

## **ORDINANCE NO. 2024-17**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING TITLE 20 (PLANNING AND ZONING) OF THE NEWPORT BEACH MUNICIPAL CODE TO ADOPT OBJECTIVE DEVELOPMENT STANDARDS (PA2022-0245)**

**WHEREAS**, Section 200 of the City of Newport Beach ("City") Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges, or procedures granted or prescribed by any law of the State of California;

**WHEREAS**, California Government Code Section 65580 *et seq.* ("State Housing Element Law") requires each city and county adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, and programs, and quantified objectives to further the development, improvement, and preservation of housing;

**WHEREAS**, the City's General Plan Land Use Element is a mandatory element that governs the ultimate pattern of development and requires updating every now and then for consistency with other General Plan elements;

**WHEREAS**, every eight years, State Housing Element Law requires the City to update its General Plan Housing Element to identify and analyze existing and projected housing needs for the City along with a housing plan that provides adequate land use capacity to meet those needs;

**WHEREAS**, the City was assigned a Regional Housing Needs Assessment ("RHNA") allocation of 4,845 new units as its projected housing need for the planning period covering 2021-2029 and, as a result, the City worked diligently to prepare its 6<sup>th</sup> Cycle Housing Element in compliance with state law;

**WHEREAS**, preparation of the 6<sup>th</sup> Cycle Housing Element involved extensive public participation with community groups at numerous workshops, as well as meetings with the Planning Commission and City Council, and was assisted by an ad-hoc committee called the Housing Element Update Advisory Committee ("HEUAC") formed and appointed by the City Council;

**WHEREAS**, after several meetings with the State Department of Housing and Community Development (“HCD”) and numerous drafts, the City Council adopted the final 6<sup>th</sup> Cycle Housing Element on September 13, 2022;

**WHEREAS**, HCD certified the City’s 6<sup>th</sup> Cycle Housing Element on October 5, 2022, as statutorily compliant with state law;

**WHEREAS**, Section 4 (Housing Plan) of the 6<sup>th</sup> Cycle Housing Element presents a framework and strategy for meeting the needs of existing and future resident populations in Newport Beach based on the RHNA allocation of 4,845 new housing units, the “fair share” of regional housing need and demand, by planning for units within the following site groupings or “focus areas” that are best suited for residential growth: Airport Area Environs, West Newport Mesa, Newport Center, Dover/Westcliff, and Coyote Canyon;

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element opportunity sites are to be rezoned per Housing Element Policy Actions 1A through 1F to accommodate the City’s RHNA obligation, including a buffer necessary to address future “no net loss” of available sites and to preclude the need to identify replacement sites during implementation;

**WHEREAS**, the rezoning includes the establishment of overlay zoning districts and accompanying development standards, as well as corresponding amendments to the General Plan Land Use Element and the Local Coastal Program;

**WHEREAS**, to comply with state law, the City has been working diligently to implement the 6<sup>th</sup> Cycle Housing Element no later than February 2025 (“6<sup>th</sup> Cycle Housing Element Implementation”), which requires the following amendments and actions:

- General Plan Amendment (“GPA”) - To revise the necessary goals and/or policies within the City’s Land Use Element to support housing production in the focus areas identified by the 6<sup>th</sup> Cycle Housing Element;
- Amendment to Title 20 (Planning and Zoning) (“ZCA”) - To implement the Land Use Element’s policy changes by allowing housing development as an opportunity and establishing appropriate objective design and development standards for multi-unit residential and mixed-use development projects;

- Local Coastal Program Amendment (“LCPA”) - To revise and create new policies within the City’s Coastal Land Use Plan and update Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (“NBMC”) to support housing production in the focus areas identified by the 6<sup>th</sup> Cycle Housing Element that are within the Coastal Zone; and
- Program Environmental Impact Report (“PEIR”) (SCH No. 2023060699) - To analyze potential environmental impacts under the California Environmental Quality Act (“CEQA”) related to the 6<sup>th</sup> Cycle Housing Element Implementation, a Draft Housing Element Implementation Program Amendments Program Environmental Impact Report (“Draft PEIR”), to address reasonably foreseeable environmental impacts resulting from the 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, the 6<sup>th</sup> Cycle Housing Element Implementation must take effect by February 2025 to avoid significant penalties and loss of local control dictated by state law, which may include, but are not limited to:

- Increased exposure to public and private litigation;
- Loss of permitting authority;
- Financial penalties including monthly fines of up to \$600,000;
- Loss of eligibility for state and regional funding sources;
- Court receivership;
- Allowing housing developers to bypass the City’s zoning requirements; and
- Increased exposure to monitoring by the newly formed Housing Accountability Unit of HCD;

**WHEREAS**, City staff worked closely with the community through the City Council-appointed General Plan Advisory Committee (“GPAC”) and General Plan Update Steering Committee (“GPUSC”) from March 2023 to August 2023 to draft Land Use Element goals and policies that support 6<sup>th</sup> Cycle Housing Element Implementation, including the ZCA;

**WHEREAS**, the draft GPA that was supported by the GPAC and the GPUSC was posted online along with the draft ZCA on August 30, 2023, with additional public comments and participation at the Planning Commission Study Session on September 21, 2023, City Council Study Session on February 13, 2024;

**WHEREAS**, the draft GPA was revised and reposted online on January 16, 2024, and March 28, 2024, based on the public’s input;

**WHEREAS**, a public hearing was held by the Planning Commission on April 18, 2024, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California to consider the actions and amendments required for the 6<sup>th</sup> Cycle Housing Element Implementation. A notice of time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act"), Chapter 20.62 (Public Hearings) and Chapter 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by the Planning Commission at this hearing;

**WHEREAS**, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2024-006 by a unanimous vote (5 ayes, 2 recusals) recommending the City Council certify the Housing Element Implementation Program Amendments Draft PEIR and approve the 6<sup>th</sup> Cycle Housing Element Implementation;

**WHEREAS**, California Public Utilities Code ("CPUC") Section 21676(b) requires the City to refer the 6<sup>th</sup> Cycle Housing Element Implementation to the Orange County Airport Land Use Commission ("ALUC") to review for consistency with the 2008 John Wayne Airport Environs Land Use Plan ("AELUP");

**WHEREAS**, on May 16, 2024, the ALUC determined the 6<sup>th</sup> Cycle Housing Element Implementation is inconsistent with the AELUP;

**WHEREAS**, pursuant to Sections 21670 and 21676 of the CPUC, the City Council held a duly noticed public hearing on May 28, 2024, and adopted Resolution No. 2024-32 (7 ayes, 0 nays), to notify the ALUC and State Department of Transportation Aeronautics Program of the City's intent to override ALUC's inconsistency finding and on May 29, 2024, the City issued the Notice of Intent to Override ALUC's determination and received two comments in response; and

**WHEREAS**, a public hearing was held on July 23, 2024, by the City Council in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California to consider the 6<sup>th</sup> Cycle Housing Element Implementation, including consideration of certifying the PEIR, adoption of CEQA Findings, Mitigation Monitoring and Reporting Program and a Statement of Overriding Considerations. A notice of time, place, and purpose of the hearing was given in accordance with CPUC Section 21676(b), the Ralph M. Brown Act, Chapter 20.62 (Public Hearings), Chapter 20.66 (Amendments) and Chapter 21.62 (Public Hearings) of the NBMC, and City Council Policy K-1 (General Plan and Local Coastal Program) and City Council Policy K-3 (Implementation procedures for the California Environmental Quality Act). Evidence both written and oral, was presented to, and considered by, the City Council at this hearing.



