

ZONING PRACTICE

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**Objective Design
Standards for Predictably
Better Development**



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Objective Design Standards for Predictably Better Development

By Valerie Quarles, AICP, and Andrew Faulkner

Zoning is the primary tool cities, towns, and counties across the United States use to organize and control growth and investment in the built environment. Since *Euclid v. Ambler* in 1926, zoning has evolved from regulating property uses to an all-purpose tool. However, zoning is frequently inadequate at addressing qualitative issues of building design.

For the past 50 years, many communities have used subjective design guidelines to augment zoning. Ideally, such guidelines mesh with zoning rules to control building and site appearance by focusing on materials, massing, roof forms, color, and landscaping. In practice, these guidelines can be vague, contradictory, and legally perilous. Consequently, in recent decades, a growing number of local jurisdictions have replaced discretionary

guidelines with objective design standards.

This issue of *Zoning Practice* explores key considerations for communities contemplating new design standards. It begins with a brief summary of the core features of zoning-related design controls before evaluating the pros and cons of objective design standards and presenting recommendations to guide planners and local officials through the process of developing appropriate standards.

Walkable urban neighborhoods in Indianapolis
(Credit: Nicholas Klein/iStock/Getty Images Plus)



A Primer on Objective Design Standards

Unlike a discretionarily applied design guideline, a design standard is a regulation enforcing a fixed design criterion that is knowable and understandable to both the applicant and the enforcing jurisdiction prior to the planning submittal. Both objective design standards and subjective design guidelines have been appended to traditional zoning rules for decades and thoroughly tested through litigation (Garvin and LeRoy 2003; Hinshaw and Morris 2018). However, objective design standards have distinct features that are increasingly attractive for states and local jurisdictions that want to predictably achieve better development outcomes.

Foundational Concepts

While most implementation of and experimentation with objective design standards has happened through local zoning, at least two states have adopted planning and zoning enabling laws that establish a foundation for analyzing design standards:

- New Jersey: *The public interest is best served by having development review based, to the greatest extent possible, upon sound, objective site improvement standards rather than upon discretionary design standards (§40:55D-40.2.d).*
- California: “[O]bjective design standards,” “objective subdivision standards,” and “objective design review standards” mean 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 before submittal (Government Code §65913.4(a)(5)).

The New Jersey definition is the first basic lens—objective or discretionary—through which standards can be evaluated. The California definition further clarifies that standards cannot vary between reviewers and must be knowable ahead of submittal.

An acceptable design standard is one without surprises. Litigation across the history of zoning has contributed to the following core qualities of a defensible set of design standards:

- **Objective:** Standards should be free from bias, result from careful analysis of facts and data, and be consistent in application for given forms of development.
- **Quantifiable:** Standards using numerical criteria are uniformly verifiable and unambiguous, while flexibility may be provided through numerical ranges.

Table 1. Examples of State Laws Referencing Objective Design Standards

State	Summary of Laws
California	Limits the ability of local governments to condition development denials on local subjective standards (SB-167 , 2017; SB-35 , 2017; SB-765 , 2018; SB-330 , 2019; AB-1485 , 2019; AB-831 , 2020; SB-9 , 2021; AB-2295 , 2022; AB-2668 , 2022; SB-6 , 2022; AB-1490 , 2023; SB-423 , 2023; SB-4 , 2023; AB-3122 , 2024; SB-450 , 2024; AB-2243 , 2024; AB-1893 , 2024).
New Jersey	Signals a clear preference for objective subdivision site improvement standards (§40:55D-40.2.d).
North Carolina	Predicates administrative or ministerial decisions solely on objective standards and deems standards involving discretion as quasi-judicial (SB-355 , 2019).
Oregon	Similar to California, conditions city and county denial of housing development applications solely on noncompliance with clear and objective design and development standards contained in the city or county comprehensive plan or land use regulations (SB-1051 , 2017; HB-2138 , 2025).
Washington	Similar to California and Oregon, limits counties and cities to clear and objective development regulations governing lot subdivision in urban areas and the exterior design of new development as part of any design review process (HB-1293 , 2023; HB-1110 , 2023; HB-1096 , 2025; SB-5559 , 2025).

- **Logical:** Standards should provide explanation and justification demonstrating alignment of each standard to community goals and policies.
- **Understandable:** Standards should mean the same thing to applicants, designers, and reviewers (i.e., no party should be guessing what a vague standard is trying to communicate).

While New Jersey and California were the first states to explicitly support (or require) objective design standards, a few others have also adopted statutory references to objective standards ([Table 1](#)).

