



COMMUNITY DEVELOPMENT AGENCY

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January 26, 2021

Marin County Board of Supervisors
3501 Civic Center Drive
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Building and Safety
Environmental Health Services
Planning
Environmental Review
Housing
Sustainability
Code Enforcement
GIS
Federal Grants

SUBJECT: Amendments to the Marin County Code Title 22, known as the Development Code, related to zoning and subdivision regulations

Dear Supervisors,

RECOMMENDATION:

On behalf of the Marin County Planning Commission, staff recommends that your Board adopt the proposed amendments to the Development Code.

www.marincounty.org/cda

SUMMARY:

The topics addressed in the 2021 Development Code amendments include the following: (1) internal consistency, clarifications, standards, and definitions; (2) Accessory Dwelling Units (ADUs); (3) affordable housing regulations and incentives; (4) Master Plan Amendment and Precise Development Plan Amendment waivers and findings; (5) streamlining building permit review; (6) mergers; (7) small animals including miniature goats and potbellied pigs; (8) solar energy systems; (9) electric vehicle charging stations; and (10) helping seniors and the disabled.

No amendments are proposed to the Interim Zoning Ordinance applicable in the Coastal Zone.

DISCUSSION:

As summarized above, the proposed Development Code amendments cover a variety of issues, some of which are relatively mundane and others that are substantial changes to the County's regulatory framework. Three of the key areas of focus during the three Planning Commission hearings on the amendments are:

1) streamlining review, 2) meeting State mandates regarding housing development projects, and 3) meeting State mandates regarding Accessory Dwelling Units (ADUs).

1. Permit Streamlining

The proposed amendments implement State mandates, such as eliminating discretionary review for the installation of rooftop solar and electric vehicle charging stations. In addition, staff recommended amendments that would facilitate review of building permits for zoning compliance by a Building Plans Examiner for certain

types of development such as emergency generators. This would advance the concept of a “generalist” review recommended by the Regulatory Improvements Advisory Committee.

The Planning Commission accepted most of the amendments proposed by staff, but there were a few exceptions. For example, Planning Division staff had originally recommended a minimum side and rear yard setback of five feet for emergency generators. The Planning Commission increased this setback to 10 feet to reduce the potential noise from the generators heard by neighbors. Staff had also originally recommended that in-kind reconstruction be exempt from Variance requirements, even when it does not meet the standards imposed in conventional zoning districts. This exemption would effectively eliminate zoning compliance review for many projects, further streamlining the review of Building Permits. However, the Planning Commission determined that this would undermine some of the beneficial aspects of zoning regulations in those instances when existing legal non-conforming development is proposed for reconstruction and chose to eliminate this provision from the proposed Development Code amendments.

2. Density Bonus

Over the past three years, the State legislature has passed several bills related to housing. In general, these bills have promoted housing development and limited local control. The Planning Division, in consultation with staff from the County Counsel's office, prepared a set of amendments that satisfied State mandates without unnecessarily reducing local control over future housing development. These amendments relate mainly to the Housing Accountability Act and the density bonus laws. The specifics of these laws are complicated but generally place the burden on the County to demonstrate that it would be impossible for a housing development to meet basic health and safety standards before reducing the number of housing units in the project. The Planning Commission made a few modifications to Planning Division staff's original proposal, but otherwise endorsed the amendments related to housing.

3. Accessory Dwelling Units

The most public debate during the Planning Commission hearings was in response to the proposed amendments related to Accessory Dwelling Units (ADUs). The proposed amendments have been prepared to respond to new state legislation governing ADUs and codify amendments currently approved under an urgency ordinance adopted by the Board in January 2020. Sustainable TamAlmonte and many individual commenters urged the Planning Commission to limit ADUs on properties in fire prone areas on streets that do not provide adequate emergency access or evacuation routes.

In response, Planning Division staff redrafted the amendments related to ADUs to both reorganize the substantive requirements and to place new limitations on ADUs that are intended to protect residents during wildfires or other natural disasters. Under the new limitations, ADUs must be on properties taking access from a road that is at least 20 feet wide. While this approach provides greater certainty in the

review of ADUs in fire prone areas, it substantially reduces the potential areas where ADUs may be permitted in the County.

A summary of those amendments related to each topic addressed in the amendments is provided in the "Guide to the 2021 Amendments to the Marin County Development Code" (attachment 2).

FISCAL/STAFFING IMPACT:

None.

REVIEWED BY:

- | | |
|--|------------------------------|
| <input type="checkbox"/> Department of Finance | <input type="checkbox"/> N/A |
| <input checked="" type="checkbox"/> County Counsel | <input type="checkbox"/> N/A |
| <input type="checkbox"/> Human Resources | <input type="checkbox"/> N/A |

SIGNATURE:

Jeremy Tejirian
 Jeremy Tejirian
 Planning Manager

Attachments:

1. Ordinance adopting the 2021 Development Code Amendments
2. Guide to the 2021 Development Code Amendments
3. Exhibit A: 2021 Development Code Amendments
4. Supplemental Memorandum to the Planning Commission with Attachments, dated 12-14-20
5. Supplemental Memorandum to the Planning Commission with Attachments, dated 12-11-20
6. Supplemental Memorandum to the Planning Commission with Attachments, dated 12-7-20
7. Supplemental Memorandum to the Planning Commission with Attachments, dated 11-24-20
8. Supplemental Memorandum to the Planning Commission with Attachments, dated 11-12-20
9. Supplemental Memorandum to the Planning Commission with Attachments, dated 11-11-20
10. Staff Report to the Planning Commission with Attachments