**NOW THEREFORE**, the City Council of the City of Newport Beach ordains as follows:

**Section 1:** The City Council finds amendments to Title 20 (Planning and Zoning) of the NBMC are legislative acts. Neither Title 20 nor State Planning Law set for any required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the ZCA is consistent with the corresponding GPA and LCPA.

**Section 2:** The City Council does hereby make the findings attached hereto as Exhibit "A" and incorporated by reference, and approves the ZCA, as set forth in Exhibit "B," which is attached hereto and incorporated herein by reference.

**Section 3:** The Housing Element Implementation Program Amendments Final PEIR (SCH No. 2023060699) was prepared for the 6<sup>th</sup> Cycle Housing Element Implementation (also referred to as the "Project") in compliance with the California Environmental Quality Act ("CEQA") as set forth in the Public Resources Code Section 21000 *et seq.*, Title 14, Division 6, Chapter 3 of the California Code of Regulations ("CEQA Guidelines"), and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). On July 23, 2024, the City Council adopted Resolution No. 2024-50, to certify the PEIR as complete and adequate, inclusive of all required findings, a statement of overriding considerations, and a mitigation monitoring reporting program. The City Council hereby finds that the action to adopt this Resolution approving the ZCA was considered within the PEIR. Resolution No. 2024-50 is hereby incorporated by reference.

**Section 4:** The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

**Section 5:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 6:** Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the NBMC shall remain unchanged and shall be in full force and effect.

**Section 7:** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414. This ordinance shall be effective thirty (30) calendar days after its adoption.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 23rd day of July, 2024, and adopted on the \_\_\_\_ day of \_\_\_\_\_, 2024, by the following vote, to-wit:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

WILL O'NEILL, MAYOR

**ATTEST:**

LEILANI I. BROWN, CITY CLERK

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

AARON C. HARP, CITY ATTORNEY

Attachments: Exhibit "A" – Findings for Approval  
Exhibit "B" – Title 20 (Planning and Zoning) Multi-Unit Objective Design Standards

**EXHIBIT “A”**  
**Findings for Approval**

General Finding:

An amendment to the City’s Zoning Code is a legislative act. Neither Title 20 (Planning and Zoning) of the NBMC nor California Government Code Section 65000 *et seq.*, set forth any required findings for approval of such amendments. Notwithstanding the foregoing, the following amendments to the Zoning Code will create internal consistency with the certified 6<sup>th</sup> Cycle Housing Element:

Facts in Support of Finding:

1. The Zoning Code is a tool designed to implement the General Plan. Since the 6<sup>th</sup> Cycle Housing Element Implementation involves an amendment to the General Plan, it is necessary to also amend Title 20 (Planning and Zoning) to achieve its goals and policies.

The Zoning Code Amendment (“ZCA”), attached to this ordinance as Exhibit “B” incorporated herein, including the Multi-Unit Objective Design Standards, are consistent with Senate Bill 330 which limits discretion for housing development projects that are consistent with the general plan and zoning code. The objective development standards provided herein will provide for the orderly development of residential development projects that are consistent with SB 330.

**EXHIBIT “B”**  
**Title 20 (Planning and Zoning)**  
**Multi-Unit Objective Design Standards**

Section 20.48.185 (Multi-Unit Objective Design Standards) is added in its entirety as follows:

**20.48.185 Multi-Unit Objective Design Standards**

- A. Purpose. The purpose of the Objective Design Standards is to ensure the highest possible design quality and to provide a baseline standard for all new multi-unit development in Newport Beach. Multi-unit housing proposals must, at a minimum demonstrate compliance with all the standards contained herein. Proposals not consistent with any of these standards shall be required to seek approval through a discretionary site development review process as provided by Chapter 20.52.080 (Site Development Reviews). Applicants may request site development review to demonstrate that a project meets or exceeds the intent of the standards in this document by other means. The Objective Design Standards shall serve as the basis for evaluating proposed deviations; applicants using a discretionary review process shall refer to the Objective Design Standards to demonstrate how the proposal meets or exceeds the intent of the Newport Beach Development Code.
- B. Intent. The objective design standards are intended to result in quality design of multi-unit residential and mixed-use development. Review under these standards supports development that builds on context, contributes to the public realm, and provides high quality and resilient buildings and public spaces. These standards shall be applied uniformly and without discretion to enhance the built environment for both affordable and market-rate multi-unit residential development.
- C. Applicability. The standards shall be used for review of multi-unit development applications, including by-right and discretionary applications. The development standards in this subsection shall apply to residential and mixed-use development projects that include a residential density of a minimum of 20 dwelling units per acre, which is calculated as an average over a project site. When an applicant elects to deviate from these objective development standards, approval of site development review by the Planning Commission shall be required in compliance with Chapter 20.52.080. The Planning Commission may waive any of the design and development standards in this section upon finding that:
  - 1. The strict compliance with the standards is not necessary to achieve the purpose and intent of this section; and
  - 2. The project possesses compensating design and development features that offset impacts associated with the modification or waiver of standards.
- D. General Standards

1. Multi-unit development orientation shall comply with the following standards:
  - a. Residential developments with more than 8 buildings shall provide a minimum of two (2) distinct color schemes. A single-color scheme shall be dedicated to no less than 30 percent of all residential buildings.
  - b. Residential developments with 30 or more buildings shall provide a minimum of three (3) distinct color schemes. The number of buildings in single style shall be no less than 30 percent.
  - c. Pedestrian linkages to nearby neighborhoods, schools, parks, commercial projects, and parking areas shall be provided.
  - d. Visual interest shall be provided through architectural variety, especially where several new buildings face streets, such as by using different layouts and/ or architectural features. Abutting buildings shall have complimentary architectural styles.
  - e. Except for garage entrances, structured parking shall not be visible from the primary streets or any public open space, unless treated in an architectural manner subject to the approval of the Director.
  - f. Loading docks and service areas on a corner lot must be accessed from the side street.
  - g. In order to accommodate a minimum of one vehicle entering the facility, controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk.
2. Mixed-use buildings orientation shall comply with all the standards mentioned above and the following standards:
  - a. Commercial/office unit entrances shall face the street, a parking area, or an interior common space.
  - b. Entrances to residential units shall be physically separated from the entrance to the permitted commercial uses and clearly marked with a physical feature.