Design Standards in Practice

Design standards can affect building shape, materiality, facade design, roof form, open space requirements, parking placement, landscaping, signage, and other physical aspects of land development ([Table 2](#)). They typically function at a finer scale than the blunt height, setback,

and intensity regulations typical to the zoning code. So what does this mean in practice?

Let's start with some examples of design standards that meet the criteria discussed above: objective, quantifiable, and logical.

New buildings within the Downtown District shall use modular or Roman brick between 1.5 and 3.0 inches in height with 3/8-inch high concave or v-joint mortar joints. Exterior corners shall be made of full depth masonry units; custom corner modules shall be allowed if adhered brick is used.

Buildings shall be articulated no less than every 40 feet of façade length. Articulation shall be provided by any of the following means:

- *A window bay projecting no less than two feet from the façade wall*
- *A projecting entry porch or vestibule extending no less than five feet from the facade wall*
- *A building recess with a minimum*

Table 2. Strong Examples of Local Design Standards

Jurisdiction	Summary
Missoula, MT	Uses downtown- and corridor-specific objective built-form and siting standards as an alternative to a full form-based code (§20.25.080 et seq.); supplemented by a separate Design Excellence Standards Overlay Handbook for projects subject to discretionary review.
San José, CA	Citywide Design Standards and Guidelines balance a priority on high quality site and building design with an objective to cover all types of development within the city's urban growth boundary (excluding single-family residences, historic buildings, and development in the downtown area).
Norfolk, VA	Provides nuanced pattern-book-style form standards for several "character districts" (§5.9).
Providence, RI	Integrates objective design standards into district-specific zoning regulations (§503 ; §606 ; §803 ; §903).
Indianapolis-Marion County, IN	Provides pattern-book-style walkable neighborhood design standards for development in multiple down-town districts (§744-701) and mixed-use and commercial design standards for development in mixed-use and transit-oriented development districts (§744-702).
Goleta, CA	Multiple-unit and mixed-use objective design standards exemplify how to use standards to streamline approvals for certain development types (§17.44).
Omaha, NE	Establishes urban design standards for multiple types of mixed-use and nonresidential zoning districts to advance the qualitative goals of its comprehensive plan (§55-921 et seq.).

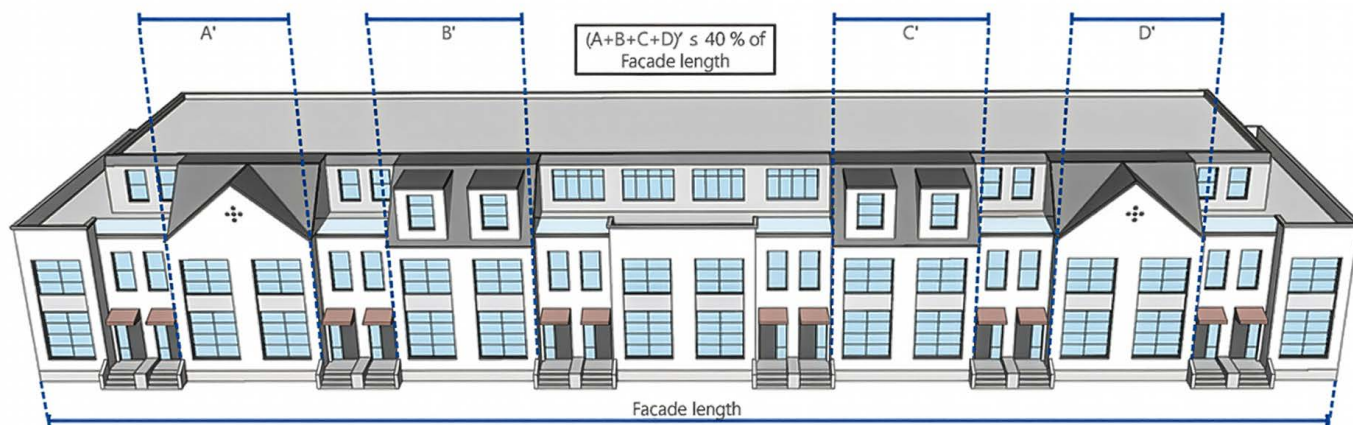


Fig. 3.24 Visible sloped roofs are allowed to encroach into the required Upper Floor Steeback, up to a maximum width of 40% of the facade length.

dimension no less than eight feet in any direction, extending beyond the uppermost story

- The combination of a different window size and type at all stories and change in facade material with a corresponding change in parapet or roof height

These standards are objective because modular and Roman bricks are commonly understood masonry types. They are quantifiable because all figures can be verified through a review of the plan set. They are logical because, in this case, the standards are tied to a “Design Standards Handbook” that provides specific intent statements to explain their objectives. For example, the articulation standards are intended to counterbalance many long, uninterrupted facades downtown, which were impacting the pedestrian experience.

