



City of Brisbane

SB 2 Planning Grant Implementation Program: Adoption of Objective Design Standards for Housing Development in Brisbane

Frequently Asked Questions

1. How does State law impact local control of development in the City of Brisbane?

Due to several changes in State Law since 2017, the City of Brisbane (and almost all other California cities) must change our laws to streamline the process for reviewing certain housing development proposals. In general, the State now requires that cities “front-load” their housing development review discretion through the adoption of clear rules in regulations, planning documents and guidelines, rather than exercising discretion on housing developments on a case by case basis. Furthermore, local regulations must be realistic, and cannot be so restrictive that they prevent new housing development from being constructed. The two most relevant laws are [SB 35](#) (applicable to any housing development with 50% or more units dedicated as affordable housing) and the [Housing Accountability Act](#) (HAA, applicable to housing developments of two or more units). These laws do not impact single family residences or commercial development.

The City still has the ability to review and approve new housing proposals. However, the City’s ability to regulate new housing developments must now focus on ensuring that they comply with objective development standards. In the absence of objective design rules and standards, the City will have little ability to shape the design of new housing proposals. It is critically important that the City update its regulations and clearly lay out “objective standards” that reflect that community’s vision for new housing development.

2. What is the purpose of SB2 Planning Grant Program (PGP) Implementation Project?

To help cities update their regulations, the State made funds available through the SB 2 Planning Grants Program (PGP). The PGP, administered by the State of California Housing and Community Development Department, provides financial and technical assistance to local governments to update planning documents to comply with the provisions of State law. The City successfully applied for PGP grant funds in 2019 to study and adopt changes to its development regulations to comply with the State’s requirements. The City will use these funds to update our planning regulations to comply with current State law.

3. What are “Objective Design & Development Standards (ODDS)”?

Objective standards involve no personal or subjective judgments. These are standards that, when adopted, do not require interpretation and provide a clear review and approval process. These standards will allow the City to specify the design of residential developments so that developers have a clear understanding of the community’s expectations for how new residential development will look and how it will fit in with existing development.

Examples of a subjective design standards can be found in the Design Review chapter of the BMC (Ch. 17.42). Finding B, for example, requires that “The orientation and location of buildings, structures, open spaces and other features **integrate well with each other** and **maintain a compatible relationship** to adjacent development.” (BMC Section 17.42.040.B). Because this finding

requires a development to be compatible with adjacent development but does not provide uniform and verifiable criteria as to how compatibility will be measured or verified, it is a subjective standard. Objective standards are easily quantifiable and measurable in nature. For example, a building either meets a height limit, or it does not. A building facade is articulated, or it is not. A building is set back a certain number of feet from a property line or adjacent building, or it is not.

Brisbane has recent experience with developing and adopting objective design standards for new residential development through the [Parkside at Brisbane Village Precise Plan](#). The adopted residential overlay districts and Precise Plan design guidelines provide objective design criteria for new residential development in the Parkside Plan subarea. All Parkside Plan documents are posted on the City's Documents [page](#), and the overlay district regulations are codified in [Chapter 17.27 of the Brisbane Municipal Code](#).

4. What are the City's existing residential design standards?

In Brisbane, Design Review for housing development is required for single-family homes on ridgelines, developments of three or more housing units in a multi-family development, and new mixed-use buildings with one or more housing units. The City does not have design guidelines for residential or mixed-use development. Each zoning district has development standards that control the location, height, and square footage of buildings.

The City's Design Review regulations in BMC Chapter 17.42 contain findings for approving design permits that are largely subjective in nature and do not provide objective criteria for approval. Additionally, the Design Review findings are applicable to any type of development that triggers design review (including commercial projects), and do not provide specific design objectives or requirements for residential development.

In order to comply with State law, the City must update its design review findings for housing developments and residential development standards to ensure they are objective. Adopting ODDS for all residential development will bring the City into compliance with State law and will allow the community to make its residential design expectations clear to developers and property owners upfront in the design process.

5. What happens if the City does not adopt ODDS?

If the City does not adopt ODDS, the City will have very little control over the design of new housing developments. The Planning Commission or City Council would continue to review projects under the current Design Review regulations, but would not be able to deny or reduce the number of units within housing development proposals based on noncompliance with subjective Design Review findings. For certain projects submitted to the City under SB 35 streamlining, the City would be required to review the application under a ministerial process, without any discretionary review or local guidance on design and standards.

6. What will be studied in the SCRO-1 and NCRO-2 Zoning districts?

The SB2 Planning Grant Implementation Program will include studies of the Southwest Bayshore Commercial (SCRO-1) District and the Neighborhood Commercial- Downtown Brisbane (NCRO-2) District. These two districts allow residential development with approval of a Conditional Use Permit, and do not have objective design standards in place. The PGP study will propose standards to bring these zoning districts into compliance with state law.

7. What is the program schedule?

The consultant team is working with the City's staff to create a detailed community outreach and public meeting schedule. Following public outreach, the City hopes to release draft updated planning regulations in October 2021, and the public hearings and adoption of the regulations by the City Council will be complete by February 2022.

8. How can I get involved?

The public is encouraged to be involved in PGP as it develops. Please visit the City's [PGP webpage](https://www.brisbaneca.org/SB2) at <https://www.brisbaneca.org/SB2> for project updates and to sign up for the project email list and contact staff with questions on the PGP webpage.