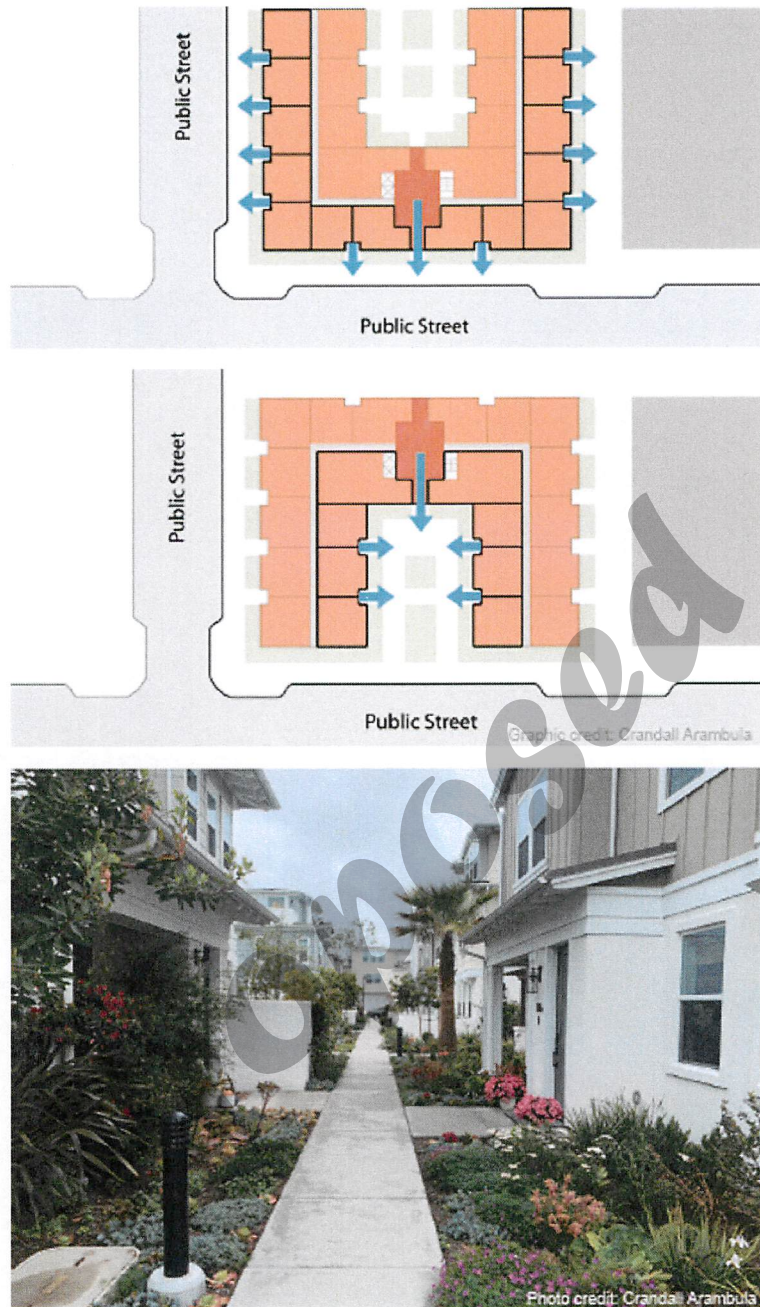


**Buildings along streets and open space shall provide visual interest by using different form, color, and materials**

#### E. Orientation

1. Building entries shall face the primary public street with direct pedestrian connections to the public sidewalks, unless determined to be infeasible due to topographic constraints by the Director. Pedestrian connections to the public sidewalks shall also be provided to parking areas and publicly accessible open space. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities.
2. Parking areas, covered and uncovered, shall be screened from public street frontages. Screening may be accomplished through building placement, landscaping, fencing, or some combination thereof.
3. For multi-unit projects located across the street from a single-unit family zoning district, parking lot areas and carports shall not be located along the single-unit neighborhood street frontages.
4. Buildings shall be arranged to provide functional common outdoors spaces (such as courtyards, paseos, or parks) for the use of residents.





**Building entries shall face a public street, internal open space, or paseo**

#### F. Parking Standards

1. **Parking Lots.** Parking shall comply with standards as specified in NBMC Section 20.40.070.
  - a. Parking lots shall be placed to the side or rear of buildings. Parking lots shall be connected to building entrances by means of internal pedestrian walkways.

- b. In surface parking lots with 10 or more spaces, a minimum of 14 square feet of landscape area shall be provided per parking space. Landscaping may be provided in parking lot planters and/or for perimeter screening.



**Parking lots shall be shielded from view from adjoining streets**

## 2. Residential Garages

- a. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually recessive and complementary to other building element:
  - i. Garage door windows or architectural detailing consistent with the main dwelling.
  - ii. Arbor or other similar projecting feature above the garage doors.

## 3. Parking Structures and Loading Bays

- a. Parked vehicles at each level within the structure shall be shielded from view from adjoining streets.
- b. The exterior elevations of parking structures shall be designed to minimize the use of blank concrete facades. This shall be accomplished through the use of decorative textured concrete, planters or trellises, or other architectural treatments.

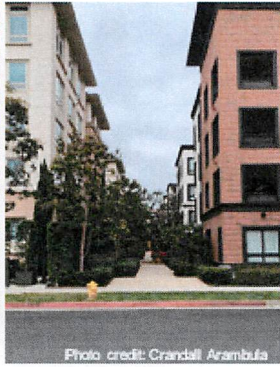




**Parking structures shall be shielded from view from adjoining streets**

#### G. Common Open Space

1. The required front yard area shall not be counted toward satisfying the common recreation area requirement.
2. Residential unit entries shall be within a 1/4 mile walking distance of common open space.
3. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.
4. Open space areas shall not be located directly next to arterial streets, service areas, or adjacent commercial development to ensure they are sheltered from the noise and traffic of adjacent streets or other incompatible uses. Alternatively, a minimum of ten (10) foot wide, dense landscaping area shall be provided as screening, but does not count towards the open space requirement.
5. An area of usable common open space shall not exceed an average grade of ten (10) percent. The area may include landscaping, walks, recreational facilities, and small decorative objects such as artwork and fountains.
6. All common open spaces shall include seatings and lighting.



#### H. Recreation Amenities

1. All play areas shall be located away from high automobile traffic and shall be situated for maximum visibility from the dwelling units.
2. Senior housing and/or housing for persons with disabilities shall be exempt from the requirement to provide play areas, but shall provide areas of congregation that encourage physical activity.
3. One common recreational amenity shall be provided for each 50 units or fraction thereof. Facilities that serve more people could be counted as two amenities. Examples of amenities that satisfy the recreational requirements include:
  - a. Clubhouse at a minimum of 750 square feet.
  - b. Swimming Pool at a minimum of 15x30 feet or equal surface area.



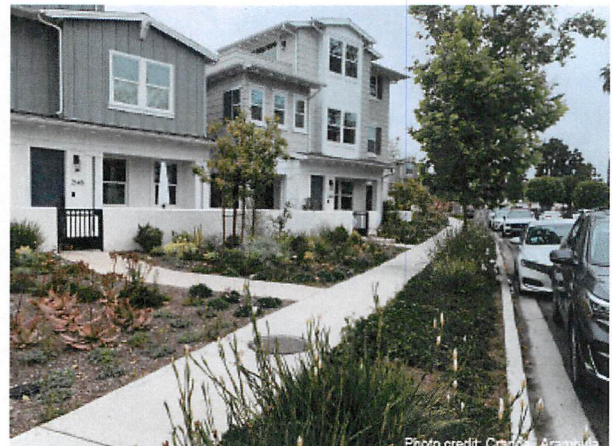
- c. Tennis, Basketball or Racquetball court.
- d. Children's playground at a minimum of 600 square feet.
- e. Sauna or Jacuzzi.
- f. Day Care Facility.
- g. Community garden.
- h. Other recreational amenities deemed adequate by the Director.





- I. Landscaping. All landscaping shall comply with all standards as specified in Chapter 20.36.
  1. A minimum of 8 percent of the total site shall be landscaped. Required setbacks and parking lot landscaping may be counted toward this requirement.
  2. Landscaping materials shall comply with the following:
    - a. Ground cover instead of grass/turf; and/or
    - b. Decorative nonliving landscaping materials including, but not limited to, sand, stone, gravel, wood or water may be used to satisfy a maximum of 25 percent of the required landscaping area.
    - c. Turf areas shall be placed in areas for recreational use only and must have a 10 foot minimum dimension.
  3. Landscaping and irrigation shall follow local and regional requirements and guidance for approved plant lists to meet the needs of local conditions, where available. For plants and planting materials addressing water retention areas, recommended resources include the Low Impact Development Manual for Southern California prepared by the Southern California Stormwater Monitoring Coalition, State of California Model Water Efficient Landscape Ordinance (MWELO) or Newport Beach Municipal Code Chapter 14.17 (Water-Efficient Landscaping).





