



AGENDA SUMMARY EUREKA CITY COUNCIL

TITLE: Influencing Neighborhood Character through Design Standards

DEPARTMENT: Development Services

PREPARED BY: Cristin Kenyon, AICP, Development Services Director

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

Receive report and provide direction.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

COUNCIL GOALS/STRATEGIC VISION

2040 General Plan Policy LU-1.12: Attractive Design. Preserve Eureka's unique charm and character by applying design guidance that promotes attractive and well-maintained development that carefully integrates the new with the best of the old.

2040 General Plan Policy LU-1.21: Remove Obstacles. Monitor Eureka's development regulations (e.g., zoning and subdivision ordinance) to ensure that these regulations support the goals of the General Plan and do not create barriers to the implementation of the City's development objectives.

2040 General Plan Policy E-1.1: Business Friendly Environment. Work to remove both real and perceived barriers to development and continually reinforce a business-friendly reputation by ensuring...(g) Continuous evaluation and modernization of City regulations and procedures...

2040 General Plan Policy H-1.1: Flexible and Accommodating Regulations. Regularly evaluate and modify City development-related regulations, standards, and residential density maximums to allow for a diverse range of housing options. Actively strive to eliminate unnecessary and burdensome government regulations that restrain or impede the development of housing.

DISCUSSION

At City Council's regular meeting on June 18, 2024, Council discussed the City's discretionary Design Review process, and requested education on the objective design standards included in the City's Inland Zoning Code and consideration of strengthening code standards.

Objective design standards are currently a popular topic of discussion in cities and counties across the State of California because of a growing body of State housing law that is reducing the effectiveness of subjective, discretionary Design Review. Most notably:

- Senate Bill 35 (2017) requires local governments like Eureka that have not met their Regional Housing Needs Allocation to approve without a discretionary process qualifying multifamily and mixed-use residential projects. If an applicant requests streamlined approval for a qualifying project under SB 35, the City must approve the project if it is consistent with objective standards in effect at the time the application was submitted. The City must review and act on the application through a ministerial process without discretionary Design Review or public hearings. SB 35 defines objective 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” (California Government Code [CGC] §65913.4).
- Senate Bill 330 (2019) adds a new section to the Government Code (CGC §66300), the “Housing Crisis Act of 2019” which, among other provisions, prohibits local governments from establishing new design standards that are not “objective.” The definition of an objective standard in SB 330 is the same as in SB 35.
- The Housing Accountability Act, CGC §65589.5, limits a local government’s ability to deny or reduce the density of housing development projects that are consistent with objective standards.
- Assembly Bill 2011 (2023) creates a CEQA-exempt, ministerial approval process for multifamily housing developments on sites within zones where office, retail, or parking is a principally permitted use (CGC §§65912.100-65912.140). The law provides for slightly different qualifying criteria depending upon whether the project is a 100-percent affordable project or a mixed-income project located on a “commercial corridor.” AB 2011 projects must pay prevailing wages to construction workers, among other labor standards.

These State laws do not strip local governments of control as much as they require local governments to rely on clear rules adopted in advance and applied uniformly, rather than by ad hoc decision to accept or reject a specific housing proposal. In this legal environment, objective standards are necessary to ensure continued local control.

Scope

This report focuses on design standards in the City’s Inland Zoning Code applicable to multifamily housing in the multifamily and mixed-use zoning districts. Although the report is focused on the Inland Zoning Code, the City is working on a comprehensive update to the Coastal Zoning Code to make the Coastal Code consistent with the Inland Code.

Current Design Standards for Multifamily Housing

With the 2019 comprehensive update to the Inland Zoning Code (Eureka Municipal Code [EMC] Chapter 155), the City for the first time adopted objective design standards for the street-facing building façades of new buildings in multifamily and mixed-use zoning districts. The new code also added and strengthened a variety of other objective development standards intended to promote attractive design, including but not limited to standards for outdoor lighting (EMC §[155.308.050](#)), screening of waste/recyclable material storage (EMC §[155.308.070](#)), fences and walls (EMC §[155.320](#)), landscaping (EMC §[155.328](#)), signs (EMC §[155.340](#)), and parking (EMC §[155.324](#)).

