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Date: September 3, 2024

To: Board of Supervisors and Planning Commission

From: Tom Purciel, Senior Planner

Subject: **Public Workshop for Interim West Slope Objective Design Standards  
(File OR24-0002);  
Project Information and Next Steps**

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### **WORKSHOP PURPOSE**

The purpose of this joint public workshop with the Board of Supervisors (Board) and Planning Commission (Commission) is two-fold. First, staff seeks to solicit public and decision-maker feedback for developing West Slope Interim Objective Design Standards for multifamily residential and mixed-use development projects that qualify for state streamlining and ministerial review (state-qualifying projects). Secondly, staff seeks to solicit public and decision-maker feedback for developing draft West Slope Interim Design Standards and Guidelines for commercial and non-qualifying mixed-use and multifamily residential development projects within the County's Community Regions and Rural Centers.

These interim standards and guidelines would remain in effect until such time as they are replaced by permanent design standards and guidelines. No formal action will be taken at this workshop.

### **Project Background and Timeline**

From 2017 to 2018, the Board directed staff to develop a proposed scope of work and a Request for Proposals to create custom design guidelines and standards for commercial and multifamily residential development within the County's Community Regions (Legistar File 13-0561, 18-0984). On December 4, 2018, the Board approved a 3-year consultant contract to assist staff with community planning efforts in the Community Regions (Legistar File 18-1834) However, due to mutual disagreements between the County and consultant, that contract was discharged on September 1, 2020. On February 1, 2022, the County approved a new contract with Mintier Harnish Consulting (County Agreement No. 5912) to initiate work on creating design standards for commercial and multifamily development projects in the County's Community Regions (Legistar File 22-0093).

During the same timeframe that the County began developing community standards and guidelines, the state also enacted several new laws that target and facilitate streamlining of multifamily housing development, especially affordable housing projects. Many of these new laws state that qualifying

housing and mixed-use projects are only subject to a local agency's existing objective design standards in order to receive a prescribed, expedited review process.

On July 23, 2024, as a result of the County's strong desire to create updated, community-based, comprehensive, and enforceable community design standards and guidelines, ensure County design oversight for state-qualifying ministerial housing projects and to create a more predictable review process, the Board unanimously directed staff to immediately address the design standards issue. On this date, the Board directed staff to develop interim objective, community-based commercial, mixed-use and multifamily design standards for the County's West Slope Community Regions and Rural Centers by December, 2024 (Legistar File 24-1158). The Interim Objective Design Standards would be the template (example) that future permanent Objective Design Standards could follow beginning in early 2025.

### **Summary of New Housing Legislation**

**SB 167** (2017) amended the Housing Accountability Act (2017), which applies to all housing development projects,<sup>1</sup> and makes it difficult to deny or reduce density of proposed housing projects if the proposed project meets objective general plan, zoning, and subdivision standards and criteria, including design review standards. Additional findings of denial would be required if the housing project is affordable.

**SB 35** (2017) applies to jurisdictions that have not sufficiently met their Regional Housing Need Allocation requirements.<sup>2</sup> SB 35 would apply to projects that are within urban areas, as designated by the U.S. Census Bureau; adjoining urban uses; and has a general plan or zoning designation that permits residential or residential mixed-use development. SB 35 provides a streamlined, ministerial approval process for qualifying multifamily housing development that meet objective zoning and design review standards. SB 35 projects would be exempt from the California Environmental Quality Act (CEQA) requirements. SB 35 defines objective design review standards 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 prior to submittal" (Government Code § 65913.4).

**AB 2162** (2018) requires that supportive housing be made a use by right in zones where multifamily and mixed uses are permitted if the proposed housing development meets certain requirements. Qualified supportive housing projects are only subject to objective standards that apply to other multifamily development within the same zone.

**SB 330** established the Housing Crisis Act of 2019,<sup>3</sup> which enacts numerous changes to existing housing law, including establishing a preliminary application process and completeness requirements for housing development projects.<sup>4</sup> Projects that qualify for the SB 330 pre-application would also be held to objective standards and would be subject to CEQA.

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<sup>1</sup> Defined as residential units only; mixed-use projects consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

<sup>2</sup> SB 423 (2023) modifies SB 35, including expanding the category of jurisdictions subject to SB 35. SB 423 also extends the SB 35 sunset date to 2036.

<sup>3</sup> SB 8 updates and extends SB 330 sunset date to 2030.

<sup>4</sup> Refer to Footnote 1.

**AB 2011 and SB 6** both passed in late 2022 and went into effect on July 1, 2023. AB 2011 allows for a CEQA-exempt, ministerial approval process for 100% affordable housing on commercially zoned lands and for mixed-income housing along commercial corridors. Projects that qualify for AB 2011 are required to meet objective standards. SB 6 does not provide a CEQA-exempt, ministerial approval pathway for projects but does allow residential uses on commercially zoned properties without requiring a rezone. AB 2011 and SB 6 would apply to projects that are within urban areas, as designated by the U.S. Census Bureau, and adjoining urban uses that are not industrial.

In summary, many of these state housing laws would limit local jurisdiction review of housing development projects to objective standards, including objective design standards. SB 35, AB 2011, and SB 6 would be applicable to urban areas designated by the U.S. Census Bureau, which would primarily pertain to the County's Community Regions. Without updated objective design standards for multifamily and residential mixed-use development, the County would be susceptible to projects, in which the proposed designs may not be compatible or consistent with the existing design of neighboring or nearby uses.

### **Interim Community Design Standards Overview:**

As proposed, the interim objective design standards would consist of two sets of documents (attached to the agenda for the Board and Commission workshop):

- 1) Interim Objective Design Standards for multifamily and mixed-use development projects that qualify for state streamlining and ministerial review (state-qualifying projects), and
- 2) Interim Objective Design Standards and Guidelines for commercial and non-state qualifying multifamily and mixed-use development projects within the County's Community Regions and Rural Centers.

Together, these documents would provide a basic level of standards to help ensure that new development projects are consistent with the design preferences of the community until permanent objective design standards are adopted. The Interim Objective Design Standards would also give members of the public an opportunity to identify and understand the components of objective (measurable) design standards and the language needed to comply with state legislation. The Interim Objective Design Standards would be the template and launching pad for development of permanent Objective Design Standards in early 2025.

Staff will solicit and gather feedback from the Board, Commission, and members of the public regarding both sets of draft interim design standards documents. Upon final approval, these documents would be adopted by Board Resolution. Any Zoning Ordinance amendments required to enact these interim standards would also be adopted by the Board as part of project approval. These interim standards would remain in full force and effect until they are replaced by permanent objective design standards.

### **ANTICIPATED SCHEDULE AND NEXT STEPS**

Staff plans to return to the Commission and Board before the end of this year for final adoption hearings. Staff will provide a final draft of the Interim Objective Design Standards for projects that qualify for state streamlining and ministerial provisions, a final draft of the Interim Design Standards and Guidelines, along with any implementing ordinances, all of which will reflect comments from today's workshop and written public comments received.