

MARIN COUNTY PLANNING COMMISSION

RESOLUTION NO. _____

**A RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT
AMENDMENTS TO TITLE 22 AND THE FORM-BASED CODE OF THE MARIN COUNTY
CODE**

SECTION I: FINDINGS

1. **WHEREAS**, the Planning Commission is recommending that the Board of Supervisors adopt amendments to the Marin County Development Code, which establishes zoning and subdivision regulations in the unincorporated areas of Marin County, as well as the Form-Based Code. The proposed amendments to the Development Code (Title 22) and the Form-Based Code amendments are listed below by Section.

Article VIII – Definitions:

- 22.64.020.C (Type 3)
- 130.030.D – Driveways

Form-Based Code

- 01.020.3.G(2)(c) – Blocks and Streets
- 01.020.3.H – Street Standards
- 03.040.5 – Building Placement
- 03.050.5 – Building Placement
- 03.060.5 – Building Placement
- 03.070.5 – Building Placement
- 03.080.5 – Building Placement
- 03.090.5 – Building Placement
- 03.090.7 – Parking
- 04.030.4.B – Species Selection
- 04.040.4.A – General Vehicular Parking Standards
- 04.060 – Public Frontage Standards
- 10.020 – Driveway definition

While all the sections with substantive amendments are listed above, there are instances of cross-indexing, typographical, and formatting errors and changes that will be addressed in the final draft to be presented to the Board.

2. **WHEREAS**, the Housing Accountability Act (HAA), Government Code Section 65589.5, establishes limitations on a local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or transitional/supportive housing that are consistent with locally adopted objective development standards.

3. **WHEREAS**, California Senate Bill 423, Government Code Section 65913.4, and Assembly Bill 2011, Government Code Section 65912.110-140 require that qualifying multi-unit residential or mixed-use projects be ministerially approved if found to be in compliance with locally adopted objective development standards.
4. **WHEREAS**, on January 24, 2023, the Board of Supervisors adopted the 2023-2031 Marin County Housing Element, Safety Element, and Environmental Impact Report, and Ordinance No. 3780 which amended the Development Code including adoption of a Form Based Code which provides objective design and development standards for onsite building design and site layout and a ministerial review process for housing projects to further the Town's adopted housing policies.
5. **WHEREAS**, the adopted Form-Based Code addressed street frontage requirements for new housing developments, it did not update existing street infrastructure standards in Title 24.
6. **WHEREAS**, Program 10 of the adopted 2023-2031 Housing Element calls for the adoption of objective development standards for offsite infrastructure improvements to both update such standards and improve certainty for the preparation of infrastructure improvement plans for new development applications.
7. **WHEREAS**, on January 24, 2023, the Marin County Board of Supervisors adopted Ordinance No. 3780, which included the addition of a Form-Based Code intended to address current State housing legislation that limits jurisdictions' discretion related to approval or denial of housing development projects by having locally-appropriate objective development standards which further the Town's adopted housing policies.
8. **WHEREAS**, on April 7, 2026, the Marin County Board of Supervisors adopted Resolution No. 26-019, initiating an update of County codes pertaining to offsite objective design and development standards for public infrastructure, which were not previously addressed in the adopted Form Based Code.
9. **WHEREAS**, on May 11, 2026, the Planning Commission held a duly noticed public workshop to discuss proposed new street infrastructure design standards and provided feedback to staff.
10. **WHEREAS**, the Planning Commission is recommending that the Board of Supervisors adopt amendments to the Marin County Development Code and Form Based Code, which establishes zoning and subdivision regulations in the unincorporated areas of Marin County. The amendments address various topics, including (1) clarifications and corrections, and (2) updating street frontage requirements to create internal consistency with roadway regulations contained in Title 24 of the Marin County Code.
11. **WHEREAS**, on July 27, 2026, the Marin County Planning Commission held a duly noticed public hearing to take public testimony and consider the proposed code amendments.