J. Frontage Types and Standards. Frontage is the side of a building facing a public street right-of-way.

1. Storefronts for ground floor commercial in mixed-use projects. A frontage that reinforces the commercial character and use of the ground floor of the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access into the building.
  - a. The ground floor elevation shall be located at the elevation of the sidewalk to minimize the need for external steps and ramps at public entrances.
  - b. Entrance shall be emphasized and clearly recognizable from the street. One or more of the following methods shall be used to achieve this result:
    - i. Projecting non-fabric awnings or canopies above an entry (covered entry);
    - ii. Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
    - iii. Special corner building entryway treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
    - iv. Special architectural elements, such as columns, porticoes, overhanging roofs, and ornamental light fixtures;
    - v. Projecting or recessed entries or bays in the facade;
    - vi. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry; or
    - vii. Changes in roofline or articulation in the surface of the subject wall.

- c. Windows and/or glass doors shall cover not less than 50 percent of the first floor elevation along street frontages.
- d. At least 25 percent of the surface area of each upper floor facade shall be occupied by windows.
- e. Development with retail, commercial, community or public uses on the ground floor shall have a clear floor to floor height of at least 15 feet. Floor-to-floor height may be reduced on sloping sites.
- f. The minimum height for awnings or marquees is 8 feet above finished grade and the maximum height for awnings or marquees is 12 feet above finished grade; except as otherwise required in the Building Code approved by the City.

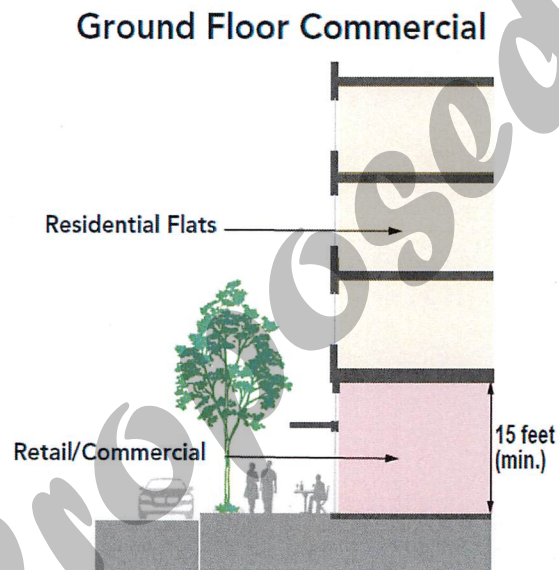


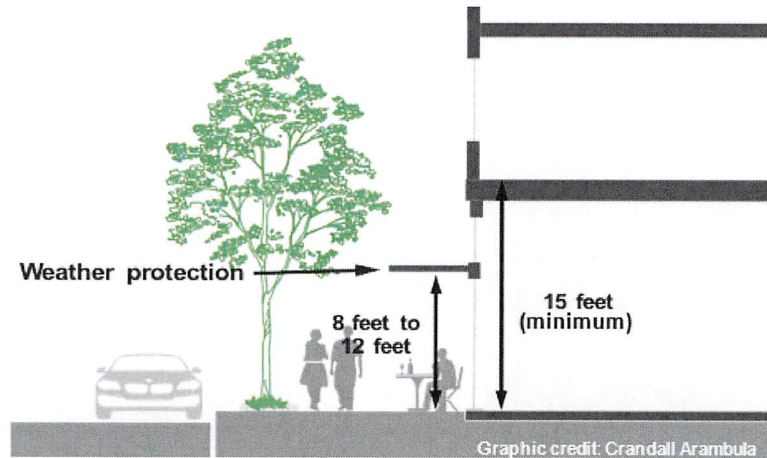




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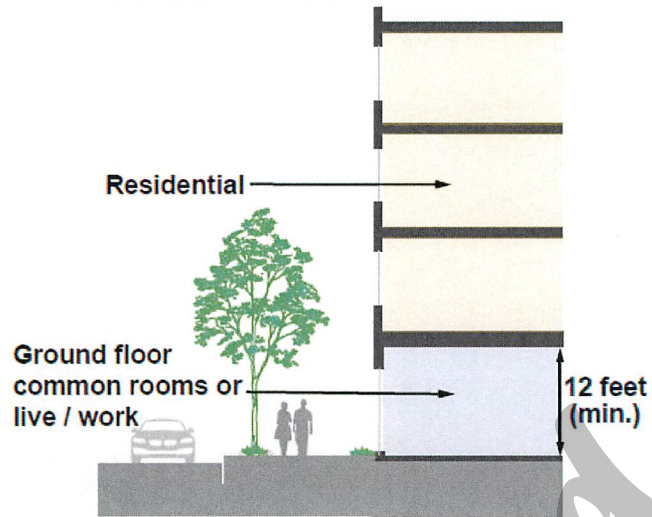
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2. Live-work/office fronts. A frontage that reinforces both residential and work activities that can occur in the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access to the building.
  - a. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and ramps at public entrances.
  - b. All ground floor tenant spaces that have street frontage shall have entrances on a facade fronting a street. All other ground floor uses may have a common lobby entrance along the front facade or private entrances along other facades.
  - c. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.
  - d. At least 40 percent of the surface area of the ground floor facade shall be occupied by display windows or translucent panels.
  - e. At least 25 percent of the surface area of each upper floor facade shall be occupied by windows.
  - f. The ground floor shall have a clear floor-to-ceiling height of at least 12 feet.
  - g. The minimum height for awnings or marquees is 8 feet above finished grade and the maximum height for awnings or marquees is 12 feet above finished grade; except as otherwise required in the Building Code approved by the City.
  - h. If the front facade is set back from the public sidewalk, the setback shall be landscaped and/or improved as an extension of the public sidewalk.



## Ground Floor Live - Work / Office





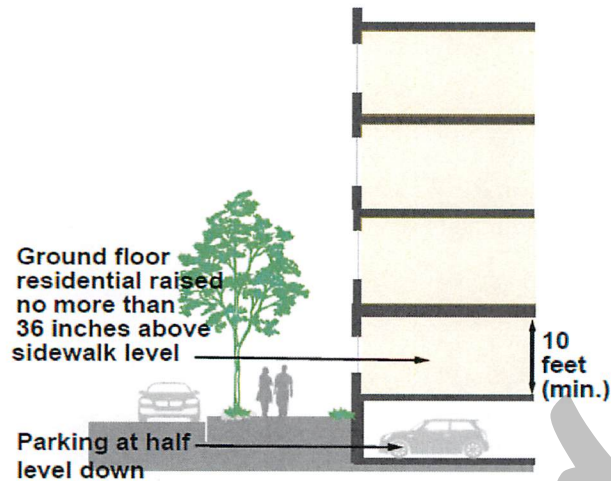
3. Residential fronts. A frontage that reinforces the residential character and use of the buildings. The elevation of the ground floor is typically elevated above the grade of the lot to provide privacy for residences by preventing direct views into the home from the sidewalk. Applicable to buildings with no commercial use on the ground floor.
  - a. Residential frontages reinforce the residential character and use of the building. The ground floor may be elevated a maximum of 36 inches above the grade of the nearest adjacent public or private sidewalk to provide privacy for residences by preventing direct views into the home.
    - i. Garages facing a public street shall not exceed 40 percent of the length of the building facade.
    - ii. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
    - iii. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.
    - iv. At least 20 percent of the surface area of the ground and upper floor facade shall be occupied by windows.
    - v. If the front facade is set back from the public sidewalk, the setback shall be landscaped (excluding stoops/front porches and paved paths to building entrances).

