



COMMUNITY DEVELOPMENT AGENCY

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Honorable Board of Supervisors and
Members of the Planning Commission
Marin County Civic Center
San Rafael, CA 94903

SUBJECT: Development Code Amendments related to the Housing Element update and the Marin County Form Based Code

Dear Members of the Board and Planning Commission:

RECOMMENDATION: Review and comment on the attached draft amendments to the Development Code (Marin County Code Title 22) and Form Based Code. After receiving comments from your Board, Planning Commission, and the public, Planning Division staff will revise the draft Development Code amendments and Form Based Code and return them for further consideration concurrently with the Draft Housing Element, Safety Element, and related Countywide Plan amendments, once the EIR has been completed later this year.

SUMMARY: The proposed Development Code amendments would codify the requirements of Senate Bill 9 and Senate Bill 35, create a new Form Based (FB) residential zoning district, create new ministerial permits for certain types of housing development, and incorporate by reference the Marin County Form Based Code to establish objective design criteria for multifamily housing projects.

On May 10, 2022, the Board adopted three interim Ordinances to implement Senate Bill 35 and Senate Bill 9, which mandate that local government streamline the review of certain housing projects. Senate Bill 35 (SB 35) mandates a ministerial planning process for multifamily housing projects that meet certain criteria. Senate Bill 9 (SB 9) is divided into two related parts, one which mandates a ministerial planning process for residential development and another which mandates a ministerial planning process for urban lot splits. All projects eligible for consideration under SB 9 must meet strict criteria for both subdivision and development. Both SB 35 and SB 9 affect only urbanized areas, and therefore neither SB 35 nor SB 9 is applicable in the Coastal Zone in Marin County or in much of the rest of West Marin.

The interim Ordinances (3765, 3766, 3767) that the Board adopted on May 10th are intended to be temporary in nature. The proposed amendments to the Development Code would permanently codify the requirements in those interim Ordinances in the Development Code. Since the Development Code is structured as a reference document, different sections of the requirements have been placed in different sections of the Development Code. These include a section on SB 9 lot splits, which has been put into a new Development Code section on Urban Lot Splits (section

22.80.064), a new section on the standards that apply to housing development under SB 9 (section 22.32.184), and a new Housing Compliance Review permit to establish the process to review SB 9 and SB 35 applications (section 22.64.010).

It is important to note that there are no substantive changes to the requirements previously established by the Board for SB 9 and SB 35 applications being proposed; the provisions of the interim Ordinances have simply been rearranged and carried forward into the Development Code.

In addition to carrying forward the provisions of the interim Ordinances, the proposed Development Code amendments establish a new Form Based (FB) residential zoning district in section 22.14.100 intended to facilitate applying the Marin County Form Based Code (attachment 3). The new FB zoning district would be a conventional multifamily district that must be used for SB 35 projects and can be combined with any other district where multifamily residential development is allowable at the sole discretion of a property owner. Such a combination would enable applicants to rely on the objective standards of the Form Based Code (FBC) when designing their multifamily housing projects. This would also afford them the opportunity to apply for a streamlined ministerial review of their application, which would be based solely on the project's compliance with the FBC. The FBC would be incorporated into the Development Code by reference and is explained in more detail in the discussion section below.

The new FB combining district would not alter the allowable uses or density on a particular site but it would require that a minimum density be achieved, establish ministerial criteria for housing development projects and streamline their review. The review of housing development projects under the FB zoning district and FBC would be done under the new Housing Development Review permit.

DISCUSSION: The Marin County FBC has been prepared by Opticos Design Inc. in consultation with County staff. The Marin County FBC is based on a toolkit of objective design and development standards that was first drafted to be broadly applicable to local jurisdictions throughout Marin County. This toolkit has been refined and customized to be specifically applicable to the unincorporated areas of Marin.

Beginning in the Spring of 2020, the objective design and development standards project team initiated the public outreach process that included presentations at the Board of Supervisors, recorded webinars, surveys, and a stakeholder committee. Due to the COVID-19 pandemic, the in-person meeting schedule for March 2020 was canceled and replaced with a recorded webinar. A visual preference survey was launched in April 2020 and was open for over 100 days, closing in July 2020 with responses from all over the County. The survey methodology and results are attached (attachment 2). Additionally, the Tamalpais Design Review Board developed a survey for the Tamalpais Community Plan's geographic area. The survey was circulated in July 2020 and received over 800 responses.

Staff formed a stakeholder committee at the onset of the project to help guide and customize the toolkit for the unincorporated County, which included members of the Planning Commission, Design Review Boards, and local architects and developers. The primary role of the stakeholder committee was to review the draft standards and provide comments to staff and Opticos. The stakeholder committee served as an

important advisory group for staff and Opticos during the process of developing the FBC.

The FBC contains chapters covering various topics but is fundamentally based on the transect model of community design. This model holds that communities are best designed when they follow a continuum of rural to urban land development patterns, with each transect segment built to an internally consistent level of development that relates to adjacent segments that are more rural and more urban, depending on their position with respect to the community edges and downtown core. The draft Marin County FBC extends from a lower density edge neighborhood to a higher density main street core area, but does not include the types of high density housing that are common in the downtown areas of big cities. The proposed FBC zones are intended to promote what are called “missing middle” housing densities, i.e. those housing types that are in the middle of the density range between remote rural areas and highly centralized downtown areas.

Each chapter of the FBC covers a specific topic, including the transect zones, general design standards, specific building types, specific frontage types, architectural design styles, and standards for large sites. An applicant’s first step would be to choose the appropriate transect zone for the site and the number of housing units they intend to build. Once the transect zone is chosen, other design elements that are consistent with that zone would be determined. Those combined standards would constitute the regulatory framework for the site planning and architectural design for housing projects under the FB combining district.

Planning Division staff would review the development plans to ensure consistency with the FBC, following a ministerial process that would not include CEQA, public notice, a public hearing, or any appeals. Once Planning Division staff issues a decision approving a project, the applicant would then apply for building permits for construction.

EQUITY IMPACT: Both SB 35 and SB 9 require the streamlined review of housing development projects. Senate Bill 9 increases the possible number of primary dwellings on each lot zoned for single family residential units from one unit to four units. Establishing the FB zone to implement the FBC would increase the efficiency of the application process and provide housing developers more certainty with respect to planning requirements, which will have the effect of promoting housing development. Therefore, implementing SB 35, SB 9, and the FBC will have beneficial equity impacts by increasing the amount of housing and the diversity of housing types available in Marin County.

FISCAL IMPACT: None.

REVIEWED BY:	<input type="checkbox"/> County Administrator	<input type="checkbox"/> N/A
	<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

SIGNATURES:



Jeremy Tejirian
Acting Deputy Director
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Jillian Zeiger
Senior Planner
Housing and Federal Grants

Approved:



Tom Lai
Director

Attachments:

1. Proposed amendments to the Development Code
2. Visual Preference Survey Report
3. Form Based Code