Architectural Review Board
Staff Report (ID # 10833)

Summary Title: Issues and Options for Objective Standards

Title: Review Issues, Options, and Recommendations for an Approach to Objective Standards in the Zoning Ordinance.

From: Jonathan Lait

Recommendation
It is recommended that the Architectural Review Board (ARB) take the following action(s):

1. Receive a summary of issues, options, and recommendations for how to approach objective standards in Title 18 (Zoning Ordinance) of the Palo Alto Municipal Code (PAMC) and provide feedback to staff and consultants.

Report Summary
This report and the attached memo outline key issues, as well as options and recommendations for Title 18 revisions. The revisions fulfill objectives under Senate Bill (SB) 2 related to the Housing Accountability Act, SB330, SB35, and potential future State housing laws relying on objective standards. The staff report provides background information and context for local and State laws. The memo in Attachment A provides further detailed analysis of the key issues and options and makes recommendations for next steps.

Project Objectives

SB2 Funding
This project is funded by Senate Bill (SB) 2. SB2 provides local governments with grants and technical assistance to prepare plans and process improvements that:

- streamline housing approvals,
- facilitate housing affordability (particularly for lower- and moderate-income households), and
- accelerate housing production.

City of Palo Alto
Planning & Development Services
250 Hamilton Avenue
Palo Alto, CA 94301
(650) 329-2442
Currently, PAMC Title 18 (Zoning) contains a range of objective standards for development projects. Objective standards examples include numerical development standards for maximum heights, Floor Area Ratios (FARs), minimum parking space numbers and dimensional standards, and retail preservation requirements. Examples of Title 18 subjective guidelines include the context-based design criteria of Chapters 18.13, 18.16 and 18.18. Other subjective standards located outside Title 18 are the Downtown Urban Design Guidelines, El Camino Real Guidelines, and SOFA I and II Guidelines.

Working with City staff and the Architectural Review Board (ARB), the consultants will help:

- Prioritize and identify a selection of subjective guidelines in Title 18 and the South of Forest Area (SOFA) Coordination Area Plan Phase 1 and Phase 2; the goal is to revise as necessary to create objective standards for housing developments and mixed-use developments;
- Refine design guidelines/context-based design criteria by use, housing type and/or zoning district;
- Add new objective standards for housing and mixed-use projects, to complement existing standards, guidelines, and adopted policy goals;
- Add zoning graphics and an architectural review checklist specifically for housing and mixed-use projects to clarify objective standards for staff and applicants; the existing checklist for major architectural review application is viewable here: https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?t=73280.08&BlobID=6473; and
- Clarify the SB35 application process—which relies on objective standards—for housing and mixed-use project applicants through preparation of forms and submittal requirements.

Background

Assumptions and Applicability

The project will prioritize standards that affect multifamily housing and residential mixed-use projects and districts. Ground-floor retail guidelines and standards will be addressed insofar as retail is required as part of a residential project and to ensure that it is successful, well-designed and integrated with the project as a whole. The project will address single-family housing and districts in a more limited way and will not address non-residential projects (i.e., commercial- and industrial-only projects).

Since objective standards are codified in the Zoning Ordinance, they currently do and will continue to apply to all projects, including multi-family, single-family, ADUs, and commercial projects. Similarly, any objective standards in the Comprehensive Plan, coordinated area plans, and other adopted policy documents likewise apply to all projects, as appropriate for their use and zoning district.

Objective vs. Subjective Standards
Most of the City’s zoning code is comprised of objective standards, as defined in the text box at right. District regulations identify numeric development standards for a range of factors that regulate massing (e.g., maximum building height, maximum floor area ratio, minimum setbacks). **More subjective standards are included for performance standards (e.g., unnecessary illumination should be avoided) and for the guidelines identified by the context-based design criteria (e.g., scale and massing should be compatible with the existing pattern of buildings).**

**Figure 1: Generalized Organization of Title 18, Objective vs. Subjective**

<table>
<thead>
<tr>
<th>Objective</th>
<th>Subjective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use Regulations</td>
<td>ARB Findings</td>
</tr>
<tr>
<td>Development Standards</td>
<td>Context-Based Design Criteria*</td>
</tr>
<tr>
<td>Definitions</td>
<td>Performance Standards*</td>
</tr>
<tr>
<td>Parking &amp; Loading Requirements</td>
<td>Parking &amp; Loading Adjustments</td>
</tr>
</tbody>
</table>

* Some design criteria and performance standards are objective

**What are Objective Standards?** The terms “objective zoning standards” and “objective design review standards” are narrowly defined by the State to mean “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 prior to submittal.” **Example:** Front setback shall be a minimum of 10 feet.

**Relationship to the Palo Alto Housing Work Plan and 2018 Housing Ordinance**
The 2018 Housing Ordinance was codified into Title 18 in early 2019. The code changes aimed to accelerate housing production and streamline housing approvals for market rate and affordable housing. The Council adopted changes to development standards and review and approval processes. Changes to the Zoning Ordinance with respect to multi-family residential and residential mixed-use projects included:

- Elimination of Site and Design Review (i.e., removal of reviews by the Planning and Transportation Commission and City Council); the process is now Architectural Review by the ARB only
- Reduction in required parking spaces for multi-family projects
- Allowance of 100% residential projects in commercial areas
• Elimination of maximum residential density limits
• Increase in floor area ratios (FAR) through the Housing Incentive Program in Downtown, California Avenue and along El Camino Real

Strengthening objective standards was a key action in the City’s 2018 Housing Work Plan. This current effort seeks to streamline housing approvals by making changes to the Zoning Ordinance. The changes would simplify and clarify standards and guidelines for staff, decision-makers, and applicants. State law relies more and more on projects’ compliance with objective standards. Therefore, this project aims to strengthen objective standards to identify the City’s priorities and ensure applicants’ compliance with these priorities, to facilitate the development of housing.