*Proposed*





## Ground Floor Residential

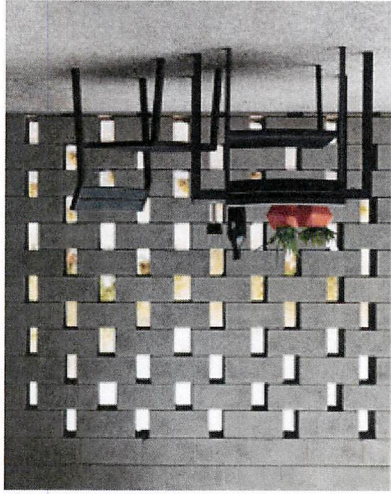


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### K. Walls and Fences

1. Community perimeter or theme walls shall be solid decorative block walls.
2. Wall materials shall be brick, slump stone, tile, textured concrete, stucco on masonry, steel framing, or other material walls which require little or no maintenance. Plain concrete block walls (i.e. precision block) nor chain link fencing with inserts shall not be used as wall materials.
3. The style of the wall shall be the same or similar to the architectural style of the project.
4. All exterior perimeter walls located along public streets shall have an offset of a minimum of 5 feet deep for every 50 linear feet to 75 linear feet of the wall length, or be screened by a minimum of 2 feet of landscaping depth.
5. Retaining walls within a street facing setback and visible from the public sidewalk shall not exceed 4 feet in height and shall provide a minimum of 18 inches deep landscape in front of the wall.







## L. Utilities

1. All utility equipment shall be located out of the pedestrian path of travel. All utility equipment shall be purposefully and aesthetically placed adjacent to alleyways, within parking areas, rear or side yards, or within building "notch outs" and screened from public view.
2. If the mechanical equipment cannot be placed in rear or side yards, it shall be either placed on the ground and screened with landscape, or placed on the roof and screened with architectural materials such as roof or parapet consistent with the overall architectural style.
3. All electrical utility equipment, electrical meters, and junction boxes shall be placed within a utility room. If a utility room is not feasible, then all utility equipment shall be purposefully designed as an integral part of the building development, placed adjacent to alleyways, within parking areas, or within rear or side yards, and screened from public view.



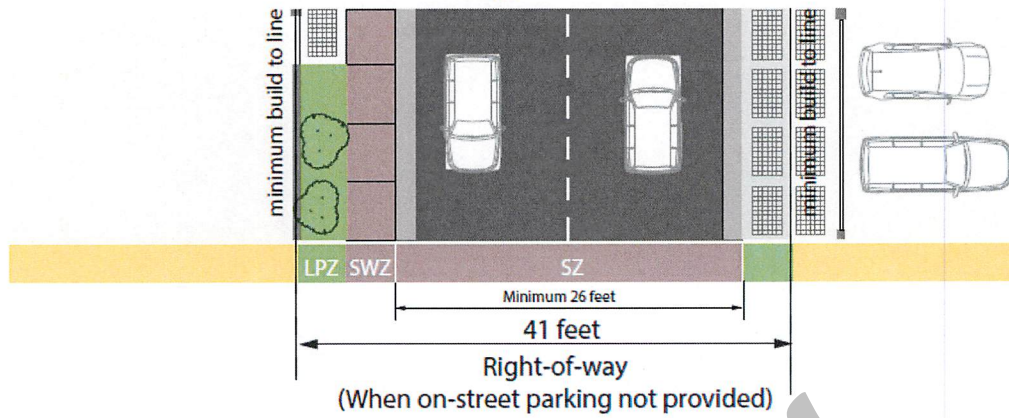
M. Private Street Standards. The intent of Private Street realm standards is to foster a low speed, multi-modal internal site circulation network. Streets shall provide a limited amount of curbside parking for visitors, loading, service, and accessible ADA spaces. The streets shall be designed as an amenity for the site, including surface treatments and landscaping similar in character and quality to any paseos or common open space.

1. Private Street Right-of-Way. All new multi-unit development sites that provide private streets shall comply with a minimum width right-of-way standard.
  - a. When on-street parallel parking is not provided, the right-of-way width shall be 41 feet in width.

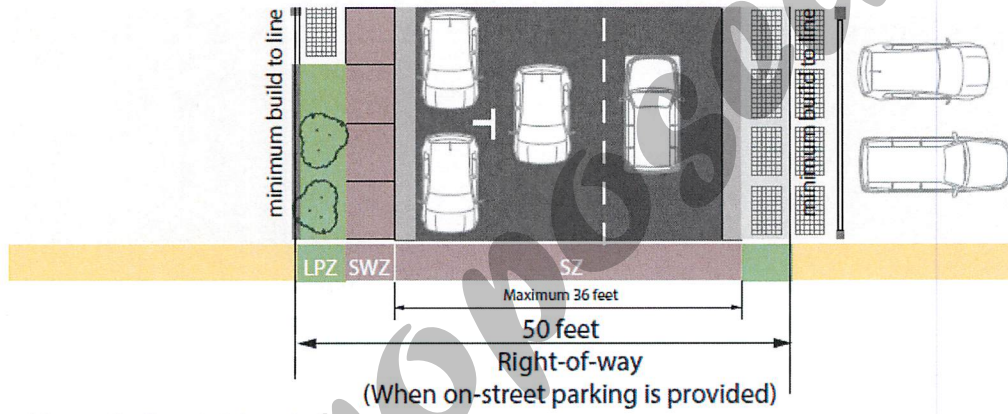
- b. When on-street parallel parking is provided, the right-of-way width shall be 50 feet in width.
2. Private Street Zones. Three zones as described below comprise the right-of-way. Variations in width reflect the presence or absence of on-street parking:
- a. Street Zone (SZ). Streets shall be 26-35 feet in width from curb-to-curb designed to provide motor vehicle and bicycle access. All Police and Fire emergency and maintenance vehicle access standards shall be met. Parallel curbside parking shall be permitted within roadways. Angled or head-in parking shall be prohibited.
  - b. Sidewalk Zone (SWZ). A minimum of one SWZ, 5-feet-wide, shall be provided.. When on-street parking is provided, the SWZ shall be on the side of street with parking. Shrubs, ground cover, and street trees are prohibited in the zone.
  - c. Landscaping and Paving Zone (LPZ). There shall be a minimum 5-foot Landscaping and Paving Zone. The zone is intended to provide a transition between the street and private residences. Landscaping shall comprise a minimum of 20 percent of the total building frontage(s) area. Landscape planting beds shall have a minimum width of 3 feet. Paving stone, brick or concrete unit pavers or poured in place concrete with integral color pigments is permitted in the Zone. Steps are permitted to above grade first floor entrances.



