



Planning Commission Staff Report

Date: December 21, 2022

To: Planning Commission

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Subject: **Considering the following:**

- 1) **An update on the preparation of the City's Objective Design Standards (ODS) document;**
- 2) **An overview of the draft standards and diagrams for the four sections: Downtown, Neighborhoods, Corridors, and Special Case/Infill areas with a focus on the different methods to achieve an objective standard; and**
- 3) **Providing feedback on the Design Review Board's input on the ODS document.**

CEQA: Not a project/exempt pursuant to Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c)(2) or 15378; and/or 15061(b)(3).

Report in Brief

The State has limited a local jurisdiction's ability to apply subjective design standards for qualifying housing projects, whereby the City can now only rely on the application of objective design standards. To address this limitation, the City is undertaking an effort to prepare an Objective Design Standards (ODS) document to apply to qualifying housing projects.

Following the August 29 special joint meeting of the Planning Commission and Design Review Board (DRB) regarding the preparation of the ODS document and subsequent DRB meetings, significant progress has been made on the drafting of the ODS document. This item serves to provide the Planning Commission with: 1) an update on

the preparation of the ODS document; 2) an overview of the draft standards and diagrams for the four sections; Downtown, Neighborhoods, Corridors, and Special Case/Infill with a focus on the various methods to achieve an objective standard; and 3) providing the feedback on the input received from the DRB.

Recommended Action

Considering the following: 1) an update on the preparation of the City's Objective Design Standards (ODS) document; 2) an overview on the draft standards and diagrams for the four sections: Downtown, Neighborhoods, Corridors, and Special Case/Infill areas with a focus on the different methods to achieve an objective standard; and 3) providing feedback on the Design Review Board's input on the ODS document; and make the CEQA determinations as provided in this staff report.

Background

Recent State laws have limited a local jurisdiction's ability to apply subjective design standards for qualifying housing projects, whereby the City can now only rely on the application of objective design standards¹. Objective standards are those that do not involve discretion or subjective judgment. Those standards can typically be referenced to an external and uniform benchmark or criterion.

The proposed approach will ensure the City establishes a strategy for new housing developments to maintain quality design with creative, economically feasible, and sustainable standards. More specifically, the City seeks to establish the ODS document to apply to residential housing development projects when the City's discretionary review is limited or prohibited.

For this project there have been five meetings to date:

- **April 6 - Joint Special Meeting of the Housing and Economic Development Committee, Planning Commission, and Design Review Board** – Previewed the project intent, approach, timeline and invited feedback on important design issues based on recent experiences while reviewing projects at the City Council, Planning Commission, and DRB meetings.
- **August 29 - Joint Special Meeting of the Planning Commission and Design Review Board** – Reviewed highlights of prior comments at the April 6 meeting, provided a draft outline of the document, and provided the opportunity for discussion on specific design issues.

¹ SB 330 defines objective design standards as, "involving no personal or subjective judgement by a public official and being 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."

- **October 13 – Staff Primer for the Special Meeting of the Design Review Board** – In preparation for the October 20 meeting, staff provided a brief outline for the ODS document, and a preview of the different methods to achieve an objective standard as preparation for a more in-depth discussion of specific architecture and site planning design standards for the **Downtown and Neighborhood** areas.
- **October 20 – Special Meeting of the Design Review Board** – Discussion of the City’s ODS document with a focus on the preparation of draft standards and diagrams for the **Downtown and Neighborhood** areas and the different methods to achieve an objective standard (Attachment A).
- **November 17 – Special Meeting of the Design Review Board** – Discussion of the City’s ODS document with a focus on the preparation of draft standards and diagrams for the **Corridors and Special Case/Infill** areas and the different methods to achieve an objective standard (Attachment B).

The project’s goals are to support Concord’s tradition of high quality design while generating standards that support the requirements of State law to streamline the processing of housing projects. The design of qualifying housing projects would be required to meet the objective design standards or alternatively, applicants will continue to also have the opportunity to pursue design flexibility beyond the Objective Design Standards under the City’s current discretionary review process.