**Relationship to State Housing Laws**

**Housing Accountability Act**
The Housing Accountability Act (HAA) (Government Code Section 65589.5) acknowledges the lack of housing as a critical problem in California. The HAA applies to all "housing development projects" which the State defines as: residential units (no minimum number of units specified); mixed-use developments (with at least two-thirds of the square footage designated for residential use), and transitional or supportive housing.

The HAA states that a City cannot disapprove a project, reduce its density, or otherwise make a project infeasible, when the project complies with objective standards. The only exception to this is when a project would have a specific adverse impact, which is narrowly defined. Modifications to the HAA in 2018 made it easier to claim compliance with objective standards; a project must be considered consistent with objective standards as long as "there is substantial evidence that would allow a reasonable person to conclude" that a project complies.

However, if an applicant seeks an exception to a regulation, the project as a whole is no longer covered by the HAA. The decision-maker must rely on the findings required or criteria for approval of that specific modification. However, this opens up the whole project to discretionary review. In this case, subjective standards and design guidelines can be used to evaluate projects. In other words, the ARB will continue to have purview when objective standards are not being met.

**SB35 Project Streamlining**
Under SB35 (Government Code Section 65913.4), projects with at least 2/3 residential floor area and other specific features have eligibility for a shortened review. Projects meeting certain affordability requirements, and consistent with the City’s zoning and other “objective standards,” are eligible for a streamlined review process. Currently in Palo Alto, only projects proposing at least 50% of their units for low-income households are eligible for SB35 streamlining. The review process is 90 to 180 days depending on the project size. No CEQA
review is required and no discretionary review (e.g., ARB, PTC, or Council review) is permitted. Changes to objective standards would affect these projects.

However, except for projects proposed by affordable housing developers, it is unlikely that the City will see many applications under SB35 under the current 50% threshold. If the City does not submit its annual Housing Element progress report on time or does not meet its Regional Housing Needs Allocation targets for Above-Moderate income households, it could fall into the 10% category. In this case, an eligible project could qualify as an SB35 project by providing just 10% of its units for low-income households.

SB330 Permit Review
Effective January 1, 2020, this bill makes several changes to existing State housing law, including the HAA and Permit Streamlining Act. For the purposes of the work described herein, the important elements are as follows:

• Prohibits jurisdictions from imposing subjective design standards established after January 1, 2020.
• Requires that a housing development project only be subject to the ordinances, policies, and standards adopted and in effect when a preliminary application is submitted (vs. when it is deemed complete).
• Prohibits jurisdictions from enacting development policies, standards or conditions that would change current zoning and land use designations where housing is an allowable use. In such cases, the City cannot lessen the intensity of housing - such as reducing height, density or floor area ratio, requiring new or increased open space, lot size, setbacks or frontage, or limiting maximum lot coverage. Effectively, this clause prohibits downzoning, though the City may rebalance density between various districts.

Analysis
The memo in Attachment A provides a detailed analysis of the key issues identified by consultants and staff with respect to objective standards and compliance with State law. These key issues, options, and recommendations are summarized here. Please consult the attachment for further details and examples.

Issue #1: Title 18 includes subjective criteria that cannot be applied to projects that are covered by the Housing Accountability Act to reduce project density or make a project infeasible.

As detailed above, State law has become stricter in its reliance on objective standards as a threshold for project review and approval. In order to enforce the subjective standards that are important to Palo Alto, the City will need to modify these regulations into objective standards.

• Recommendation #1: Revise context-based design criteria as objective standards (also see Issue #2)
• Recommendation #2: Revise other development regulations as objective standards
• Recommendation #3: Consider adopting standard conditions of approval that do not relate to code requirements.

Issue #2: How to balance a desire for architectural vision, quality, and variety, and the perspective of the Architectural Review Board with the requirements for objective standards under State law.

Design guidelines perform well in setting the framework for development, providing direction, and identifying the elements of placemaking that are important to the City. The challenge is that guidelines are often written to give the City discretion. Removing the discretion and replacing guidelines with standards can lead to standards that are prescriptive and do not always meet the intent of the guideline they are replacing. The recommendation and options summarized below and detailed in Attachment A seek to strike a balance between discretion and prescription.

• Recommendation #4: Implement each of the strategies below, as appropriate to the type of design element to be addressed, to clarify objective standards while also providing an alternate path of compliance that allows for discretion on the part of the applicant and the decision-maker.
  o Option #1: Direct rewrite of guidelines into standards
  o Option #2: Link standards and guidelines
  o Option #3: Menu of options for how to comply with standards
  o Option #4: Use a system of building components as a framework for determining compliance with standards

Issue #3: The Zoning Ordinance offers flexibility in development standards to facilitate multi-family and affordable housing through legislative actions that add time, expense, and uncertainty to the development process. These include the Workforce Housing (WH), Affordable Housing (AH) and Pedestrian Transit Oriented Development (PTOD) overlays.

• Recommendation #5: Transform overlays requiring legislative action into objective criteria.

Issue #4: Some standards are difficult for staff and applicants to interpret or would be more succinctly expressed as graphics.

• Recommendation #6: Use graphics to illustrate key standards and guidelines. A handout or other supplementary material that is not codified in the code can also be more readily updated over time.

Issue #5: There are areas of redundancy, inconsistency, and lack of clarity in the Zoning Ordinance.
Recommendation #7: Reorganize code sections to clarify which standards apply to individual projects. Regulate development standards by district and design criteria citywide, with provisions for specific uses and building types:
- Option #1: By zoning district (existing organization)
- Option #2: By use/building type
- Option #3: Citywide applicability

Recommendation #8: Remove redundancies (e.g., repeated standards across districts)

Recommendation #9: Consolidate and clarify definitions

Recommendation #10: Codify Coordinated Area Plans’ Zoning in Title 18 (e.g., SOFA standards)

Issue #6: The project review process adds unnecessary time to staff’s workload.