A Framework for Evaluating Community Fit

Every city, town, and county has its own unique challenges, character, and constituency. Consequently, design standards may not be a good fit for every community. The following framework explores the potential benefits of and concerns about design standards to help planners evaluate whether this regulatory tool makes sense for the communities they serve.

Potential Benefits of Objective Design Standards

Design standards may be a good fit for

your community if planners are looking for a process by which to establish a consensus on preferred character, are seeking to reduce uncertainty for applicants, are curious about form-based codes, or are hoping to improve baseline development quality.

Design standards creation can pre-establish consensus on the preferred character of new development.

The process of developing design standards can bring both residents and developers to consensus on the vision for the built form of a community in the abstract, without getting bogged down in debate over the particulars of a specific development proposal. An inclusive process that articulates a vision for the built form of a community, adequately anticipates the myriad forms development may take, and tests potential standards to avoid unforeseen consequences will take time, but if well-managed, is worth the investment.

Design standards can reduce uncertainty for applicants and speed up development.

Discretionary processes are by nature unpredictable. A codified uniform system of objective criteria for development evaluation ensures a level playing field for all applicants and reduces project risk and expenses from unexpected changes. For cities where growth potential is stymied by unpredictable public processes, a reduction in project risk can drive needed

Wayzata, Minnesota's illustrated roof articulation standards (Credit: City of Wayzata, courtesy of Van Meter Williams Pollack LLP)

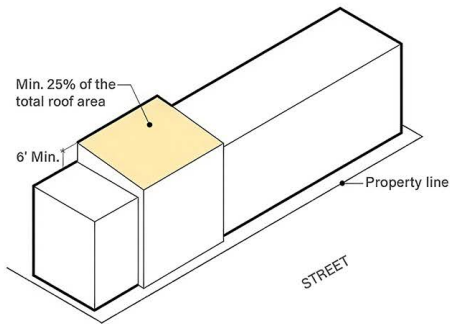


Figure 7.15-1: Articulated Roof Form

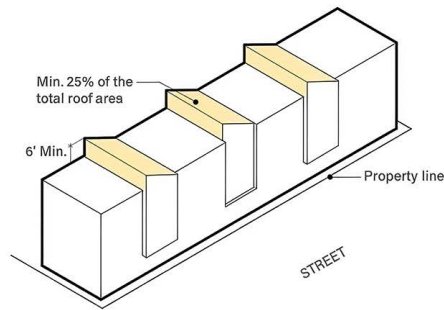


Figure 7.15-2: Distributed Roof Form

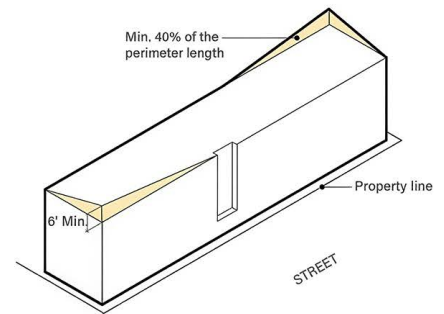


Figure 7.15-3: Articulated Roofline

San Francisco's illustrated roof articulation standards for the Balboa Reservoir Special Use District (Credit: City and County of San Francisco, courtesy of Van Meter Williams and Pollack LLP and Pyatok Architecture + Urban Design)

additional housing units and important economic development. However, experienced applicants who have learned to leverage their negotiating skills or personal connections to accrue benefits from discretionary processes may view the level playing field as a drawback rather than an advantage.

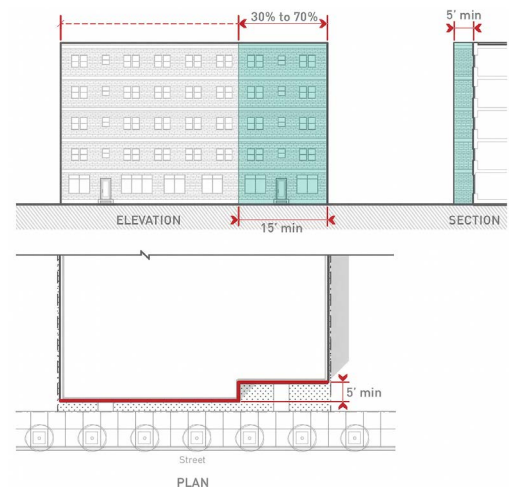
Design standards can be an attainable alternative to form-based code.

