

Marin Development Code Review

Analysis of Existing Code Language



The document presents reviewed sections of the Marin County Development Code. The code analysis and recommendations below present opportunities for Marin County to create clearer pathways for increasing accessible and more universally designed housing.

Each reviewed code section below is presented as a heading, followed by an Analysis paragraph and a set of Recommendations. This review covers the following Development Code sections: Definitions, Access Standards, Parking, and Affordable Housing, and a consistency check of the Coastal Zone. Two sections came up during the review as possible sources of related material – 22.10.040 (Residential District Development Standards) and 22.14.100 (Form Based Combining District) – but neither is part of this scope.

Table of Contents

Table of Contents	1
22.130 – Definitions	1
22.20.030 – Access Standards	2
22.20.080 – Parking Requirements (including 24.04.330–.400)	3
22.22 – Affordable Housing Regulations	4
22.24 – Affordable Housing Incentives	5
20.64.130 – Coastal Zone Development Code (Housing Section Only)	5

22.130 – Definitions

Analysis

The Definitions chapter has no defined terms for “Accessible,” “Accessibility,” “Universal Design,” “Visitable Unit,” or “Adaptable Dwelling Unit.” Without them, references elsewhere in the code, including 22.20.030, fall back to dictionary meaning – too weak a foundation to enforce or incentivize. The floor area ratio calculation also lacks an accessibility exemption, though accessory dwelling units and agricultural structures already have one.



These definitions are a precondition for the incentive mechanisms proposed elsewhere in this review – floor area bonuses, parking credits, density bonus concessions – each needs a shared, legally sound “accessible” definition to determine eligibility.

Recommendations

- Define “Accessible” and “Accessibility,” cross-referencing an objective standard such as the Fair Housing Act Design Guidelines or CBC Chapters 11A/11B.
- Define Universal Design per HCD’s Model UD Ordinance language (Health & Safety Code §17959), following Petaluma’s Municipal Code Chapter 17.14.
- Define “Visitable Unit” and “Adaptable Dwelling Unit,” aligning the latter with the CBC’s definition to keep it current as that definition evolves.
- Standardize demographic terminology across the code to be “individuals with disabilities”. Across the code, “individuals with disabilities,” “individuals with special needs,” and “disabled veterans” are variously used.
- Extend the existing FAR exemption structure – already used for ADUs and agricultural structures – to accessibility features, with a bonus tier for projects meeting a UD certification threshold.

These recommendations operate through the County’s Development Code rather than the building code, outside the scope of AB 130’s current freeze on residential building standards. Counsel retained by The Kelsey has confirmed the freeze applies to building code amendments under Health and Safety Code §§17958, 17958.5, and 17958.7 – not to zoning and development code provisions.

22.20.030 – Access Standards

Analysis

As written, “access” in this existing code section means site adjacency and fire access – a legal connection to a public street – not disability access. The section’s existing content addresses that distinct concept; folding disability access in would blur both rather than clarify either.

Recommendations

- Retain 22.20.030 as-is, and cross-reference wherever the code’s substantive disability-access standards are established, so readers are directed to the right



place. The standards belong in the Definitions and the Development/Affordable Housing sections addressed elsewhere.

22.20.080 – Parking Requirements (including 24.04.330–.400)

Analysis

Marin's accessible parking provisions are a pass-through to federal and state requirements, with no local standard above the CBC/ADA minimum – an area in this chapter where Marin hasn't set its own requirements. The code also has no defined term or standard for an accessible passenger loading zone, distinct from freight loading.

Recommendations

- Increase the proportion of required accessible parking spaces above the CBC/ADA minimum, consistent with an incentive-based Universal Design standard.
- Allow a 1:1 substitution credit – each additional accessible space provided beyond the minimum reduces the required standard count by one, since an accessible space and aisle occupy roughly two standard spaces' footprint. Consider a graduated credit as a further tier.
- Define "Accessible Passenger Loading Zone" in 22.130.
- An Accessible Passenger Loading Zone would require an accessible route and curb ramp, cross-referenced from 24.04.330–.400, so passenger loading is affirmatively permitted rather than negotiated case by case.
- Coordinate with Traffic Engineering to confirm no conflict with existing detectable-warning-surface requirements at vehicular through-ways.

These recommendations use the same carve-out mechanism proposed for floor area above – an accessible space doesn't count against the standard space total, rather than adding to the existing minimum. Both depend on the "Accessible" definition proposed above as their qualifying standard.



22.22 – Affordable Housing Regulations

Analysis

Overall, the intent for analysis and recommendations is that universal design be broadly applied, whether a project fulfills the County's affordable housing regulations through on-site inclusionary units or other mechanisms.