- Recommendation #11: As part of a separate process, staff could consider streamlining the project review process through changes to staff report writing and the level of permit review.

Environmental Review
The ordinance revisions represent implementation of adopted plans and policy. Therefore, the revisions are expected to be categorically exempt under CEQA and/or covered by the CEQA documents prepared for the Comprehensive Plan and SOFA Coordinated Area Plan. The project aims to facilitate implementation of State law. The project does not propose to increase development beyond what was analyzed in the Comprehensive Plan or the SOFA Coordinated Area Plan.

Public Notification, Outreach & Comments
The Palo Alto Municipal Code does not require notic­ing of study sessions, however, this item was published in a local paper, Daily Post, on January 24, 2020, which is 13 days in advance of the meeting.

Public Comments
As of the writing of this report, no project-related public comments were received.

Next Steps
Based on feedback from the ARB, staff and consultants will prepare preliminary draft ordinance components and preliminary graphics to share with the ARB at a subsequent meeting this winter.

Report Author & Contact Information
Jean Eisberg, Consultant Planner

ARB¹ Liaison & Contact Information
Jodie Gerhardt, AICP, Planning Manager

¹ Emails may be sent directly to the ARB using the following address: arb@cityofpaloalto.org
Attachments:

- Attachment A: Objective Standards Issues & Options Memo (DOCX)
MEMORANDUM

Date: January 21, 2020
From: Jean Eisberg, Lexington Planning and Chris Sensenig, Raimi + Associates
To: City of Palo Alto
Subject: Objective Standards – Issues, Options, and Recommendations Memo

This memo documents key issues that will need to be addressed to both comply with State law and establish enforceable standards and guidelines for development in Palo Alto.

The options and recommendations provided herein come from discussions with City staff (current planning and development center teams) over the course of three meetings; feedback from the ARB during its December 5th meeting; consultants’ review of the Zoning Ordinance and South of Forest Area II standards; and stakeholder meetings with architects and developers in 2018 for the purpose of the 2018 Housing Ordinance. We are still at the beginning of the project and the ARB’s contributions and feedback to this memo will be used to inform the project’s next steps.

Following this introduction, this memo:

1. Summarizes the existing regulatory process and summarizes recommended changes to meet objective standards’ requirements.
2. Analyzes the key issues raised by the City’s existing regulatory process and details options and recommendations for how to address these issues through the project.

Additionally, an appendix provides detailed examples for one approach to transforming design guidelines into objective standards.

SUMMARY OF EXISTING PROCESS AND RECOMMENDED CHANGES

Table 1 identifies how the City currently regulates development, primarily through the Zoning Ordinance. These existing regulations include standards and design criteria that apply to specific uses, standards that apply to individual zoning districts, and other regulations that apply to all uses. The table also expresses whether regulations are generally objective or subjective, and recommends potential changes for both implementing the City’s goals and policies, and
enforcing State law. Lastly, the second column references the corresponding “key issues,” which are further discussed in the next section of this memo.

Table 1: Summary of Existing Framework of Regulations and Recommended Changes

<table>
<thead>
<tr>
<th>Existing Regulations &amp; Process</th>
<th>Recommended Changes</th>
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</thead>
<tbody>
<tr>
<td><strong>1. Use Regulations (Objective):</strong> Staff review projects for compliance with use regulations to determine whether a specific use (e.g., Multiple Family Residential) is permitted, conditionally permitted, or not permitted in a given zoning district.</td>
<td>No changes required.</td>
</tr>
<tr>
<td><strong>2. Development Standards (Objective):</strong> Staff review projects for compliance with development standards, such as height, FAR, and open space to determine whether a project meets the development regulations for a specific zoning district (e.g., RM-40).</td>
<td>No changes required, except to add clarity or illustrations (e.g., daylight plane requirements. Clarify open space requirements, which are not always clear). (see Key Issue #1)</td>
</tr>
<tr>
<td><strong>3. Other Applicable Regulations (Objective and Subjective):</strong> Staff review projects for compliance with other development regulations that are applicable to one or more districts, such as parking standards, refuse storage, and retail protections.</td>
<td>Refine to make standards objective and clarify with illustrations where relevant. Remove redundancies and consolidate definitions. (see Key Issues #4 and #5)</td>
</tr>
<tr>
<td><strong>4. Conditions of Approval (Primarily Objective):</strong> Staff recommend draft conditions of approval, primarily based on standard conditions that relate to local, regional, or State code requirements. However, staff or the ARB may apply additional project-specific conditions requiring a design change during ARB meetings.</td>
<td>Consider adopting by resolution standard conditions of approval (e.g., nesting bird surveys) that are not regulated by the Zoning Ordinance. (see Key Issue #1)</td>
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<tr>
<td><strong>5. Context-Based Design Criteria (Primarily Subjective):</strong> Staff analyze projects for conformance with context-based design criteria applicable to the zoning district. The ARB may make recommendations for how to refine the project to better meet the intent of these criteria.</td>
<td>Revise subjective criteria in one or more ways: 1) Rewrite design criteria as objective standards 2) Create parallel design standards and guidelines as alternative (voluntary) path 3) Create a menu of options for compliance with standards 4) Design a system of building components to evaluate compliance with standards</td>
</tr>
</tbody>
</table>
### Existing Regulations & Process | Recommended Changes
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Consider reorganizing design criteria by use/building type or applying to development citywide. (see Key Issue #2)

6. **Legislative Action (Subjective):** Projects seeking flexibility in development standards to build at higher densities and with added affordability may request zoning map changes to add an overlay designation. These actions require discretionary legislative action by both the PTC and City Council.