Over the past 40 years, hundreds of cities, towns, and counties have developed and adopted form-based codes (FBCs) as an alternative to Euclidean zoning. However, replacing an existing zoning code with a new FBC may take more time, money, and political capital than many communities can spare. Consequently, in some cases, local officials adopt an FBC as an overlay or district, which leads to parallel processes for different types of land use applications, complicating zoning administration.

For some communities, a set of design standards can be an attainable alternative. A town or small city may implement objective standards to regulate new built form, then return at a later date to liberalize land uses in their zoning code. This approach can also provide more implementation flexibility since standards can be integrated into an existing zoning code, become a template regulation for planned unit development, or be incorporated in zoning overlays or small area plans.

Design standards can attain better baseline development quality for most communities.

It's no secret that national and international



Missoula, Montana's illustrated street wall standards from its Design Excellence Overlay regulations (Credit: City of Missoula, courtesy of Code Studio / WGM Group)

businesses often prefer to use their own standardized building and site designs. When out-of-town stakeholders arrive with cookie-cutter designs, clear design standards can be used to communicate local requirements to the developer. Typically, the alternative is a messy, public negotiating process. The large corporation commands all the leverage, and the small-to medium-sized rarely wins. Mandatory design standards level this playing field and compel minimal additional investment to achieve a better outcome.

Potential Concerns About Objective Design Standards

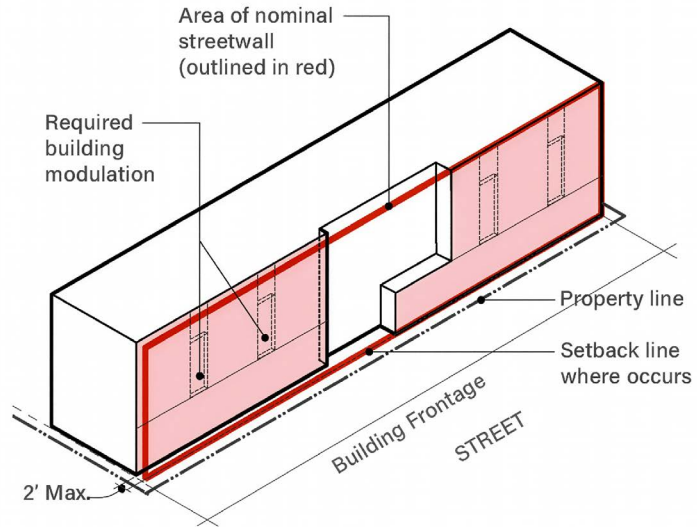
Because new design standards represent a change to the status quo, community stakeholders may express a range of concerns. In some instances, planners and local officials may be able to address these concerns through careful planning and implementation. In others, the concerns may be rooted in conflicting local values or objectives that cannot be resolved by new design standards.

Design standards can push developers to neighboring communities.

Towns struggling with economic development are often concerned about pushing needed development away through any additional regulation. These communities may benefit from either lighter-touch standards or by sticking with traditional zoning and direct negotiations with individual developers. However, in competitive landscapes, an objective review process using design standards can provide an advantage for communities over those with subjective and uncertain development processes.

Design standards can reduce the influence of discretionary stakeholders.

Fundamentally, design standards are meant to reduce reliance on discretionary decisions. They replace quasi-judicial decisions by planning, zoning, or design review boards (or the local legislative body) with clear yes/no compliance reviews undertaken by planning staff. Local officials may struggle with a loss of personal influence over what a new development



Area of required streetwall equal to not less than 60% of total building frontage

Figure 7.4–1: Streetwall Diagram

looks like and the power that comes with being in that position. However, the time savings from an improved development process can also free up those officials to direct their attention and energy toward other initiatives.

Design standards can inhibit design adaptation and evolution.

Staff developing standards alongside the community may find themselves creating highly unique or restrictive individual standards through extended community engagement. While this may make resident stakeholders feel like they have had an appropriate amount of influence over the process, standards like these can prove unwieldy over time and then are difficult to change due to the amount of political will they are imbued with. Alternatively, if standards are primarily geared toward one type of development, but apply to all new development, overly homogenous development may result. Planners and local officials may be able to mitigate these issues by limiting the application of design standards to specific building types or zoning districts or keeping the standards focused on broad aesthetic issues common to all types of development, without forcing all new

San Francisco's illustrated street wall standards for the Balboa Reservoir Special Use District (Credit: City and County of San Francisco, courtesy of Van Meter Williams and Pollack LLP and Pyatok Architecture + Urban Design)

development to make the same choices regarding materials or form.

Design standards cannot anticipate every necessary architectural choice.