## Parking Not Provided



## Parking Provided



Graphic credit: Crandall Arambula

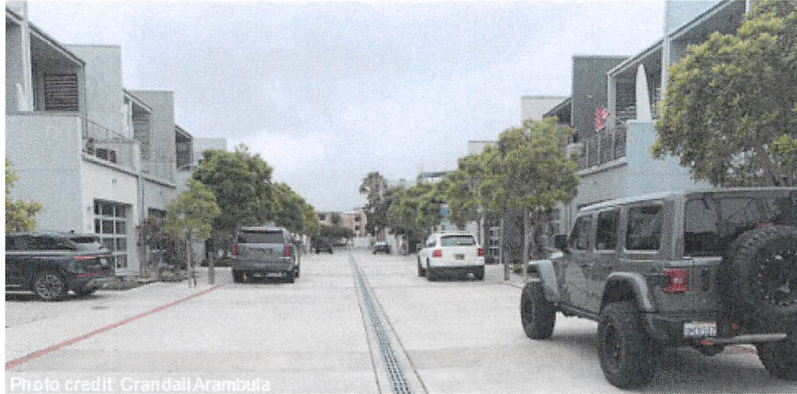


Photo credit: Crandall Arambula



Photo credit: Crandall Arambula

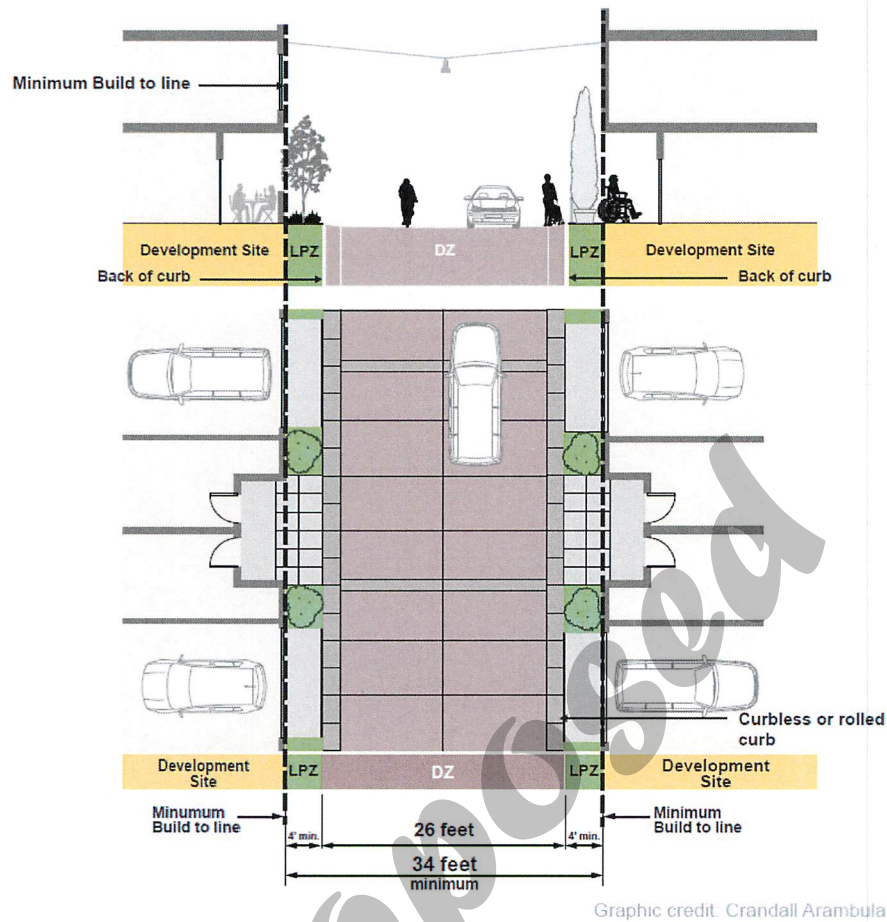


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N. Private Driveway Standards. The intent of Driveway standards is to provide motor vehicle access to private garages and service areas, pedestrian access between residential garages and doors, and private or public street network.

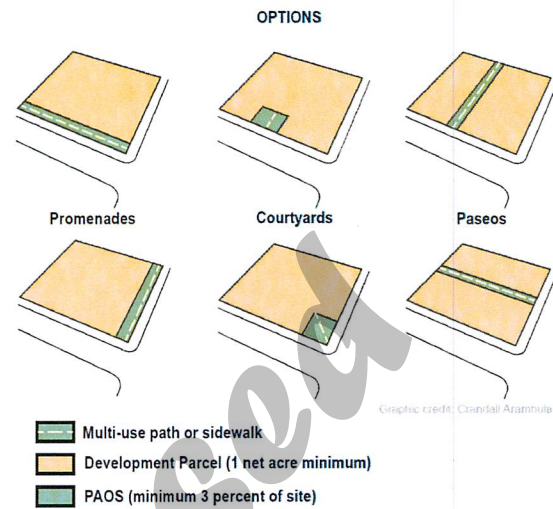
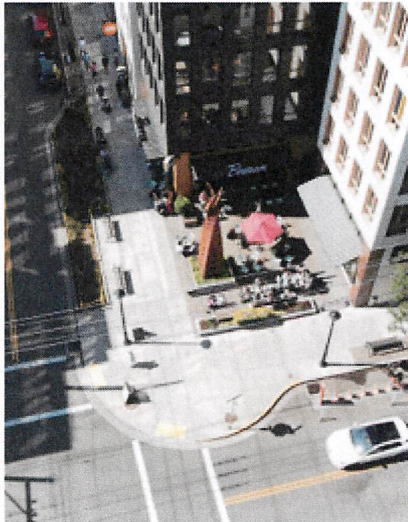
1. Private Driveway Right-of-Way. All private driveways shall comply with a 26-foot minimum width fire apparatus access standard. No dead-end driveway shall exceed 150 feet in length.
2. Driveway Zones. Two zones described below comprise the driveway:
  - a. Driveway Zone (DZ). Paving shall be asphalt, stone, brick or concrete unit pavers or poured in place concrete with integral color pigment. Stamped concrete shall be prohibited.
  - b. Landscape and Paving Zone (LPZ). A 4-foot minimum width zone shall be provided. The Zone shall be landscaped a minimum of 20 percent of the total site abutting a building. A combination of vines, ornamental, grasses, shrubs, ground cover, and ornamental trees shall be provided. Landscaping in pots is permitted.





- O. Publicly Accessible Open Space (PAOS) Standards. PAOS is intended to serve as an amenity for multi-unit tenant and surrounding neighborhood residents, employees and visitors. The PAOS shall be configured as passive paseo or promenade mobility corridors that provide walking and biking connections through or along the development site, or more active

courtyard gathering spaces that can be the focus for adjacent ground floor uses, especially where ground floor commercial is provided. The PAOS shall be contiguous, universally accessible, and shall be connected directly to adjacent public realm. Development sites that meet all requirements for providing PAOS, shall include one of the options as specified.



#### Courtyard PAOS

1. Required PAOS. Development sites with a combined street frontage 200 feet or greater in width and a total development site area of 1 acre or greater shall provide a minimum of 3 percent PAOS of the net site area. All PAOS shall be in addition to all residential zoning common open space.
2. Site Area Calculations. The net site area shall be the total site area minus the following:
  - a. Public Easements. Total area measured between the right-of-way line to the build-to-line.
  - b. Utility Easements. The total area required easements for public utilities through the site.
3. PAOS Design Standards.
  - a. Minimum PAOS width. No paseo, promenade, or courtyard right-of-way shall be no narrower than 20 feet in width. If incorporated in a development plan, paseos or promenades shall include an 8-foot minimum width path; all courtyards shall include a minimum 6-foot minimum width path.



- b. Access. All PAOS multi-use path access-ways shall be dedicated as a public easement subject to restrictions on hours of use.



**Paseo Publicly Accessible Open Space**



**Promenade Publicly Accessible Open Space**

**P. Facade Modulation Standards.**

The intent of the standards is to modulate the building's massing and volume— the external dimensions comprising of height, length, width, and depth in a manner that results in buildings that are in proportion to development site context and provides opportunities for applied facade plane and surface architectural visual interest. All multi-unit dwellings, or multi-unit components of mixed-use buildings shall be modulated both vertically and horizontally.

Modulation standards are provided for density ranges that correlate with multi-unit building typologies. Townhome buildings shall adhere to standards for buildings up to 30 dwelling units per acre and apartment buildings shall follow standards for buildings with greater than 30 dwelling units per acre. Applicants shall select a set of standards based upon the density of the building. Where development sites are of sufficient size to accommodate multiple building typologies with varying densities, the following Design Standards shall apply to each typology separately. Density allocations may be transferred within a contiguous property.

**Q. Vertical Modulation**

The intent of the standards is to minimize the perceived height of a building by visually organizing the facade in a manner that reflects the function of the underlying building floor(s) through the use of varied yet uniform application of height, form, material, and color articulation.