The City's Zoning Code has required multifamily housing to undergo discretionary Design Review by an appointed committee/commission since 1966, and the new code also continues this tradition, as described in detailed in [the agenda summary](#) for Council's June 18, 2024 discussion of the Design Review process.

Attachment 1 includes both the objective design-related code standards reviewed by City Staff as part of the building permit process (pg. 1-10), and the subjective Design Review criteria that the Design Review Committee uses to evaluate a project (pg. 11). To narrow down the number of standards included in Attachment 1, the document focuses on the standards applicable to a new six-unit multifamily housing development on a 6,000 square foot lot in the Residential High (R3) Zoning District.

Notably, there are additional design standards not included in Attachment 1 for designated "Pedestrian-Focused Frontages" in the Downtown, Downtown West, and Henderson Center Zoning Districts. These standards include, for example, a minimum floor to ceiling height of 12 feet on the ground floor, and a requirement that at least 65% of the ground-floor, street-facing building walls of non-residential uses are comprised of transparent windows and doors between three and seven feet above the sidewalk.

Also of note, single-family residences are currently exempt from many design-related standards imposed on multifamily housing, including exemptions from both the objective design standards for street-facing building façades contained in [EMC §155.312](#) and the discretionary Design Review process outlined in [EMC §155.412.040](#).

Strengthening Objective Design Standards

Code Diagnostic

Attachment 2 provides a "gap analysis" of Eureka's existing objective standards prepared by Ben Noble Consulting. The first column lists elements of good urban design, many of which were discussed at the November 19, 2024 City Council special meeting. The second column identifies whether the City has an existing objective standard for each design element. In some cases, the City has an existing standard, but that standard applies only in certain locations or is not mandatory for all projects. Existing gaps in standards are noted with gray shading in the table. The City may want to create a new standard or modify an existing standard to fill these gaps.

Findings from the gap analysis include the following:

- The City already has many objective standards in the recently updated Inland Zoning Code.
- The code does not contain context-sensitive massing standards in all zoning districts (e.g., reduced height or mass adjacent to existing lower-intensity uses).
- Many of the building façade and roof design standards included in the code are optional. In some cases, the standard is not mandatory for all projects but rather one of several options a project may select from a list. In other cases, the standard applies only in certain locations (e.g., Pedestrian-Focused Frontages).
- The code contains comprehensive standards for landscaping and other site features (e.g., refuse containers).
- The City has limited standards for large site development, such as street connectivity, block length, and internal pedestrian circulation.
- The code does not contain open space requirements and standards.
- The code does not contain standards for parking structures and loading/service areas, features which may be included in intensive infill projects.

Staff recommends considering these findings when preparing new and revised objective standards. Specifically, given the concern about potential future redevelopment of large lots like the Jacobs Site, Staff recommends prioritizing development of standards for large site development. Housing Element Implementation Measure IMP H-3 requires the City to comprehensively update the City's outdated subdivision regulations (EMC Chapter 154) this year, and standards for large site development could be included in this update.

High-Level Approach Options

Over the past five years, many California cities have adopted objective multifamily design standards to respond to new state housing laws. These standards typically address a range of site and building design issues, including site access and circulation, building placement, massing, and façade design.

However, cities do employ some different approaches to these standards, including the following:

- **Generally Applicable Standards:** Many cities adopt standards that uniformly apply to all projects in all locations, with some limited variation by zoning district or project type. Standards for the cities of [Santa Cruz](#) and [Milpitas](#) are two such examples.
- **Highly Prescriptive Standards:** A few cities have adopted highly prescriptive standards for architectural styles and building types (e.g., [Santa Barbara](#) and [Town of San Anselmo](#)).