Some projects will need relief from certain standards. However, this is not unique to objective design standards. That's why all zoning codes establish variance or waiver procedures. While any process to secure a deviation from objective design standards will represent a barrier for applicants, planners and local officials may be able to minimize reliance on deviation processes by building alternative compliance mechanisms into the standards. For example, objective design standards can stipulate that rooftop equipment must not exceed a certain height *unless* it is fully screened from view.

Design standards can make needed housing more expensive.

While design standards may modestly increase the hard costs of development, this is highly dependent on individual housing markets and other inputs and may be offset with reductions to soft costs. Communities with high demand but slow construction due to drawn-out and subjective development processes will find that a streamlined development process reduces cost, both on the individual project level for the developer and on the rental market as supply catches up to demand. However, in communities

with low market interest in housing and no existing design guidelines, design standards do have the potential to increase development costs and may not be an appropriate fit.

Design standards can be expensive to develop and difficult to administer.

Creating design standards can be expensive. Planning staff can draft simple standards themselves but may need to enlist design professionals to create more robust or technical standards. Managing a resident task force or using an existing design review board's time during the drafting process will occupy staff time, and administering the standards will also use staff time in the long run. Whether these factors lead to a lesser impact on the city budget over time is dependent on each community's volume of land development, but spending money up front to create higher-quality standards can save time and money down the road when development moves through the process more smoothly. Clear standards may also reduce the budgetary impact of developer litigation.

Recommendations for Design Standards Development

When developing new design standards, be clear about your primary objective, realistic about what the local market can bear, considerate about applicability and relevance to the local built environment, and mindful of in-house capacity and limits. Don't mandate a specific aesthetic or try to address every possible detail. Plan for adaptation, and establish a process for deviations.

Be Clear About Your Primary Objective

Design standards pull in two opposite directions. On one hand, they can be a powerful tool to streamline approvals and clear the path for needed development. On the other, they serve as the primary defense for community character—a rigorous framework to mandate high-quality outcomes. While every jurisdiction must strike its own balance, the most successful standards are built on a clear, upfront

A potential consequence of an overly broad application of design standards (Credit: buzbuzz/iStock/Getty Images Plus)



decision. Is your primary objective to streamline development or to curate it? This driving purpose—your “why”—must be established at the outset and will become the touchstone for every decision you and your stakeholders will make throughout the process.

Be Realistic About What the Local Market Can Bear

Design standards function as a community’s minimally acceptable baseline for design quality. While the process of developing these standards presents an opportunity to elevate this baseline, caution is required to ensure the standards do not significantly diverge from what the local real estate market can financially support. If the minimum standards are set beyond a reasonably attainable level, they risk becoming barriers to development.

Be Considerate About Applicability

Design standards do not need to apply to all new buildings. Many communities, for instance, exclude single-family homes, citing a need for variety and the need to avoid a disproportionate burden for single-family homeowners. Some communities may also exclude industrial development or other intense uses that are spatially buffered from the rest of the community. Standards can also be created for specific zoning districts that are facing intense development interest.

Creators of design standards should also consider the threshold for application in redevelopment scenarios. For example, should a project removing half of an existing building for new construction be subject to the new standards? What about if more than half the building is removed, or if an existing facade is updated? These answers will be different for every community and may depend on staff capacity and each community’s typical plan review process. For example, it may not be typical for staff to route a permit for new siding to the planning department, even if a standard states that all major facade modifications need to be reviewed for compliance.

Some communities implementing design standards may focus preservation

of existing historic character. Standards that apply to the modification of existing buildings need to balance strict requirements for restoration of listed historic structures, while allowing appropriate flexibility for noncontributing properties.

Be Mindful of In-House Capacity and Limits

Most communities do not have experts in architecture on staff. While basic standards can be developed by planners, staff should consider whether the budget is available to hire a design consultant to either review staff-developed standards or fully participate in the development of design standards. This also applies to administration. If the standards are so complex that staff cannot administer them, they will either require ongoing funding for a consultant expert or need to be simplified to be satisfactorily enforced by planning staff.

Don’t Mandate a Specific Aesthetic

Experience with discretionary guidelines demonstrates the public often equates design “quality” with specific architectural styles or building materials. In contrast, the goal of a flexible framework like design standards should not be to mandate a specific aesthetic. Standards are most durable when they regulate the fundamental, timeless principles of design—such as scale, proportion, and contextual relationship of building to surroundings. Standards built on this foundation are inherently more flexible. They can accommodate a wide variety of design expressions while still achieving the community’s desired baseline level of quality. This approach yields significant long-term advantages: fewer updates to accommodate changing tastes, fewer requests for deviations, and more attainable compliance for a broader range of projects.