   Transform legislative actions into objective criteria to reduce barriers and create incentives for the types of housing that the City wants to see. (see Key Issue #3)

7. **ARB Findings (Subjective):** Staff prepare draft findings regarding unified and coherent design, harmonious transitions, quality, functionality, and sustainability. The ARB reviews staff’s analysis of the context-based design criteria, draft findings, draft conditions, and overall recommendation, and makes a motion with a recommendation for the Planning Director to take action on the project.

   Link findings to objective standards, where applicable, and retain findings to support both objective standards and alternative compliance for discretionary projects. (see Key Issues #5 and #6)

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**KEY ISSUES, OPTIONS, AND RECOMMENDATIONS**

**Issue #1:** Title 18 includes subjective criteria that cannot be applied to projects that are covered by the Housing Accountability Act to reduce project density or make a project infeasible.

As detailed in the staff report, State law has become more strict in its reliance on objective standards as a threshold for project review and approval. In order to enforce the subjective standards that are important to Palo Alto, the City will need to modify these regulations into objective standards.

**Recommendation #1: Revise Context-Based Design Criteria as Objective Standards**

This represents a key recommendation and focus of this project and is further discussed as various options in Issue #2 below.

**Recommendation #2: Revise Other Development Regulations as Objective Standards**

While most of the district regulations and development standards are objective, some, such as performance standards, are not. Where relevant, revise these regulations as objective standards, using measurements, percentages, ranges, with exceptions by Director if desired. These could include the following standards:
• Refuse, recycling and outdoor storage
• Open space regulations
• Lighting standards, including photometric requirements
• Mixed use parking requirements
• Standards for parking lifts

**Recommendation #3: Adopt Standard Conditions of Approval That Do Not Relate to Code Requirements.**

This could be achieved by adopting standard conditions of approval by resolution which are otherwise not documented as regulations in the Zoning Ordinance, Comprehensive Plan, or other adopted policy document. The conditions of approval may be amended from time to time by resolution. Additional conditions may still be applied to projects that are not covered by the Housing Accountability Act.

**Issue #2: How to balance a desire for architectural vision, quality, and variety, and the perspective of the Architectural Review Board with the requirements for objective standards under State law.**

Design guidelines perform well in setting the framework for development, providing direction and identifying the elements of placemaking that are important to the City. The challenge is that design guidelines are often purposefully written to give the City discretion to determine whether a proposed building meets the intent of the guideline. Removing the discretion and replacing guidelines with standards can lead to standards that are overly prescriptive and do not always meet the intent of the guideline they are replacing.

The City’s Comprehensive Plan includes policies supporting architectural and neighborhood compatibility and high-quality design (see text box at right). In order to continue enforcing these adopted policies, the City will need to consider alternate means of implementation. This issue section describes potential tools for creating objective standards that meet the new State requirements for residential development. The goal of presenting these as options is to receive feedback from the City and ARB on the types of tools that the consultant team will use to support revised guidelines and standards. Each of the options below has benefits and

### 2030 Comprehensive Plan – Selected Urban Design Policies

**Policy L-6.1:** Promote high-quality design and site planning that is compatible with surrounding development and public spaces.

**Policy L-6.2:** Use the Zoning Ordinance, design review process, design guidelines and Coordinated Area Plans to ensure high quality residential and commercial design and architectural compatibility.
drawbacks, depending on the type of design criteria. The City may want to use some or all of these options in the modifications to the ordinance.

**Option #1: Direct Rewrite of Guidelines**

Some guidelines can be easily transformed into objective standards. In the example context-based design criteria below, the middle part of the guideline, “have a scale that is in proportion to the size and type of the building and number of units being accessed,” only requires the addition of dimensions to make it objective. (The exact dimensions can be debated.) However, the first and last parts of the guideline--“clearly defined features” and “maintaining a pedestrian scale”--are subjective. Dimensional standards alone are not sufficient to address intent. They can work for standards such as building entries, as described below, but are not effective for expressing character or context.

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*Example #1: Rewriting Guidelines for Building Entries*

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**Context-Based Design Criteria:**
Entries that are clearly defined features of front facades, and that have a scale that is in proportion to the size and type of the building and number of units being accessed; larger buildings should have a more prominent building entrance, while maintaining a pedestrian scale;

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**Objective Standard Rewrite:**
Building entries shall be located on primary street façades and scaled proportionally to the number of people served, with the following minimum dimensions:

a) Individual residential entry: 5 feet in width  
b) Shared residential entry: 10 feet in width  
c) Commercial building entry: 20 feet in width  
d) Storefront entry: 5 feet in width

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**Option #2: Link Standards and Guidelines**

Another technique to address subjectivity, is to retain or establish guidelines that set intent and link them to one or more associated design standards. A project would “automatically” meet the design guideline by meeting the associated design standard. We acknowledge that despite meeting an associated design standard, a project may still not truly meet the intent of the design guideline. Nevertheless, by providing a design guideline for every design standard, more context
is available for applicants to understand the reasons behind the objective standard and its role in placemaking, as shown in the example below.

This option also provides opportunities for projects to meet design intent through other creative means, if they undergo discretionary review. Applicants could propose to meet the intent of the design guideline, but not the design standard. Since each design guideline has one or more direct design standards, projects not meeting one or more design standard can choose to have discretionary review.

This option is somewhat clunky, in that it will expand the code substantially, but it allows for flexibility and creativity on the part of the applicant, if they choose it. Moreover, once the applicant chooses to not meet the standard, but instead meet the intent of the guideline, then the City has an opportunity to provide discretionary input. The decision-making bodies’ discretion would be limited to determining compliance with the specific guideline, but as a whole, such a project would no longer be protected under the Housing Accountability Act since it would not otherwise meet the City’s objective standards.