As a reminder, the intent of the ODS project is to develop objective design standards based on the City’s existing design documents and through this process enhance the existing character within the City. Those standards will reside in a new section within the City’s Development Code. The ODS project is intended to streamline the City’s development process by also creating an illustrative companion document demonstrating examples of the design standards, the preparation of new checklists and forms, and establishing processes that provide clear guidance to applicants on the City’s design standards as well as the submittal and permitting requirements.

Analysis

The framework of the ODS document provides overarching standards that would apply Citywide, along with four areas of focus: Downtown, Neighborhoods, Corridors, and Special Case/Infill. These areas were identified based on their geography and character, with the objective design standards to be tailored to address the distinctive conditions and environment in each area.

On October 20 and November 13, the DRB provided comments and feedback on the four sections of the ODS document, which are summarized below.

- Downtown – Standards for this section focus on the downtown area² with an intent to develop objective standards from the existing design guidelines, including the Downtown Design Guidelines.

Design topics for establishing standards in the Downtown section focuses on site planning and orientation, treatment/screening of parking, building massing and articulation, roof treatments, windows and doors, materials, colors, landscape design and details. The Downtown section is largely guided by the Downtown Concord Design Guidelines document, amended in August 2020, which promotes specific architectural styles (Spanish Colonial Revival and Mediterranean Revival) in the “Inner Core” area of the downtown while the “Outer Core,” is to be more reflective of the Spanish and Mediterranean styles, while still maintaining high quality architecture.

- Neighborhood – Standards for this section focus on residential subdivisions with low and medium density zoned neighborhoods, with the intent of retaining a cohesive high quality architectural design for these areas.

Design topics for establishing standards in this area focus on site planning and orientation, treatment/screening of parking, building massing and articulation, roof treatments, windows and doors, materials, colors, landscape design and details.

- Corridors – Standards for this section are focused on housing and mixed use projects, generally medium to high density, situated along the primary roadways and higher volume corridors within the City (example, Clayton Road, Willow Pass Road, Treat Boulevard, Monument Boulevard, etc.).

Design topics for establishing standards in this area focus on site planning and orientation, treatment/screening of parking, building massing and articulation, roof treatments, windows and doors, materials, colors, landscape design and details. Corridor areas will also include those commercial sites, which due to new State laws³ will be made available for housing.

- Special Case/Infill – Special Case (Infill) areas include those infill sites, primarily within single-family zoned districts, which transition to other lower density zoning districts or neighborhoods or those sites that have different zoning than adjoining parcels. Special Case/Infill may also include other unique sites or situations, for example those parcels with a commercial zoning designation that are not located along a Corridor, that can have side or rear boundaries adjacent to other single family zoned districts.

² This area includes the Downtown Concord Design Guideline’s Inner and Outer Core as well as the remaining Downtown Mixed Use (DMX) district

³ Senate Bill 6 and Assembly Bill 2011.

The review and input provided by the DRB below assisted the project team in firming up the design areas to be addressed the each of the four focused geographies of the ODS document.

Downtown

Site Planning and Orientation

- *Provide clear direction as to how setback is measured.*
- *Locate entrance to parking garage on minor streets away from busy streets, where feasible.*
- *Provide standard for access when no side street is available.*
- *Allow for courtyard entries for multifamily buildings.*
- *Landscaping – allow flexibility for tree locations, while still ensuring an aesthetic design; Concord is a Tree City.*

Architecture and Building Design

- *Utilize percentages for building elements across a façade (articulation).*
- *Provide standards for mixed-use and ground level commercial uses, may be focused on certain corridors.*
- *Define characteristics and support existing style and design for Inner and Outer core⁴, with more flexibility for remainder of the downtown.*
- *Develop clear expectations in terms of variety for façade. (Inner Core)*
- *Provide acceptable materials list. (Outer Core)*
- *Offsets – diagram works best. (Outer Core)*
- *Develop standards for window placement and usage of obscure glass, depending upon proximity of adjacent buildings and setback distance.*
- *With respect to four-sided architecture, focus on design enhancements to visible features of side and rear elevations.*

Styles

- *Define style allowed (Downtown) and provide a benchmark reference.*
- *Menu of options may be best; indicate style elements*

Example: Approach - Pick 3 out of 4
- Roof style

⁴ Specific areas identified in the Downtown Design Guidelines.

