



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 multi-family 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 counties, cities, and towns to streamline housing approval by establishing a by-right, ministerial approval process for multi-family 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 and adopted Area and Specific Plans, Madera County has a unique opportunity to revisit existing design guidelines, convert any subjective multi-family residential guidelines to design standards, and create new standards that further enhance the County’s character. This paper provides an overview of State legislation, the County’s existing design guidelines and standards, and areas where the County can streamline multi-family 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 multi-family residential developments in jurisdictions that have not yet made sufficient progress toward meeting their regional housing need allocation (RHNA).

Included in the streamlining process, counties are required to establish objective design standards for multi-family 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 plays 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 parcel. Development standards include maximum structure height, 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 Madera County, development standards are primarily established in the Zoning Ordinance and adopted Specific Plans and Area Plans.

Design Standards and Guidelines

Design standards and guidelines provide design guidance for County 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 interpretation or 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 three key documents which establish design guidelines and standards for residential development in the County: Madera County Zoning Ordinance, adopted Specific Plans, and adopted Area Plans. This section summarizes these three documents and provides examples of development standards and design related guidelines contained in each.

Options for Alternative Design Standards

According to SB 35, the County must establish a by-right multi-family residential development process. If a project applicant complies with the objective design standards (as well as all zoning and other related requirements), the County 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.

Madera County Zoning Ordinance

Madera County currently establishes community-wide design and development standards in the Zoning Ordinance. The Ordinance sets forth standards specific to each of the County's zoning districts, including districts which permit multi-family residential development. These standards emphasize the importance of the interaction between building facades, site plans, public spaces, and neighboring development.

Per State law, the Zoning Ordinance development standards link the goals, policies, and programs established in the General Plan. It is through this link that the standards serve as the basis for project approval and the entitlement process. The standards in the Madera County Zoning Ordinance can generally be divided into 11 categories that apply to all new development, including multi-family residences. These categories include:

- Maximum Density
- Minimum Lot Area
- Minimum Lot Size
- Minimum Lot Dimensions
- Parking Spaces Required
- Maximum Structure Height
- Length to Width Ratio
- Maximum Lot Coverage
- Maximum Floor Area
- Setback Requirements Ratio

As discussed earlier on page 2 (Development Standards), by nature, these standards are objective because they establish standards that are verifiable by reference to known criteria. For example, the Mixed Use Commercial Multiple Family District (MCM) has a maximum structure height of 35 feet and a minimum lot size of 2,500 square feet. In this example, feet and square feet are easily measured and verifiable by reference to a known criterion. Additionally, these standards contain objective language and serve to make easily interpreted design and development mandates rather than recommendations.

In addition to development standards, the Zoning Ordinance also specifies uses which are allowed in each zoning district. Currently, multi-family residential development is permitted in 10 zoning districts either by right or through discretionary review. These zones include:

- Residential Urban Multiple Family Zone (RUM)
- Residential Rural Single-Family Zone (RRM)
- Commercial, Urban, General District (CUG)
- Commercial, Rural, General District (CRG)
- Commercial, Urban, Median District (CUM)
- Commercial, Rural, Median District (CRM)
- Commercial, Urban, Restricted District (CUR)
- Commercial, Rural, Restricted District (CRR)
- Mixed Use Commercial Multiple Family District (MCM)
- RT Zone

Specific Plans and Area Plans.

Specific Plans and Area Plans function similar to zoning ordinances in that they establish zoning districts, development standards, and specify what types of land uses are allowed for a specific area. Currently, the County has adopted three Specific Plans and nine Area Plans. While each specific and area plan is slightly different, they often set forth development standards regulating, density, lot area, structure height, setback requirements, and parking. As discussed previously, these standards are typically objective because they establish design and development mandates as opposed to recommendations.

In addition to design and development standards, some specific and area plans establish a set of design guidelines to help further guide new development. Out of the County's adopted plans, two plans contain a design guidelines chapter: 2013 Gunner Ranch West Specific Plan and the 2003 North Fork/South Fork Community Center Area Plan. While neither plan specifically addresses multi-family residential development in the design guidelines, many of the adopted guidelines are overarching and can be applied to multi-family style development. Unlike design and development standards, these design guidelines make use of subjective language to provide a vision for how development should look.

Below are examples of design guidelines established in the 2013 Gunner Ranch West Specific Plan and the 2003 North Fork/South Fork Community Center Area Plan:

2013 Gunner Ranch West Specific Plan

9.2.2 – Design.

- Orient buildings to the street to create visual interest and an inviting pedestrian environment.
- When siting buildings, address natural site features, relationships to other structures, compatibility, scenic values, access, and orientation.

9.3.2 – Walls and Fences

- Use enhanced landscaping to soften the visual appearance of walls.
- Construct walls facing public areas (including streets, parks, and schools) using attractive materials, detailed finish, and decorative features. These walls should be articulated and undulate.

2003 North Fork/South Fork Community Center

Building Height: Buildings should be limited to two stories.

Design Concepts, Exterior: Through a variety of natural materials are encouraged, wood and heavy timbers should be the predominant exterior materials. Other appropriate materials include concrete, stone, and small expanses of stucco.

Consistency with State Law

Subjective vs. Objective Standards

Many of the guidelines established in the 2013 Gunner Ranch West Specific Plan and the 2003 North Fork/South Fork Community Center Area Plan 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 for 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 guidelines from the 2013 Gunner Ranch West Specific Plan for example:

9.2.1 – Design Theme. Community elements including roadways, parks, trails, entryways/monumentation, and all community facilities *should* have a consistent look and/or design to help create a clear and meaningful community identity.

9.2.3 – Streetscapes. To offer adequate shade, maintain the project character, and provide a protective buffer to pedestrians utilizing sidewalks, plant appropriate trees along streets.

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 County to be consistent with State law, guidelines will have to be modified with objective language. The following are examples of how the above standards could be modified to be objective.

9.2.1 – Design Theme. Community elements including roadways, parks, trails, entryways/monumentation, and all community facilities *shall* utilize the same color pallets and fenestration as the surrounding development.

9.2.3 – Streetscapes. Trees *shall* be planted every 10 feet along streets to offer shade and provide a physical barrier to pedestrians utilizing sidewalks.

Additional Objective Design Standards

Based on a comprehensive review of the County's existing design standards and guidelines, there are multiple areas that standards could be developed to help further the County's streamlining efforts for multi-family 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 multi-family 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 be in compliance with State law, Madera County can convert subjective design guidelines and standards into objective standards, as well as establish new standards that further the County's design vision. In either case, these solutions will help the County reduce barriers to residential development during this housing crisis.