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**Example #2: Linking Guidelines and Standards in Beaverton, Oregon**

<table>
<thead>
<tr>
<th>Design Guidelines</th>
<th>Design Standards</th>
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</thead>
</table>
| **Building Height and Massing**  
G6. Buildings shall reduce the overall scale and bulk of upper floors to create pedestrian-scaled buildings and provide a variety of building heights. | **Building Height and Massing**  
S6. Buildings greater than 45 feet in height shall reducing mass of upper floors over a certain height:  
a) Building floorplates that are higher than 45 feet shall have a minimum 25% reduction in floor area from the ground floor area or the area of the podium level, whichever is less; OR  
b) Floors above 45 feet in height shall be stepped back by a minimum of six feet from the street facing façades. |
Option #3: Menu of Options

To allow for flexibility in meeting design standards, a menu of options may be used to provide flexibility but ensure objectivity in applying the standard. This may be done for reducing mass, types of entries, meeting rhythm and pattern standards, building articulation, etc. The menu of options may be techniques (see System of Building Components below) or be specific parts of buildings with their own set of measurable objective standards. Below is an example how a menu of options can be applied to residential entry standard.

This option provides for clear objective standards, but in such a way that an applicant can choose from a predetermined menu of options how to meet the guideline. In the example below, to meet the guideline's intent for active uses, the project could use design stoops, front porches, terraces, or courts. This option is both prescriptive and flexible. It can create objective ways to meet guidelines evoking character and context. However, as in option #2 above, this method is somewhat clunky and would add substantially to the code.
## Example #3: Menu of Options in Beaverton, OR

<table>
<thead>
<tr>
<th>Active Ground-Floor Residential Unit Entry Types</th>
<th>Active Ground-Floor Residential Unit Entry Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>G3. Private entries into ground-floor residential units shall be designed to be inviting, reduce the overall scale of a building, provide human-scaled detailing, enhance the pedestrian experience, define the transition between public and private space, provide spaces for people to gather and spend time outdoors, and provide adequate level of privacy to the unit so residents feel comfortable.</td>
<td>S3. Where Active Ground Floor Residential Private Entry Types are required, one or more of the following entry types shall be provided:</td>
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</tbody>
</table>

a) **Stoop**  
   i. May serve a maximum of two (2) units.  
   ii. Stair width shall be a minimum four (4) feet in width.  
   iii. Stair treads shall be a minimum one (1) foot in depth.  
   iv. Entry landing shall be a minimum four (4) feet in depth.  
   v. Maximum stoop height from the sidewalk grade shall be five (5) feet.  
   vi. Lowest riser shall setback from back-of-sidewalk such that railings do not encroach on the sidewalk throughway.

b) **Front porch**  
   i. Minimum dimension of six (6) feet width and depth for single units.  
   ii. Maximum porch floor height from the sidewalk grade shall be five (5) feet.

c) **Terrace**  
   i. May serve as entry to multiple units.  
   ii. Maximum terrace height shall be 30 inches.  
   iii. Maximum wall/fence/hedge height from terrace shall be 42 inches.  
   iv. Lowest riser shall be set back from back-of-sidewalk such that railings do not encroach on the sidewalk throughway.

d) **Frontage court**  
   i. May serve as entry to multiple units.  
   ii. Minimum width along primary frontage shall be 25 feet.  
   iii. Maximum width along primary frontage shall be 50% of the façade length or 80 feet, whichever is less.  
   iv. Minimum depth of frontage court shall be 25 feet.  
   v. Maximum depth of frontage court shall be 50 feet.
Option #4: System of Building Components

Some design guidelines do not easily translate to objective design standards. For example:

“Buildings shall be designed with a defined base; a middle or body; and a top, cornice, or parapet cap.”

This design guideline is simple to understand but requires discretion. What determines if something is part of the base or middle? One way is to use a system of building components that allow objective criteria for determining a different section on a building façade.

A “System of Building Components” is created by defining a set of building and facade components that can be used to differentiate parts of a building. The building/ façade components may or may not have distinct numeric standards associated with them. Typical building/ façade components in a system may include:

- building modulation
- façade articulation
- fenestration
• material/color, or
• other components that may be important to a certain place or building type

Building components like façade articulation, fenestration, and material/color may only include a list of types that can be used to distinguish how these elements may change to define different sections of a building. For example, façade articulation may include a list of acceptable architectural features like balconies, sunshades, horizontal banding, and cornices.

Together, these components create a system by which a building or façade can be evaluated. For example, a building can be objectively evaluated to have a base, middle, and top if base and middle are distinguished by using different strategies for applying one or more of the building components. This may be as simple as a change in material/color between the base and middle sections or it may require use may require multiple strategies like a change in material/color and an articulation element like a cornice line.

The appendix to this memo includes a series of examples. Notably, this option is also complex. It would take some time and for applicants to get up to speed on this approach and it may be difficult and complicated for less experienced applicants. It does have the benefit of providing a way for the City to breakdown an otherwise subjective guideline by allowing multiple ways to objectively achieve its intent.

Recommendation #4: Implement each of these strategies described above, as appropriate to the type of design element to be addressed, to clarify objective standards while also providing an alternate path of compliance that allows for discretion on the part of the applicant and the decision-maker.

Issue #3: The Zoning Ordinance offers flexibility in development standards to facilitate multi-family and affordable housing through legislative actions that add time, expense, and uncertainty to the development process.