12. **WHEREAS**, pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15061(b)(3), 15162, and 15168, no additional environmental review is required to approve the 2026 Development Code amendments for the following reasons:

- A. Portions of the amendments are within the scope of the Supplemental CWP EIR prepared for the 2023 Housing Element.
- B. The proposed code amendments do not authorize specific development and would not result in a direct or indirect environmental impact.

13. **WHEREAS**, provided below is a list of those policies and programs in the Countywide Plan that directly or indirectly support the proposed amendments:

- A. Community Design Goal DES-5: Attractive and Functional Streets and Parking Areas. Design automobile use areas to fit the character of the community, and comfortably accommodate travel by pedestrians and bicyclists, while still meeting health, safety, and emergency access needs.
- B. Community Design Policy DES-5.1 Achieve Streetscape Compatibility. Ensure that roadways, parking areas, and pedestrian and bike movement are functionally and aesthetically appropriate to the areas they serve.
- C. Community Design Program DES-5.a: Adopt Streetscape Design Standards. Prepare appropriate location- and use-specific standards for streetscape design that address sidewalk width and surface type, bicycle lanes, height-to-width ratio of buildings, streets and “outdoor rooms,” height of streetlights, glare, number and spacing of benches and other pedestrian amenities, and distances between doors facing the street. Complete specific design standards for low-traffic-volume roads.
- D. Transportation Policy TR-2.1. Complete Streets. Improve the Bicycle and Pedestrian Network. Promote adequate bicycle and pedestrian links, to the extent feasible, throughout the county, including streetscape improvements and standards that are safe and pedestrian and bicycle friendly.
- E. Transportation Policy TR-2.2. Provide New Bicycle and Pedestrian Facilities. Where appropriate, require new development to provide trails or roadways and paths for use by bicycles and/or on-street bicycle and pedestrian facilities. In-lieu fees may be accepted if warranted in certain cases.
- F. Transportation Implementation Program TR-2.b. Adopt Standards for Pedestrian and Bicycle Access. Amend the County Code and Development Code to include standards for provision of safe pedestrian and bicycle accommodations. Include standards in the design of roadways. As appropriate, require new development and redevelopment projects to address the following: bicycle and pedestrian access internally and to other areas through easements; safe access to public transportation and construction of paths that connect with other nonmotorized routes; safe road crossings at major intersections

for school children and seniors; and secure, weatherproof bicycle storage facilities and shower/changing room facilities for bicycle commuters. Ensure that such facilities will have ongoing maintenance.

- G. Transportation Implementation Program TR-2.I. Complete Streets. Include safe and convenient bicycle and pedestrian access, where feasible, in all transportation improvement projects. Request that Caltrans and the Federal Highway Administration provide separated, safe, and secure bicycle and pedestrian access as part of any roadway or interchange improvement work, and that access for pedestrians and bicyclists be available during construction. Continue to implement the Department of Public Works' policy on routine accommodation. While the County does not have authority to plan bicycle facilities located in other jurisdictions, it may be appropriate for the Transportation Authority of Marin (TAM) or a similar entity or collaboration to assume this responsibility for planning.
- H. Housing Element Program HE-10. Objective Development Standards for Off-Site Improvements. By December 2025, establish objective development standards for off-site improvements.

SECTION II: ACTION

NOW, THEREFORE, BE IT RESOLVED that the Marin County Planning Commission recommends that the Marin County Board of Supervisors adopt the proposed amendments to the Development Code, Title 22 of the Marin County Code, and the Form Based Code as set forth in Exhibit A.

SECTION III: VOTE

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Marin held on this 27th day of July 2026 by the following vote:

AYES: COMMISSIONERS

NOES:

ABSENT:

CLAUDIA MURALLES, CHAIR
MARIN COUNTY PLANNING COMMISSION

Attest:

Sindy Palencia
Planning Commission Recording Secretary