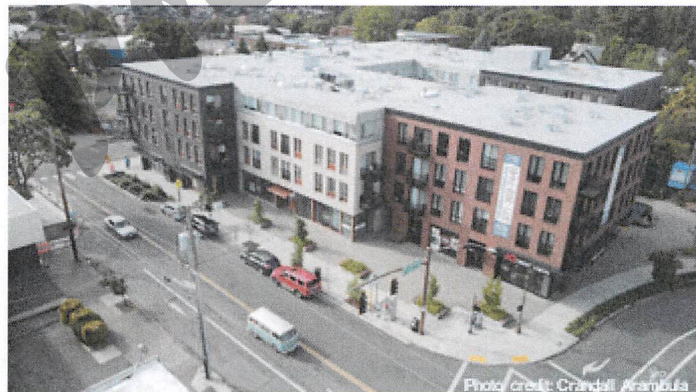
1. Components. All buildings shall be organized into an identifiable base, middle, and top to differentiate the first floor and upper function of the building. This tripartite articulation provides opportunities to create varied application of materials, color, and fenestration.

Modern or contemporary building architecture may be approved at the discretion of the Director.

- a. Base. For multi-story buildings, the first floor primary facade shall constitute the building's base.
- b. Middle. The primary facade of floor(s) above the base and below the top shall constitute the middle.
- c. Top. The primary facade of the uppermost floor(s) to the parapet or ridge line of a building and any facade of a floor(s) that steps back shall constitute the building's top.



**Buildings shall be vertically modulated with a base, middle, and top**



**Buildings shall be horizontally modulated with recesses or projections**

## 2. Vertical Modulation Changes in Facade Material and/or Color

- a. Banding. Use of functional and/or decorative horizontal facade belt course, trim, or other projections or recesses at floor lines between the base, middle, and top. The



projection or recess shall have a minimum height of 12 inches and a depth of 4 inches.

- b. Floor Heights. Change in floor-to-floor facade heights at the second floor or above. No middle or top floor-to-floor height shall be less than 10 feet.
- c. Fenestration. Changes in building window and door widths, heights, depths, materials, and colors. Changes in trim and inclusion or absence of shutters, mullions, muntins, transoms or other window components.
- d. Cladding Material. Buildings may express vertical modulation by providing a change of cladding materials to denote base, middle and top. Buildings using cladding material to provide vertical modulation are not required to provide banding. For buildings one hundred feet in height, a curtain wall system may be used above the building base.

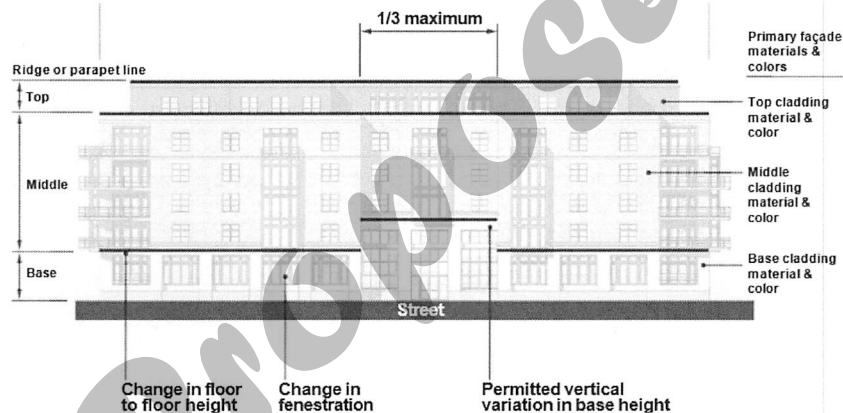
### 3. Additional Vertical Modulation Standards

- a. First Floor Height. The minimum first finished floor to second finished floor plate elevation shall be:
  - i. 10 feet – for buildings with density of less than 30 dwelling units per acre.
  - ii. 12 feet – for buildings with density greater than 30 dwelling units per acre, developed as residential only.
  - iii. 15 feet – for buildings with a density greater than 30 dwelling units per acre with commercial uses on the ground floor.
- b. Vertical Variation. Base, middle and top facade divisions shall be consistent with the underlying floor plate heights.
  - i. Density of less than 30 dwellings per acre — combining, omitting, increasing or decreasing the base or middle facade division height along building frontages shall be prohibited.
  - ii. Density of greater than 30 dwellings per acre— increasing the base and decreasing the middle facade division height shall be permitted for any building facade greater than 60 feet in length. Stepping of plate heights shall be limited to no more than 1/3 of any total facade frontage length.



Graphic credit: Crandall Arambula

#### Less than 30 Dwelling unit per acre minimum base density buildings (townhome)



Graphic credit: Crandall Arambula

#### 30+ Dwelling unit per acre minimum base density buildings (apartment)

#### R. Horizontal Modulation

The intent of the standards is to shorten the perceived length and mass of a building by providing facade recesses and projections that break up the horizontal thrust of a building. The modulation provides opportunities to accentuate and draw visual attention to key building features such as stairwells, elevators, lobbies, and entries, and create usable open spaces such as courtyards. Horizontal modulation is intended to be complemented and strengthened by accompanying application of different facade materials, color, and fenestration; and layering of additional recessed and projected architectural elements such as bays, balconies, and patios.

##### 1. Building Standards for Developments with Density of less than 30 dwelling per acre

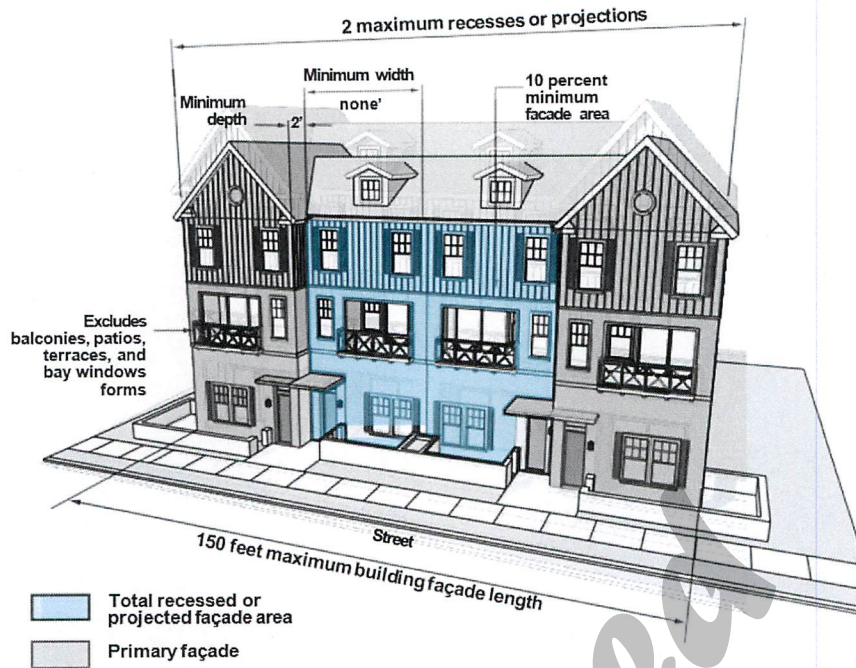
- a. Maximum building length. No building shall be greater than 150 feet in length.



- b. Required minimum modulation area. A minimum of 10 percent of the total facade area shall be horizontally modulated.
- c. Minimum depth. All recesses or projections shall be a minimum of 2 feet in depth.
- d. Maximum number. No facade shall have no more than 2 total recesses or projections per facade.