- *Material, clay tiles, parapet, etc. (pick 3)*
- *Roof elements, hip, gable, etc. (pick 2)*
- *Color (pick 3)*

Other standards

- *References to sustainability are needed (example – solar), consider utilizing a point system to achieve compliance.*
- *Develop lighting standards, in particular when adjacent to residences.*

Neighborhood Standards

Site Planning

- *Turtle Creek single-family mixed with multifamily, provided as unobtrusive example of blending densities.*

Architecture

- *Consistent architecture on all facades: need some common elements with logical transitions of materials; focus on visible areas for 4-sided architecture*
- *Cape Cod-Canterbury may be best noted as special infill example.*
- *Roof treatment with respect to solar panels, Green roofs should minimize visibility.*
- *Window treatments: providing trim, other elements, shutters, awnings, etc.*

Landscape standards

- *Develop standards to support Concord as a “Tree City”.*
- *Recognize and minimize impacts to adjacent solar panels (shadowing) and consider least visually obtrusive yet effective solar panel placement on proposed projects.*

Corridors

Site Planning

- *Parking at rear of site may not be preferable if adjacent to residential and/or may need additional screening such as a sound wall, or parking at front of the site with landscape screening/landscape wall.*
- *Some corridors are more residential in nature (i.e. Cowell Road); recognize distinction and provide more flexibility for such sites.*
- *Adjacency to parks can bring other unique issues in terms of visibility, fencing, and security.*

- *Provide minimum standards for wider sidewalks in heavier travelled areas.*

Architecture

- *Mixed use buildings need pedestrian-oriented design at ground level and staggered relief.*
- *Roof elements can be more significant on lower floors where more visible; explore varying parapets on upper floors.*
- *Gradual transitions to fit with neighborhood character.*
- *Green roofs should be referenced to CalGreen; can set threshold for requirement for green roofs and their use with minimum number of units.*
- *Parapets can typically hide solar panels, mechanical equipment; ensure a minimum height for parapets, relative to height of building overall.*
- *May want to allow metal as a siding or façade material, but specify no “shiny” metal or refer allowance with use of a “matte finish”.*

Special Case/Infill Standards

Site Planning

- *Develop pathway to provide leniency for 100 percent affordable projects.*
- *Situations where multifamily or higher density housing is backing to parks or single-family detached (low density) developments need more thought to address transition issues.*

Architecture

- *Incorporation of dormers as approach to reduce privacy concerns.*
- *Emphasis on detail where façade is visible from the street and adjoining property.*

The DRB’s feedback on all four sections – Downtown, Neighborhoods, Corridors and Special Case/Infill -- has helped form and identify the key design elements to be addressed as well as selecting the most appropriate tools/approaches (i.e., counts and measures, ratios and calculations, lists, scorecards) to be further specified in the document for each section within the administrative draft of the ODS.

Next Steps

Staff will be working with the consultant on a section of the document to address Senate Bill 9 (SB 9), which will also require review by the DRB. Following the DRB meeting on the SB 9 section in January/February, an update and overview will be provided to the full City Council, which is planned for early 2023, to provide the opportunity for direction

to staff to ensure the document is aligned with the City Council’s objectives prior to preparing an administrative draft and then publishing the draft for public input.

Environmental Determination

Pursuant to the California Environmental Quality Act (CEQA) of 1970, Public Resources Code Section 21000, et. seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively “CEQA”), the objective design standards documents do not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2) or 15378 because it has not potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if the objective design standards documents did constitute a project under CEQA, the objective design standards documents falls within the “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment...” Therefore, the proposed objective design standards documents do not warrant further environmental review.

Public Contact

The Planning Commission Agenda was posted at City Hall and on the City’s website. Legal notification was published in the East Bay Times and has also been posted at City Hall at least 10 days prior to the public hearing.

Attachments

- A. Summary Minutes, dated October 20, 2022
- B. Summary Minutes, dated November 17, 2022
- C. [HCD-Technical Assistance Briefing](#) on Objective Design Standards, June 2021⁵

22srdrb.069

⁵ The full URL is: <https://hcdcagov.app.box.com/s/baznxdyweq6a8txcrb22li0gogqodzz6>