



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/07/2024

DATE: May 2, 2024
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction on Objective Design Standards

RECOMMENDATION:

Discuss and provide direction on Objective Design Standards.

BACKGROUND:

In 2019, the Town initiated a process to develop Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development (Attachment 1). This effort was in response to State legislation [Senate Bill (SB) 167, SB 35, and SB 330] requiring jurisdictions to adopt objective standards and to implement them for streamlined review of qualifying housing projects such as multi-family and residential mixed-use developments. Objective Standards are defined under State law as, “standards that involve no personal or subjective judgement 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, Section 65913.4).

The purposes of the Town adopting Objective Design Standards were to:

- Comply with recent State housing legislation;
- Implement streamlined and ministerial review processes for qualifying housing projects;
- Ensure that these qualifying projects align with the Town’s expectations and vision to maintain and support the character of the Town;
- Provide a set of clear criteria to guide development; and
- Establish an objective framework by which a qualifying project will be evaluated.

PREPARED BY: Jennifer Armer, AICP
Planning Manager

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, and Community Development Director

BACKGROUND (continued):

The process to develop and adopt Objective Design Standards included the following steps:

- On November 5, 2019, the Town Council authorized an application for, and receipt of, SB 2 Planning Grant Program funds. Subsequently the Town received approval of the application to receive reimbursable grant funding for the proposed scope of work.
- On November 20, 2020, staff released a request for qualifications (RFQ) to provide services for preparation of Objective Standards. On March 16, 2021, the Town Council authorized the Town Manager to execute an agreement with M-Group planning consultants for the proposed scope of work.
- Between July and December 2021, a subcommittee of the Planning Commission met five times to discuss and provide feedback.
- On February 22, and May 12, 2022, Town staff conducted two community engagement meetings to gather feedback from residents and stakeholders and then discuss a preliminary draft of the Objective Standards.
- On June 22, August 24, and September 14, 2022, the Planning Commission received and considered public comments on the Draft Objective Standards, reviewed the document, provided input to staff on recommended modifications, and on September 14, 2022, forwarded a recommendation of approval with modifications to Town Council.
- On November 15, 2022, Resolution 2022-72 was adopted by Town Council by a vote of three to two with Council Members Badame and Hudes voting no.

DISCUSSION:

On February 13, 2024, Town Council discussed its Strategic Priorities for the next two years, adding an update to the Objective Design Standards. In the discussion regarding the interest to update the Objective Design Standards, the several topics were mentioned. Each topic is identified below with a brief discussion of how the topic was addressed in the first effort and/or the direction that would be needed from Town Council to develop Objective Standards for the topic:

A. Hillside Views

This topic was discussed extensively in the Planning Commission subcommittee meetings mentioned in the Background Section above, as well as by the full Planning Commission and Town Council. As stated by staff at the time, establishing Objective Standards for this topic would be extremely difficult and no successful objective criteria for protecting views from the valley floor to the hillsides had been found. It would require establishment of specific viewing areas with very specific criteria to establish when hillside views were or were not blocked, and the protections provided would be limited only to those viewing areas.

DISCUSSION (continued):

B. Architecture

This topic was considered during the November 15, 2022, Town Council discussion. When architectural style is included within Objective Standards, it is most effective in those areas where a single style is uniformly used. For the Town, with a diverse history of architectural styles, this work would require identification of specific areas on a map and specification of a limited number of allowed styles along with specific objectively defined criteria for what constitutes each style. The mixture of architectural styles used throughout Town would require an extensive process. Alternatively, the Council could dictate which two or three styles are appropriate for these types of streamlined projects, limit the projects to these styles, and then provide standards for just those styles.

C. Historic Significance

Much of the discussion in the previous section on Architecture would also apply to this topic.

D. Transition Between Neighborhoods

As noted for Architecture above, this will be extremely challenging to make objective. The Town may have a few neighborhoods that have one or two distinct architectural styles, and the boundaries of those neighborhoods would need to be specifically delineated and the allowed styles and how to address transitions would need to be identified for each. If Council chose the path of dictating the styles appropriate to these streamlined projects, there may be more opportunity to create standards for neighborhood compatibility; however, it will still be extremely difficult.

When considering the work described above, an additional factor is the fact that for most of the projects to which these Objective Design Standards apply, the State provides them with the ability to use concessions or waivers to circumvent these standards through State Density Bonus law or other State laws.

CONCLUSION:

This agenda item has been scheduled to allow Town Council to discuss potential future work on Objective Design Standards and provide direction to staff on how to proceed. Staff recommends consideration of the following questions:

1. Are there modifications to the Town's Objective Design Standards that should be pursued at this time?
2. If so, what specific topics should be included in the drafting of new/modified standards?

CONCLUSION (continued):

3. Would the Town Council like staff to prepare a new request for proposals (RFP) or work with the previous consultant for this effort?
4. What funding source would the Town Council like to use for this project?

Staff looks forward to the Town Council's discussion and direction.

FISCAL IMPACT:

The fiscal impact depends on the scope of the work proposed. The development of the existing Objective Design Standards involved a grant from the State for \$160,000. Most of this amount (\$121,920.90) went toward a contract with a consultant and the remaining partially offset staff time.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachment:

1. Objective Design Standards for Qualifying Multi-Family and Mixed-Use Residential Development, approved on November 15, 2022