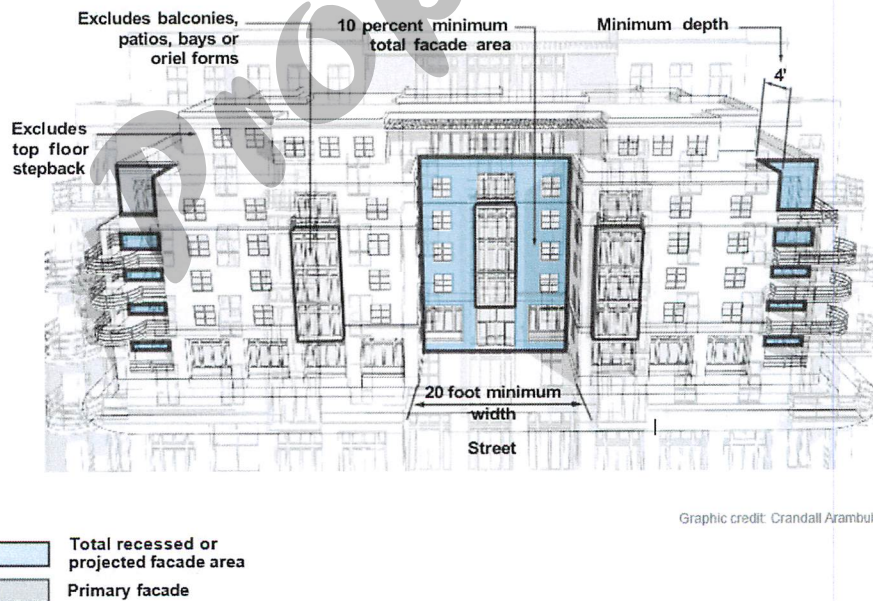
2. Building Standards for Development with Density of 30 dwellings per acre or greater.

- a. Maximum façade length. Buildings in excess of 200 feet shall have a horizontal massing break of no less than 20 feet with a depth of 15 feet for every 200 feet of additional overall length.
- b. Required minimum modulation area. A minimum of 10 percent of the total facade area shall be horizontally modulated.
- c. Minimum depth. All recesses or projections shall be a minimum of 4 feet in depth.
- d. Minimum width. All recesses or projections shall be a minimum of 20 feet in width.
- e. Maximum number. No facade shall have no more than 4 total recesses or projections per facade.



Graphic credit: Crandall Arambula

#### Less than 30 Dwelling unit per acre minimum base density buildings



Graphic credit: Crandall Arambula

#### 30+ Dwelling unit per acre minimum base density buildings

#### S. First Floor Opening and Transparency Standards

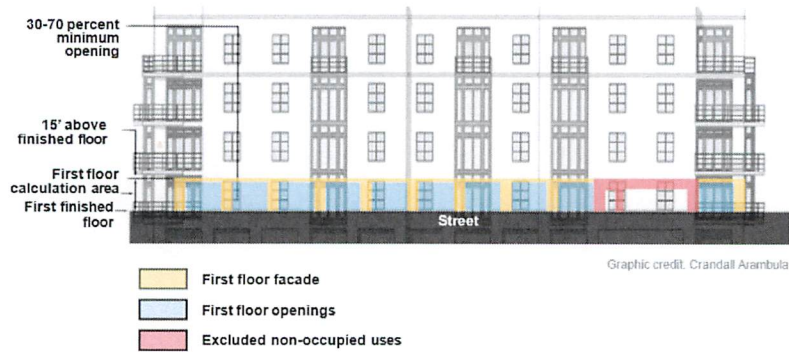
The standards are intended to foster passive 'eyes on the street' surveillance of the public realm by providing an adequate number of clear and direct sightlines between first floor residences and adjacent public realm sidewalks and common areas without compromising residential livability, privacy, and security. For multi-unit buildings with commercial first floor uses, the standards are intended to provide a greater amount of visibility of merchant goods and services for potential walking, rolling, or driving-by clients or customers. For all buildings, the standards apply only to portions of the first floor that contain residential or commercial conditioned/occupied floor areas fronting streets and open common open space.

1. Building Standards for Developments with Density of less than 30 dwellings per acre.
  - a. Minimum Opening Standard. For any at-grade or above-grade residential first floor unit fronting a street or paseo, the building frontages shall be comprised of a minimum 20 percent transparent glazed door and window openings.
2. Building Standards for Developments with Density of 30 dwellings per acre or greater
  - a. Minimum Opening Standard. First floor multi-unit building frontages shall be comprised of transparent glazed door and window openings as follows:
    - i. 25 percent - for any at-grade or above-grade residential first floor unit fronting a street or paseo.
    - ii. 50 percent - for any mixed use multi-unit building with a first floor commercial use fronting a street, courtyard or paseo.



**Less than 30 Dwelling unit per acre minimum base density buildings**





### 30+ Dwelling unit per acre minimum base density buildings

#### T. First floor Entry Standards

The intent of the standard is to locate building individual unit and lobby entries along street frontages to foster pedestrian neighborhood access and street-oriented activity. Unobstructed sight lines and pedestrian access from the public sidewalk shall be provided. The standards do not apply to service and loading entrances.

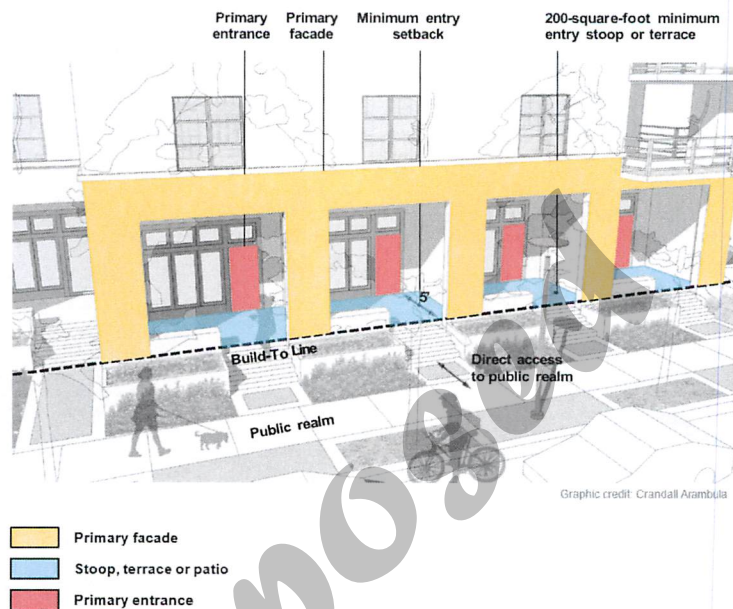
##### 1. Individual Residential Unit Entrances

- a. Residential Front Door Standards. At-grade or above-grade first floor individual residential units' entrances shall be accessed directly adjacent public realm or common area unless determined not feasible by the Director or due to site topographic considerations.
  - i. Minimum entry to sidewalk width — walkway, ramp, and stairs connecting to the public sidewalk shall be a minimum of 5 feet in width.
  - ii. Entry stoop, terrace and patio area — if proposed, entry terraces and patio areas shall be a minimum of 40 square feet. If proposed, entry stoops shall be a minimum of 20 square feet excluding any required stairs or ramp area.

##### 2. Lobby Entrances

- a. Standards. Lobby entrances shall be located at-grade, unless determined not feasible by the Director. Residential and commercial lobby entrances shall be accessed directly from the adjacent public realm or PAOS.
  - i. No lobby door setback is required.
  - ii. Minimum entry sidewalk width – where entries are setback, walkway width connecting to the sidewalk zone shall be a minimum of 6 feet.

- iii. Entry landing area – shall be a minimum of 60 square feet.
- iv. Prohibited – lobby entrance primary entries are prohibited from driveways, at-grade parking lots, parking structures, or alleys unless required due to topographic conditions.



**Individual residential unit front door standards**



**Lobby entrances shall be accessed directly from the street**