Don’t Try to Address Every Possible Detail

When developing design standards, community stakeholders or municipal staff may

Design standards function as a community’s minimally acceptable baseline for design quality.

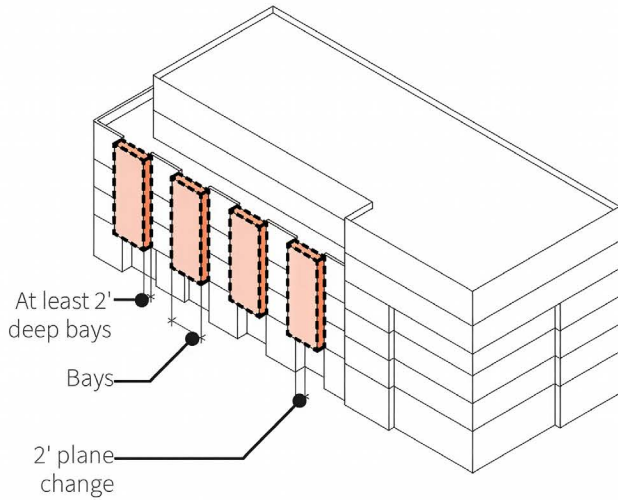


Fig. 3.24 Facade articulation using bays.

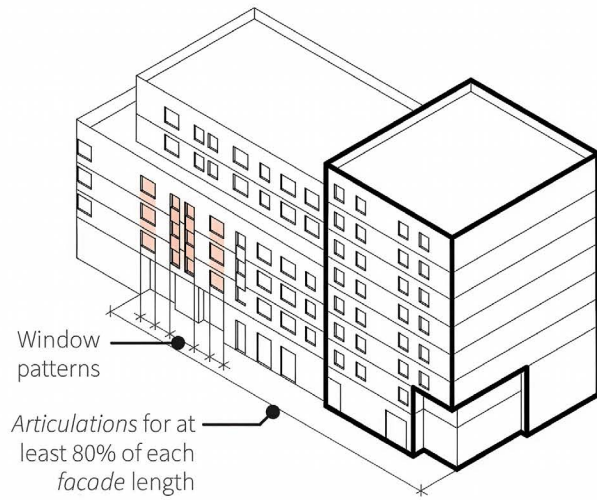


Fig. 3.25 Height articulation using corner elements and window patterns.

San Jose, California's illustrated building facade articulation standards from its Citywide Design Standards and Guidelines (Credit: City of San Jose, courtesy of Van Meter Williams and Pollack LLP)

be tempted to craft regulations detailed enough to address every possible eventuality and nuance. This approach presents several distinct disadvantages.

Exhaustive design standards development delays implementation. An overly extended drafting process means no standards are in place to evaluate current applications. The most effective standards are those that are adopted and available for use.

A high degree of prescriptive detail has an inverse relationship with attainability, making it more difficult for a range of projects to comply with the standards. Overly detailed or nuanced design standards also increase the risk of error. The more complex a standard becomes, the greater the likelihood of introducing drafting errors or creating unintended consequences.

Furthermore, extremely sophisticated design standards undermine applicant clarity. Standards weighted with excessive detail can be too complex for the average applicant and fall short of the initial goal to be clearly understood prior to application submittal.

When the goal for creating design standards is to establish an iron-clad baseline for quality, the pursuit of comprehensive detail is often counterproductive since an approach that becomes mired in excessive detail risks creating a rigid, complex code that is difficult to apply and may be quickly rendered obsolete.

Plan for Adaptation

Like zoning ordinances, design standards can be made outdated by significant changes in macroeconomic conditions, legislative priorities, or technology. These shifts may produce unanticipated new development forms or may undermine existing regulations.

Several recent examples illustrate this challenge:

- The rapid proliferation of the new retail category of cannabis dispensaries following statewide legalization in a growing number of states.
- The weakening of the market for many retail and hospitality businesses in the wake of the pandemic and resulting challenges financing required ground floor mixed-use space.
- The demand for large format office construction being replaced by demand for live-work space as remote work trends have accelerated.

Consequently, successful design standards must provide adequate flexibility within the standards to accommodate moderate changes to the development environment while simultaneously making a commitment to periodic reassessment and realignment as external conditions change.