Many of the code options for increased flexibility or more generous standards require legislative action by the PTC and Council. These include the Workforce Housing (WH), Affordable Housing (AH) and Pedestrian Transit Oriented Development (PTOD) combining overlays. However, these are the very types of uses—housing affordable to low and moderate income households, and housing near transit—that the City has expressed a desire to facilitate. The City could instead consider making these more generous development by right for certain project types (e.g., multi-family affordable projects that meet objective standards).
**Recommendation #5: Rethink Legislative Actions into Objective Criteria**

| Issue #4: Some standards are difficult for staff and applicants to interpret or would be more succinctly expressed as graphics. |

Planning staff at the permit center counter reference a “user’s guide” for single-family districts that is well-illustrated with graphics that interpret standards. Adding graphics into the code and/or developing handouts with photographs and simple graphics could clarify standards and illustrate expectations for the level of quality and design. A handout or other supplementary material that is not codified in the code can also be more readily updated over time.

**Recommendation #6: Use Graphics to Illustrate Key Standards and Guidelines.**

| Issue #5: There are areas of redundancy, inconsistency, and lack of clarity in the Zoning Ordinance. |

Looking at the City’s Zoning Ordinance as a whole, there are areas of redundancy, inconsistency, and lack of clarity regarding which code sections apply to individual projects. This section explores opportunities for how to reorganize the context-base design criteria specifically, and how to clean up other redundancies and areas of confusion.

**Recommendation #7: Reorganize Code Sections to Clarify Which Standards Apply to Individual Projects.** Regulate development standards by district and design criteria citywide, with provisions for specific uses and building types.

The way the Zoning Ordinance is currently organized, it is challenging for both staff and applicants to quickly understand what applies to within a given zoning district. Development standards and context-based design criteria are regulated by zoning district. However, there are a range of standards that could apply to a project, which are scattered throughout the Zoning Ordinance. Code sections could be better arranged or cross referenced to clarify applicability. For example, the code could be consolidated into the district by district regulations and then standards applicable to some or all districts (i.e., parking, performance standards, retail preservation), as depicted in the graphic at right.
On a related note, below we explore several options for how design criteria can be organized to be less redundant and easier to find. Although we recommend that development standards continue to be regulated by zoning district, staff and the ARB could consider the following options for how to organize design criteria.

**Option #1: Zoning District (Existing Organization).** The current Zoning Ordinance is organized by zoning district for the purposes of regulating uses, design and development standards and context-based design criteria. Although useful on a site-by-site basis, this organization limits the ability for standards and guidelines to be specific to different building types or uses, results in general guidelines, and creates repetition in the code.

**Option #2: By Use/Building Type.** Alternatively, design standards and guidelines may be applied by use or building type, and therefore across zoning districts. If additional specificity is needed by zone or place, it can be added to the standard. For example, all ground floor residential may require direct entry to ground floor units from the sidewalk, but in downtown, units may be exempt from this requirement but required to provide higher ground floor height to preserve privacy to the unit.

**Option #3: Citywide.** Similar to organizing design standards by development/building type, design standards may be organized in one central location that applies to all development citywide. This allows for clarity in where to find design standards and guidelines. It also centralizes certain topics and eliminates repetition. For example, all buildings over three stories in height may require a defined base, middle, and top, regardless of development type/use. Where specificity is needed by type, that can be added. For example, all buildings may be required to have a pedestrian scaled rhythm and pattern, but residential buildings may require a different rhythm and pattern than commercial buildings.

**Option #1: Organization by Zoning District (Existing)**

<table>
<thead>
<tr>
<th>Zone 1</th>
<th>Zone 2</th>
<th>Zone 3</th>
<th>Zone 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Guidelines + Standards</td>
<td>• Guidelines + Standards</td>
<td>• Guidelines + Standards</td>
<td>• Guidelines + Standards</td>
</tr>
</tbody>
</table>
Option #2: Organization by Use/Building Types

- Multifamily
  - Guidelines + Standards
  - Some standards may be specific to certain zones

- Mixed-use
  - Guidelines + Standards
  - Some standards may be specific to certain zones

- Commercial
  - Guidelines + Standards
  - Some standards may be specific to certain zones

Option #3: Organization by City Wide Design Criteria

- City-wide
  - Guidelines + Design Standards
  - Standards may apply to all buildings or parts of a building
  - Some standards may be specific to certain zone
  - Some standards may be specific to development type
    - Multifamily
    - Residential Mixed-use
    - Office

Recommendation #8: Remove Redundancies

Given the code organization explained in the preceding paragraph, the same regulations are sometimes repeated across zoning district. The City could consider removing repeated subsections, such as parking and recycling/refuse, and revise the ordinance to cross-reference to only the primary code section.

Recommendation #9: Consolidate and Clarify Definitions

The definition for floor area depends on use and zoning district and therefore is repeated and modified across districts. Exceptions are overly complicated and inconsistent across districts (e.g., garages included or excluded). The City could consider consolidating floor area definitions into Definitions subsection rather than within individual district regulations. Distinctions for use could still be made.

Moreover, the City could consider more leniency in the floor area definition in mixed use residential or other narrow cases. According to some local architects, mechanical rooms and
common areas are getting squeezed, especially as building codes change to require more space for mechanical systems.

**Recommendation #10: Codify Coordinated Area Plans’ Zoning in Title 18**

The fact that SOFA standards live outside the code is challenging for staff and applicants to navigate. Although staff are not proposing to amend the SOFA Plan to move these standards, other coordinated area plans, such as the North Ventura CAP underway should be prepared so as to include its zoning regulations in the Zoning Ordinance.

