



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** May 18, 2021

**TO:** Christine Daniel, City Manager

**FROM:** Charles S. Bryant, Community Development Director

**SUBJECT:** **A Study Session To Review An Issues And Options Paper Discussing Requirements And Opportunities To Streamline The Development Review Process For Multifamily And Mixed Use Residential Projects Requiring Ministerial Approval To Comply With State Law By Making Targeted Changes To The City's Planning Regulations**

### BACKGROUND

Recent State laws limit the City's ability to require certain multifamily and mixed use residential development proposals to comply with subjective standards, regulations, and criteria. Instead, State laws allow those projects to undergo streamlined review and/or limit the City's ability to deny them or reduce density as long as they comply with "objective development standards." State law generally defines such standards as those that involve no personal or subjective judgment by a public official and that are uniformly verifiable by a benchmark or criterion known prior to application submittal.

On December 20, 2019, the City was awarded an SB 2 Planning Grant from the State Department of Housing and Community Development for preparation of such objective development standards, to be expended before the end of 2022. In June of 2020, the City issued a Request for Proposals, resulting in the selection of Lexington Planning as the consultant for the project. Staff has been working with the consultant to review current documents, conduct stakeholder meetings, and develop the attached Issues and Options Paper.

The goal of developing objective development standards is to express the residential development standards in Emeryville's plans, regulations, and guidelines as measurable, yes-or-no standards. These objective development standards are intended to be used to evaluate those projects for which State laws limit the City to ministerial review only (meaning that the review does not involve any independent, subjective judgement), or for which State laws otherwise limits the City's scope of review.

The attached Issues and Options Paper provides an overview of State laws requiring objective standards and streamlined review of residential planning applications. The Paper also reviews Emeryville's Planning Regulations, guidelines, and permitting processes for housing projects. After providing this background, key issues and recommendations are identified, and questions are posed for the City Council.

A Planning Commission study session was held on April 22, 2021. There were no public speakers at the study session. The Commission did not feel that there was adequate time

to discuss and provide comments on the Objective Standards Issues and Options paper, stating that the topic is very broad and complex. The Commission requested a special meeting to provide adequate time to discuss, and provide direction on, the development of objective standards. It was noted that the main purpose of the exercise is to help create housing, so appropriate questions to ask might include: what makes a great housing project? What needs to be codified? What would be a great project for the City to approve ministerially?

This City Council study session provides the same information and presentation that the Planning Commission received. Per the request of the Planning Commission, after this City Council Study Session, a special meeting will be scheduled to focus on the topic of Objective Standards. If the City Council desires, this could be a joint meeting of the Planning Commission and the City Council.

### **QUESTIONS FOR COUNCIL CONSIDERATION:**

Following is a listing of the discussion questions posed in the Paper for ease of reference:

Question #1A: Do you have any thoughts on how we can turn design guidelines into objective standards? What aspects of design are important to you and would you want addressed in the objective standards?

Question #1B: What are the most important features that you would like captured in objective standards? Examples: 3-inch recessed windows, using non-reflective materials, mullions on the exterior of windows (not interior).

Question #1C: Thinking about a project that has come before the City and how you shaped it, what would you want to make sure is part of the project if the standards were only objective?

Question #2A: What specific features of each district level plan should be made citywide (see Table 2)?

Question #2B: What are the key features in the district level plans that you think are important to retain?

Question #2C: What, if any, concerns do you have about retaining and/or retiring any of the district-level plans?

Additionally, does the Council wish to have a special joint meeting with the Planning Commission to discuss, and provide direction on, the development of objective standards?

**PREPARED BY:** Navarre Oaks, Assistant Planner

**APPROVED AND FORWARDED TO THE  
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



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Christine Daniel, City Manager

**ATTACHMENTS:**

- Multifamily and Mixed Use Residential Objective Standards Issues and Options Paper