Establish a Deviations Process

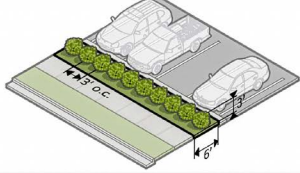
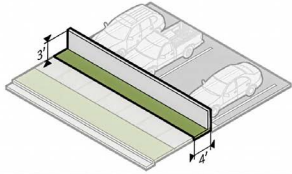
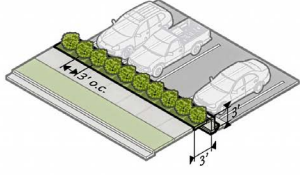
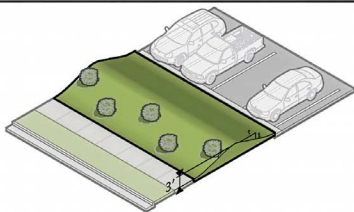
As discussed earlier, it is impossible to foresee the needs of every development type and a degree of flexibility is necessary to avoid undue burdens and unintended consequences. Deviations are particularly useful when design standards apply to renovation and expansion of existing buildings, complex forms of infill development, and historic structures. Provisions can be made for both minor and significant deviations, but care must be taken to develop a clear and transparent deviations process such that the integrity of the standards will not be compromised by extensive minor deviations and requests for significant deviations will receive appropriate deliberation and oversight.

Deviations processes vary between communities, but one option is a two-tier system of “minor” and “significant” deviations. In practice, some deviations are not worth much trouble. A difference of a few percent in the amount of glass on a public-facing facade, for instance, is worth a conversation with city staff about why compliance isn’t practical or possible, but not a public debate with a design review board or planning commission. This type of issue could be a minor deviation and approved by staff, provided it meets certain standards for approval. Here’s an example of one community’s minor deviation applicability and process:

Minor Deviations shall be defined as a deviation from any of the following Standards and portions thereof:

- Signage
- Facade articulation
- Rooftop mechanical equipment
- Bicycle parking
- Required materials palette, provided mandatory documentation is submitted; or
- Any deviation from any numerical Standard that is equal to or less than a 20 percent change from the specific numerical quantity required by any Standard if the deviation is specifically requested in writing by the applicant as part of their development application.

Minor deviations may be approved by City Staff based upon the defined Deviation Criteria.

Landscape Hedge:		
Landscape area width (min)	6'	
Shrub height (min)	3'	
Shrub spacing (max)	3' on-center	
Landscape Wall:		
Landscape area width (min)	4'	
Wall height (min)	3'	
Grade Change:		
Landscape area width (min)	3'	
Finished grade change (min)	-3'	
Shrub height (min)	3'	
Shrub spacing (max)	3' on-center	
Landscape Berm*:		
Berm height (min)	3'	
Slope (max)	3:1	
*Allowed only in Corridor Typology 3 and 4		

Applicants may request approval of a minor deviation that has been denied by City Staff by submitting a request for the deviation as a significant deviation, which is reviewed by the Planning Commission and City Council.

Note that this example also includes a process for appealing minor deviation denials: The applicant can appeal the denial through a significant deviation process, which is a quasi-judicial decision and treated like a variance.

Significant deviations are important to consider publicly, and decision-making power should rest with appointed and elected officials. Ideally, these significant decisions are based on a preestablished set of approval criteria, and the finding is made through the traditional public review process. While a project compliant with design standards should not be subject to findings by a public body, a project proposing a deviation from those agreed-upon standards can be treated conceptually the same as an applicant seeking a variance from the zoning code. The standards should also clearly define the difference between a minor deviation and a major one. Here is an example of approval criteria:

Missoula, Montana's parking area landscaping standards from its Design Excellence Overlay regulations (Credit: City of Missoula, courtesy of Code Studio / WGM Group)

Significant Deviations shall be defined as any deviation from the Design Standards that do not qualify as Minor Deviations. Approval of any Significant Deviation shall require a finding by the City Council (after considering the Planning Commission's recommendation) that the negative impact of such deviation is outweighed by one or more of the following factors:

1. The extent to which the project advances specific policies and provisions of the comprehensive plan.
2. The extent to which the deviation permits greater conformity with other standards, the policies associated with the standards, or with other zoning ordinance standards.
3. The alleviation of an undue burden, taking into account current lending, housing, and commercial conditions,
4. The accommodation of future possible uses contemplated by the design standards, the zoning ordinance, or the comprehensive plan.
5. A national, state, or local historic designation.
6. The project is the remodeling of an existing building which largely otherwise conforms to the design standards.

Note that in this example reviewing bodies have the leeway to choose one or more of the provided factors, but they must determine that these factors outweigh the negative impact of the proposed deviation. Other communities may find that stricter criteria than these are a better fit for their development or regulatory environments.

Conclusions

Objective design standards can streamline the development process by creating a logical, coherent, and understandable minimum baseline for new development. Standards eliminate regulatory surprises, legislative caprice, and the potential for corruption and inconsistent deal-making common under discretionary review processes.