**Issue #6: The project review process adds unnecessary time to staff’s workload.**

These items may be outside of our scope of work, but could be considered separately by staff:

- Consider ways to streamline staff reports through checklists of key issues (i.e., are objective standards being met?)
- Rethink pre-application process (both staff and ARB review) to advise project sponsors earlier on in their design process
- Provide opportunities to incorporate photos and graphics in staff reports; MinuteTraq is often glitchy
- Provide checklists to streamline review for staff and ARB members and make sure nothing gets missed (e.g., special setbacks, Retail Preservation Ordinance)
- Consider changes to the level of review required (i.e., minor architectural review which restricts ARB review to two meetings vs. staff review)
- Consider changes to the coordinated area permit requirements which requires joint ARB and HRB hearing, which are challenging to calendar

**Recommendation #11: As part of a separate process, staff could consider streamlining the project review process through changes to staff report writing and the level of permit review.**
**APPENDIX**

Below are examples of how to use systems of building components as a tool for analysis, as described in Issue #2. These examples were developed for Beaverton, Oregon by Raimi + Associates and for Hunters Point Shipyard Phase II developed by Gensler while Chris Sensenig was a team member working on the Design for Development document.

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**Option #4: System of Building Components Example in Beaverton, OR**

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<table>
<thead>
<tr>
<th>Design Guidelines</th>
<th>Design Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Components</strong></td>
<td><strong>Building Components</strong></td>
</tr>
<tr>
<td>G1. Buildings shall be designed with a defined base; a middle or body; and a top, cornice, or parapet cap. The cornice or top of the building shall provide a strong visual termination and add visual interest.</td>
<td>S1. Buildings shall be designed with a defined base; a middle or body; and a top, cornice, or parapet cap. The building components shall be distinguished through one or more of the following techniques:</td>
</tr>
<tr>
<td></td>
<td>a) Façade modulation</td>
</tr>
<tr>
<td></td>
<td>b) Horizontal façade articulation</td>
</tr>
<tr>
<td></td>
<td>c) Vertical articulation</td>
</tr>
<tr>
<td></td>
<td>d) Changes to façade rhythm and pattern</td>
</tr>
</tbody>
</table>

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**DIAGRAM FOR RESIDENTIAL BASE/MIDDLE/TOP**

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Façade Rhythm and Pattern

G2. Building facades shall be organized and designed to create a human-scaled rhythm and pattern that reflects the building use.

Façade Rhythm and Pattern

S2. Building facades shall use façade articulation and modulation strategies to create a human-scaled rhythm and pattern.

a) Residential or residential mixed-use buildings shall be expressed in a vertical rhythm and pattern that reflects the size and scale of a housing unit and/or individual rooms and spaces. This rhythm shall be between 20 to 40 feet in width for housing units and 10 to 20 feet in width for individual rooms and spaces.

b) Non-residential buildings shall be expressed with a vertical or horizontal rhythm and pattern that reflects the building use. Facades that use vertical rhythm and patterns shall be modulated or articulated with a rhythm not exceeding 100 feet in width. Facades that use horizontal patterns shall include vertical façade articulations to reflect a human scale with a pattern not to exceed 50 feet in width.

c) Storefront uses shall be expressed with a vertical rhythm pattern not to exceed 30 feet in width.
S2.B Residential Building: Façade Rhythm and Pattern

Legend

a. Façade rhythm and pattern between individual rooms (10 – 20 ft)
b. Facade rhythm and pattern between housing units (20 – 40 ft)

S2.B Non-residential Building: Façade Rhythm and Pattern

Legend

a. Façade modulation, vertical shift
b. Significant break
c. Vertical rhythm façade
d. Maximum 100-foot width
e. Horizontal rhythm façade
f. Maximum 50-foot width
Façade Articulation

G3. Building facades shall use a variety of façade articulation strategies to create visual interest through texture and shadows, develop a façade rhythm and pattern, create human-scaled building details, provide weather protection, distinguish between building components and uses, and bring façade elements together in a cohesive design.

Façade Articulation

S3. Building facades shall use one or more of the following façade articulation strategies to meet the Standard S2 Façade Rhythm and Pattern:

a) Vertical and horizontal recesses
b) Vertical and horizontal projections
c) Louvers
d) Shading and weather protection devices
e) Cornices
f) Punched openings
g) Window reveals
h) Screening devices such as lattice, perforated metal screens, etc.
i) Balconies

System of Building Components Example: Hunters Point Shipyard D4D

System of Building Components

The following four pages outline the four building components that make up the system for meeting other design standards and guidelines in the document. The four building components used façade composition in the Hunters Point Shipyard Phase II Design for Development document are:

• FC1) Modulation
• FC2) Articulation
• FC3) Fenestration
• FC4) Material/Color
4.6 **Façade Composition Cont’d**

**INTENT**
To shape building massing and provide visual interest, scale, and rhythm to a building and/or building façade.

**APPLICATION**

**FC1 Façade Modulation**
Façade Modulations shall include plan shifts in the façades, expressions of building structure, Building Projections, and other strategies that provide visual interest and depth that is recognizable from a distance. Plan shifts and framing shall be a minimum of two [2] ft. in depth. The extent and scale of Façade Modulations shall be proportional to and in keeping with the scale of the entire building. Double skins and structural expressions that are character-defining features of the façade have no minimum depth requirements.

Changes in the Façade plane made for the application of the Façade Modulation may be used to create an implied Façade.

**MODULATION STRATEGIES**

The following are a non-exhaustive list of Façade Modulation strategies:

"**Horizontal Shift**"
The Façade is defined by horizontal subdivisions which project forward or push back from each other. The horizontal subdivisions may, but need not be, determined by the location of the building floor slabs. See Figure 4.6c.

"**Vertical Shift**"
The Façade is subdivided into "bays" that protrude or recess from a predetermined datum. These bays may be expressive of a programmatic or structural characteristic of the building. See Figure 4.6f.
4.6  **FC**  Façade Composition Cont’d

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**INTENT**

To create a cohesive Façade system, Façade Articulation strategies are intended to create visual interest, texture, and shadows, through the tectonics, materiality, and craft of the facade.