22.22.060's in-lieu fee lets developers skip affordable inclusionary units entirely, so the accessible-unit percentage proposed for 22.22.080.C never triggers. §22.22.060.A (residential, governing the bulk of production) gives the fee only "lowest preference" – a discretionary suggestion, not a particular requirement – while §22.22.060.B (non-residential and Residential Care Facilities) already requires proving infeasibility first. The "In-Lieu Fee" definition in 22.130 also bundles two unrelated fees – inclusionary and parkland – under one term, with a scope list that doesn't clearly reach Non-Residential/RCF projects, even though .060.B applies it there. Separately, 22.22.010's purpose clause names individuals with disabilities but doesn't bring that through to any of its four goals.

Recommendations

- Exclude the accessible-unit share from the in-lieu buyout at 22.22.060.A – require in-kind construction or a separate, non-waivable fee – and raise A's "lowest preference" language to match B's infeasibility requirement.
- Apply the same accessible-unit carve-out to 22.22.060.B's Residential Care Facility option, which serves a population defined by disability.
- Split the "In-Lieu Fee" definition into inclusionary and parkland terms, and extend its scope to clearly cover Non-Residential/Residential Care Facility projects.
- Add "individuals with disabilities" (or the selected standardized language to be used throughout the Code) to the Balanced Community goal at 22.22.010(C), since the chapter's own purpose section already names individuals with disabilities in describing the housing shortage.



22.24 – Affordable Housing Incentives

Analysis

Overall, the intent for analysis and recommendations is that universal design be broadly applied, whether a project fulfills the County's affordable housing regulations through on-site inclusionary units or other mechanisms.

Accessibility appears in 22.24 only as "disabled veterans," inherited verbatim from state Density Bonus Law's incentive-eligible list rather than a category Marin chose. The discretionary bonus authority at 22.24.020.C.7.c currently rewards only greater affordability, with no equivalent recognition for UD-certified or disability-inclusive units. More broadly, the accessibility items identified elsewhere in this review – the FAR bonus, parking credit, Visitable/Adaptable definitions – each sit in a different chapter as an isolated fix rather than a coordinated incentive structure.

Recommendations

- Add "persons with disabilities" as an explicit local goal at 22.24.010(A), separate from the state-mandated list at .010(B).
- Extend the discretionary bonus authority at 22.24.020.C.7.c to recognize UD-certified or disability-inclusive units alongside greater affordability.
- Consider consolidating the incentives proposed elsewhere in this review – FAR, parking, definitions – into a single "UD Incentive Menu" located here, so other sections point to one shared structure instead of each defining its own bonus.
- For the benefit of code users, issue a Fact Sheet on the Planning Division Development Resources web page.

These incentives operate through the Development Code, not the building code – outside AB 130's current freeze, per counsel retained by The Kelsey.

20.64.130 – Coastal Zone Development Code (Housing Section Only)

Analysis

Section 20.64.130 (Housing) sets the coastal zone's affordable housing standards independently of Title 22, and shows the same gaps found elsewhere in this review. It



requires 20% of units in developments of two or more units to be affordable, but allows a proportional in-lieu fee as an alternative – the same loophole flagged at 22.22.060, since a fee-based project never triggers an accessible-unit requirement. It authorizes density bonuses consistent with state Density Bonus Law and Coastal Act §30604(f), with no equivalent recognition for Universal-Design-certified or disability-inclusive units, mirroring the gap at 22.24.020.C.7.c. And its Accessory Dwelling Unit standard requires conformance with the applicable district’s lot coverage, height, setback, design, and FAR standards, but doesn’t address accessible maneuvering clearance – the same ADU usability gap raised in the Definitions section and the incentive menu.

Recommendations

- Exclude the accessible-unit share from the in-lieu fee alternative at C-HS-3, mirroring the recommended fix at 22.22.060.
- Extend the density bonus authority at C-HS-9 to recognize Universal-Design-certified or disability-inclusive units, mirroring the recommended fix at 22.24.020.C.7.c.
- Add an ADU size allowance for accessible maneuvering clearance to the standards referenced at C-HS-5, consistent with the ADU size bonus proposed in the incentive menu.
- Coordinate any of these fixes with the Coastal Commission approval process for Article V and the pending 2026 Title 20/Housing Overlay amendments, since this section is being actively revised.

These same gaps recurring independently in the coastal zone’s own housing standards, not just in Title 22, support a consistent set of fixes across both codes rather than treating 20.64.130 as a separate problem.