



M E M O R A N D U M

TO: PLANNING COMMISSION
FROM: JEREMY TEJIRIAN, DEPUTY DIRECTOR
DATE: DECEMBER 22, 2022
RE: DEVELOPMENT CODE AMENDMENTS AND FORM BASED CODE

During your Commission's hearing on December 12, 2022, important direction was provided to Planning Division staff regarding the Development Code amendments related to the BFC combining district, the FB combining district, and the Form Based Code. Subsequently, we consulted with County Counsel staff and worked with our consultants to draft modifications to the proposal.

Bayfront Conservation Combining District

In response to comments received and further review of the amendments to the BFC district standards, we recommend modifications to soften and clarify the text related to deed restrictions in section 22.14.060.F.10.A.iv.3). The revised proposal is shown in attachment 1 and copied below:

"Property owner acknowledges and assumes responsibility for the risks of potential damage or injury at the property caused by sea level rise; and explicitly waives, and releases the County from, any claim against the County regarding such damage or injury, including any claim for injunctive or other equitable relief, personal injury, property damage, and/or inverse condemnation."

Form Based Combining District

There was considerable discussion during the hearing of the applicability of the Form Based (FB) combining district, and by extension, the Form Based Code. While no vote was taken, a number of Commissioners expressed concern that the third of three thresholds proposed for applying the FB district had been inadequately studied. This section is copied below:

"Sites in the urbanized area where the development of multiple primary dwellings is allowable and where property owners, at their sole discretion, choose to combine it with an underlying multifamily residential or commercial zoning district."

Therefore, a revised proposal has been drafted, which removes this text from the Development Code amendments as shown in attachment 2.

Staff is proposing to add a new program to the Countywide Plan Community Development Element to evaluate expanding the FB combining district to multifamily and commercial zones in the future.

Proposed CWP Program CD-2.s would say the following:

“Evaluate expanding the applicability of the Form Based combining district to more areas, including to sites in the urbanized area of unincorporated Marin where it can be combined with an underlying multifamily residential or commercial zoning district.”

This program is intended to support the additional analysis your Commission called for before amending the Development Code to broaden applicability of the FB combining district beyond where necessary to meet current State mandates.

In addition, the text of the second threshold has been clarified to indicate that property owners may develop under the existing underlying zoning standards for their properties but that by so doing they may be subject to discretionary review. The design standards subsection has been clarified to indicate that the specific transect zones indicated in the Countywide Plan’s Housing Overlay Designation must be adhered to for projects subject to the Form Based Code.

Form Based Code

Your Commission carefully reviewed the standards of the Form Based Code (FBC) and, while voicing general support, indicated that specific improvements should be made. Those improvements included limiting the length of unarticulated building facades to no more than 40 feet and limiting the number of roof penetrations for vents. In addition, planning staff and consultants from Opticos Design have identified additional modifications including better defining the terms used for various kinds of streets. The modified pages of the FBC are provided in attachment 3, which address the concerns raised. The table below indicates the specific revisions and their applicable page numbers.

Edit	Page Number(s)
Removed the word “Draft”	Cover
Changed paragraph into list	17
Updated label text for Subsection 03.110.2.B	57
Added text to regulate roof vents, Subsection 04.020.5.B.(1).(c)	60
Updated reference in 4) Zones	251, 253
Updated “Bay” definition	275
Added “Dormer” definition	280
Added public frontage types definitions	283
Updated diagrams for Measuring Bays	309
Added wall length standard	91, 95, 98, 99, 103, 107, 110, 111, 115, 119, 124, 125, 128-130, 133, 137, 141-143, 147-151

RECOMMENDATION

Staff recommends that your Commission review the revised Development Code amendments and Form Based Code, consider public testimony, and approve the attached Resolutions recommending that the Board of Supervisors adopt Ordinances amending the Development Code and integrating the Form Based Code into the Development Code's regulatory framework.

Attachments:

1. Revised BFC zone standards
2. Revised FB combining district standards
3. Revised FBC standards
4. Resolution recommending the Board adopt an Ordinance amending the Development Code
5. Resolution recommending the Board adopt an Ordinance creating the new FB combining district and the FBC