**DEFINITION**

"Façade Articulation" Expressions of material properties, craft, treatment, pattern and/or assembly that create visible shadows and/or texture across the Building Façade.

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**APPLICATION**

**FC2  Façade Articulation**

Articulation can either emphasize distinct components of a Façade or create smooth, continuous transitions between elements to emphasize the "whole."

A non-exhaustive list of strategies are listed below:

**Articulation Strategies:**
- Vertical Recesses
- Horizontal Extensions
- Architectural Fins
- Louvers
- Shading Devices
- Cornices
- Punched Openings
- Window Reveals
- Screening Devices
- Balconies
- Or Similar

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1. Punched Openings Example
2. Architectural Fins Example
3. Balcony Example
4.6 Façade Composition Cont’d

**INTENT**

Building Fenestration strategies are façade composition elements that contribute to the character of a building and the feel of the urban environment. These strategies modulate Daylight and potential for natural ventilation in buildings.

**APPLICATION**

**FC3** Fenestration

Fenestration strategies include a variety of techniques to bring Daylight into a building and help define the character of a building. Fenestration strategies include shape, size, pattern, rhythm, and location of façade apertures.

Successful fenestration strategies stand out as a central component or feature of a building’s enclosure. Such strategies strengthen the expression of the building’s architectural character. A non-exhaustive list of strategies are listed below:

**Fenestration Strategies:**
- Glass Curtain Wall
- Punched Window
- Window Wall
- Double Skin
- Boxed Window
- Bay Window
- Glazed Atrium at the façade
- Or Similar

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**DEFINITION**

“Fenestration”

The design, construction, or presence of openings in a building. Fenestration includes windows, doors, louvers, vents, wall panels, skylights, storefronts, curtain walls, and sloped systems.
4.6 Façade Composition Cont’d

**Material/Color**

Material and color may be used as a volumetric application, as an organizing element, or to create contrast between different building elements. Refer to 4.6 Façade Materials. A non-exhaustive list of strategies are as follows:

- **Material/Color Strategies:**
  - Volumetric Application
  - Organizing Feature
  - Structural
  - Tectonics
  - Character Defining Feature

---

**INTENT**

The intentional application of Material/Color creates a defined architectural vocabulary that provides visual interest and contributes to the urban character. The materiality, patina, texture, color and craftsmanship respond to the unique quality of the district.

**DEFINITION**

*Material/Color*

The application of materials, color, shades and texture for a building when used as a quality- and character-defining features of the Façade.

For the purposes of meeting standard 4.6.1 Façade Composition, variations in Material/Color strategies shall include a change in color and a change in material or a change in application of material such as change in pattern and/or texture. Color differences alone do not qualify as a variation.

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1. Materials and Colors as a Volumetric Application Example
2. Metal used as Monolithic Application Example
3. Brick as Organizing Element Example
4. Character-Defining Façade Composition Example
Design Standards that use the System of Building Components

The following four pages outline the four building components that make up the system for meeting other design standards and guidelines in the document. Example standards

### 4.6 FC Façade Composition

#### INTENT
To create character, distinction, and visual interest on the facades of all buildings.

#### DEFINITIONS

**“Façade Composition”**
Large scale facade geometry and smaller scale facade tectonics, including material selection and detailing.

**“Street Fronting Elevation”**
Building facades facing onto a public right-of-way, MBB, or public open space.

**“Variations in Façade Composition”**
Variations in Façade Composition create visual interest and avoid monotony. This can be achieved by using either two[2] different façade compositions or by using two [2] distinctly different designs of the same façade composition. In case of the latter, the two [2] designs must be recognizably different in expression.

#### STANDARDS

**4.6.1 Façade Composition**
Street Fronting Elevations of all buildings shall have a minimum of two [2] Façade Compositions. The same application shall not fulfill the requirement for more than one Façade Composition.

**Choose two[2] Façade Compositions:**
- **FC1** Façade Modulation
- **FC2** Façade Articulation
- **FC3** Fenestration
- **FC4** Material/Color

**Example:** Building A uses the following two[2] Façade Compositions. See Figure 4.6a.
- **FC1** Façade Modulation: Angular Shift and Horizontal Shift
- **FC3** Fenestration: Punched Windows

**Example:** Building B uses the following two[2] Façade Compositions. See Figure 4.6b.
- **FC2** Façade Articulation: Sun Shading Devices
- **FC3** Fenestration: Bowed Windows and Curtain Wall
INTENT
To reduce the appearance of building bulk by incorporating significant changes within the Primary Façade’s composition.

DEFINITION
“Variation”
A significant change or difference in form, proportion, position, condition, quantity, level or other compositional characteristic. Variation describes adjacent elements comprising both similar and different attributes that are recognizable as related.

APPLICATION

 BM3 Façade Variation
Façades on all Street Fronting Elevations greater than [150] ft. in length shall be broken down into smaller Façade segments, or Apparent Faces, through significant changes in Façade Composition. The significant change may be a Horizontal Variation, a Vertical Variation, or a combination of Horizontal and Vertical Variations, including an angular Variation in the façade.

A significant change in Façade Composition shall include a Variation in at least two of the following Façade Compositions: Modulation, Articulation, Penetration, and/or Material/Color.

FV1 Horizontal Variations
At least two Horizontal Variations shall occur for any façade that exceeds [150] ft. in length representing a building base, middle and top. Or at least one Horizontal Variations with a Vertical Variation in at least one of the horizontal façade compositions. See Figure 4.7f and Figure 4.7g.

FV2 Vertical Variations
A Variation in Façade Composition shall occur at a minimum [150] ft., or less of façade plan length. The adjacent apparent face shall be at least 10% as wide as the longest adjoining apparent face. Variations may occur at any rhythm or cadence. See Figure 4.7h and Figure 4.7i.