development to the list of conditionally permitted uses in the Commercial Zone (Zone D).

Action 1.G: Facilitating multi-family development – Develop incentives which would facilitate multi-family development on land zone for multi-family or commercial uses in Piedmont, including modifications to lot coverage requirements for multi-family uses in Zones C and D, and modifications to permitted and conditionally permitted use

requirements for Zones C and D. The City will also consider potential ways to streamline environmental review in the event future multi-family uses are proposed in these areas.

Action 2.E: Streamlining design review – Conduct a Planning Commission study session to identify steps that might be taken to expedite and improve the design review process. Following this session, develop amendments to the Design Review process consistent with Action 28.C of the General Plan (Design and Preservation Element).

ATTACHMENTS:

- A Pages 5 to 6 General Plan Housing Element Goals, Policies, and Actions, related to the scope of work funded by SB 2 planning grant program

Attachment A

General Plan Housing Element Goals, Policies, and Actions

The SB 2 Planning Grants Program application prepared by staff is consistent with the following General Plan Housing Element goals, policies, and actions:

Goal 1: New housing construction – provide a range of new housing options in Piedmont to meet the needs of all household types in the community.

Policy 1.2: Housing diversity – Continue to maintain planning, zoning, and building regulations that accommodate the development of housing for all income levels.

Policy 1.4: Context-appropriate programs – Participate in those state and federal housing assistance programs that are most appropriate to Piedmont’s character and that recognize the unique nature of affordable housing opportunities in the City.

Policy 1.5 – Second units – Continue to allow second units (in-law apartments) “by right” in all residential zones within the City, subject to dimensional and size requirements, parking standards, and an owner-occupancy requirements for either the primary or secondary unit. Local standards for second units may address neighborhood compatibility, public safety, and other issues but should not be so onerous as to preclude the development of additional units.

Policy 1.6: Second units in new or expanded homes – Strongly encourage the inclusion of second units when new homes are built and when existing homes are expanded.

Policy 1.7: Housing in commercial districts – Ensure that local zoning regulations accommodate multi-family residential uses on commercial properties in the City, including the addition of apartment to existing commercial buildings.

Policy 1.10: Intergovernmental coordination – Coordinate local housing efforts with the California Department of Housing and Community Development, the County of Alameda, and adjacent cities. Where City-sponsored housing programs are infeasible due to limited local resources, explore the feasibility of participating in programs initiated by other jurisdictions.

Action 1.C: Market-rate second unit production – Maintain zoning regulations that support the development of market-rate second units in Piedmont neighborhoods.

Action 1.E.: Allowing multi-family housing and mixed-use in in the Commercial Zone – Amend the Piedmont Zoning Ordinance to add multiple family housing and mixed-use development to the list of conditionally permitted uses in the Commercial Zone (Zone D).

Action 1.G: Facilitating multi-family development – Develop incentives which would facilitate multi-family development on land zone for multi-family or commercial uses in Piedmont, including modifications to lot coverage requirements for multi-family uses in Zones C and D, and modifications to permitted and conditionally permitted use requirements for Zones C and D. The City will also consider potential ways to streamline environmental review in the event future multi-family uses are proposed in these areas.

Action 2.E: Streamlining design review – Conduct a Planning Commission study session to identify steps that might be taken to expedite and improve the design review process.

Following this session, develop amendments to the Design Review process consistent with Action 28.C of the General Plan (Design and Preservation Element).

Action 2.F: Update Design Review Guidelines – Update the 1988 City of Piedmont Residential Design Guidelines consistent with Action 28.E of the Piedmont General Plan.

Goal 7: Equal access to housing – Ensure that all persons have equal access to housing opportunities in Piedmont.

Policy 7.1: Housing choice – Promote the development of housing for all persons regardless of race, religion, ethnic background, or other arbitrary factors.

Policy 7.3: Fair housing enforcement – Implement and enforce relevant State and federal fair housing laws.

Action 5.A: Shared housing program – Consider participating in ECHO Housing’s shared housing program as a way to improve housing opportunities for lower income seniors and extremely low income households.

Action 5.C: Assistance to non-profit developers – Provide assistance to non-profit entities interested in developing housing for low and moderate income Piedmont residents, including elderly and others with special needs.

Action 5.H: Faith Community participation – Work with local faith community to serve residents in need within Piedmont and the greater East Bay, and to identify potential partners for meeting local extremely low income housing needs.

Action 5.I: Second units for extremely-low income households – Maintain an inventory of second units that are available at rents that are affordable to extremely low income households. Explore ways to expand this inventory and encourage the development of additional extremely low income second units through the City’s affordable second unit program and other means.

Action 5.J: Housing for extremely low income families – Develop incentives to meet the needs of Piedmont’s extremely low income households potentially including modified development standards for new multi-family buildings that include units for extremely low income families.