- **Site-Specific Standards:** Some cities create standards that apply uniquely to specific sites. For example, the City of Pleasanton's [Objective Design Standards](#) contain unique standards for individual Housing Element opportunity sites as well as generally applicable standards that apply citywide.
- **Special Character Area Standards:** Some cities identify geographic areas or neighborhoods where special, supplemental standards apply to address unique design considerations. For instance, the [City of Fortuna](#) has developed supplemental standards for primarily single-family neighborhoods and for the City's town center.

Eureka currently has generally-applicable design standards with some limited variation by zoning district and project type, with additional supplemental standards for geographic areas identified as Pedestrian-Focused Frontages. Eureka does not have highly prescriptive standards limiting architectural styles or building typologies. Staff recommends continuing with this framework, with the potential for additional supplemental standards to address unique considerations in certain additional geographic areas.

Tradeoffs to Consider

When preparing objective standards, the City should consider trade-offs associated with different approaches to these standards. The preferred approach should consider both the benefits and potential disadvantages of prescriptive design standards for multifamily development.

The benefits of prescriptive multifamily design standards include the following:

- **Improved Design Outcomes:** Standards ensure high-quality design with new development that enhances the visual character of the neighborhood. This in turn can contribute to property value stability and neighborhood desirability over time.
- **Predictability:** Standards provide clear guidance with transparent expectations for applicants and City staff. Neighbors and the community at large also know what to expect. This predictability is highly valued by developers when choosing which local jurisdictions to invest in.
- **Community Support.** The process of developing the standards can create up-front community acceptance and support for desired outcomes, which may reduce opposition to individual projects and streamline approvals later on.

However, prescriptive standards also come with potential disadvantages and tradeoffs:

- **Higher Costs:** Mandating specific materials, features, or layouts can increase construction hard costs. Design standards can also increase soft costs by requiring more complex designs that increase architectural or engineering fees and lengthen the permitting process, delaying generation of revenue. Additionally, design standards can decrease developer revenues by reducing the number of units and other leasable space within a building. This loss of revenue

is sometimes referred to as opportunity cost. These additional costs may be passed on to buyers or renters, affecting affordability.

- **Potential for Reduced Housing Production:** Certain standards, like standards requiring parking, open space, and setbacks from property lines, can reduce the number of units that can feasibly be developed on a particular lot. Higher costs and stricter requirements can also deter developers, especially for affordable housing projects. This can exacerbate housing shortages in areas with high demand, further driving up costs.
- **Reduced Flexibility and Innovation:** Prescriptive standards may limit developers' ability to use innovative designs, materials, or construction methods. Standards may limit creative architectural solutions that could better serve the community or address unique site conditions. Overly prescriptive standards may not account for local context, diverse needs, or evolving design trends, leading to developments that feel out of touch or overly uniform.
- **Usability Challenges:** Extensive and highly detailed standards can be challenging for staff to implement. City review of project conformance can be difficult and time consuming. Sometimes, it can be difficult to correctly craft these standards, requiring frequent revisions to the standards over time.

Staff recommends carefully considering these tradeoffs when identifying which issues to regulate and how to regulate them, including weighing the financing implications of design standards alongside their placemaking benefits. In general, staff recommends focusing on the most important elements of good urban design that contribute highly to built form and character, while limiting the number and complexity of standards related to less critical issues. Staff also recommends building in an alternative discretionary process to allow deviation from objective standards for unique and high-quality designs.

Questions for Council

- Are new/refined objective standards for multifamily development desired? If so, which issues and topics are most important? Are there design elements that should not be regulated?
- Should there be neighborhood or area-specific standards? If so, in which areas? What needs to be treated differently in these areas?
- With strengthened objective standards and given state law considerations, should the City explore modifying its existing subjective, discretionary Design Review process?