The form a set of design standards takes and the level of detail it describes is dependent on the goals of the community and its economic and development context. While a community with a strong development market and robust competition for development has a wide degree of latitude to bend the private market to the community vision, a community with a weaker development market will be better served to focus on a few limited goals in

Wayzata, Minnesota's surface parking screening standards (Credit: City of Wayzata, courtesy of Van Meter Williams Pollack LLP)

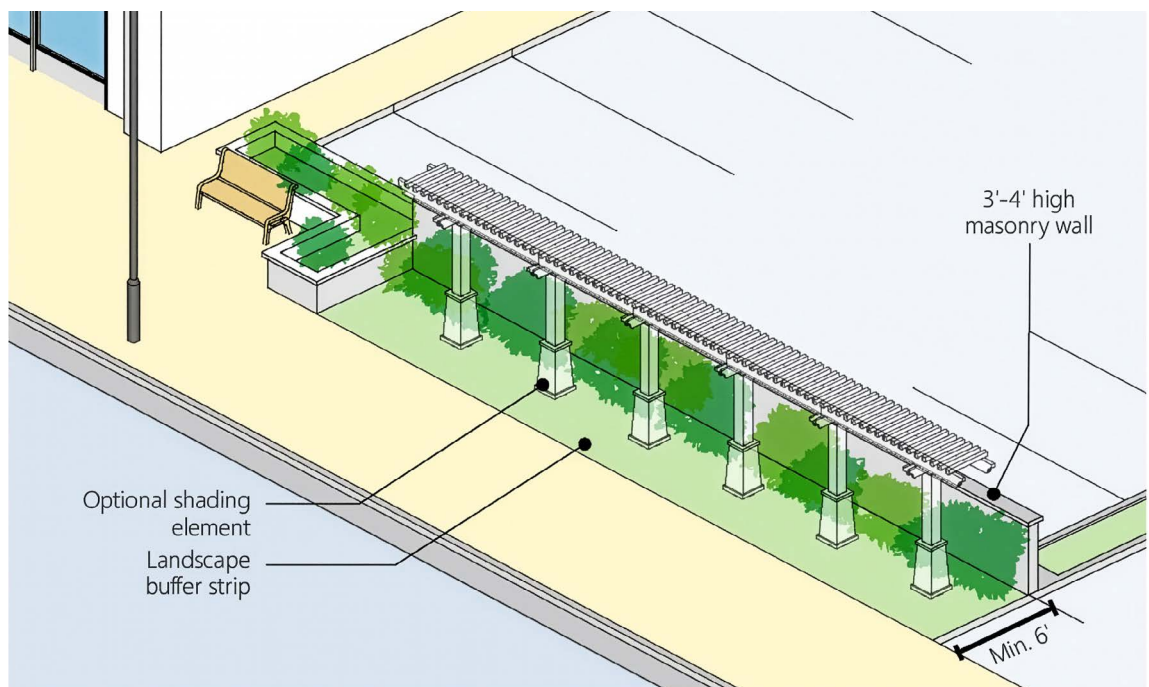


Fig. 2.27 Surface parking areas shall be screened from sidewalks and public streets using a landscape buffer strip.

an abbreviated document to avoid erecting roadblocks to reinvestment.

Finally, the process of developing design standards provides a unique opportunity for community leaders, residents, and the local development community to articulate a common, consensus-based vision for the physical form of future development. Freed from the pressure and imperative of a pending development, residents, city staff, and the development community have a greater opportunity for collaboration and mutual dialogue.

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About the Authors



Valerie Quarles, AICP, is a Senior City Planner for the City of Saint Paul. Her previous planning experience in the Twin Cities as a staff planner, Planning Commissioner,

and consultant informed her interest in urban design and zoning policy. In Wayzata, Minnesota, Quarles was the primary planner implementing the City's newly updated design standards, which sparked an interest in aesthetic regulation as a method to streamline development. She has spoken at multiple state and national American Planning Association conferences and is a member of the Minnesota Urban Land Institute, where she chairs the UrbanPlan program.



Andrew Faulkner is a Senior Urban Designer, Registered Architect (CA, MN), and Associate at the firm of Van Meter Williams Pollack where he spearheads high-

impact Urban Design and Architecture projects across VMWP's Minneapolis and San Francisco offices with a dual focus on design standards and equitable transit-oriented development (eTOD). Faulkner has authored Design Standards for cities and districts in California and Minnesota and contributed subject matter expertise on urban design to conferences including the APA National Planning Conference and Congress for the New Urbanism. He is a member of the Minnesota Urban Land Institute.



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