# MARIN COUNTY
# LOCAL COASTAL PROGRAM
# Land Use Plan

## Adopted by the Board of Supervisors

April 24 and December 11, 2018

## Certified by the California Coastal Commission

February 6, 2019

### Marin County Board of Supervisors

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**Prepared by the**

**Marin County Community Development Agency**

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While strengthening the economic vitality and long-term protection of agriculture, LCP policies work equally hard to deter the incursion of non-agricultural uses that would convert agricultural land and impair agricultural productivity now and in the future. A key measure to continue the preservation of agriculture is the Agricultural Production Zone (C-APZ), which limits the use of land to agriculture, or uses that are accessory to, in support of, and compatible with agricultural production. Additional LCP policies protect the land itself, by limiting land divisions and non-agricultural uses, providing for long-term agricultural and stewardship plans, and by controlling the size of agricultural dwelling units. Together, the LCP agricultural policies shape a balanced strategy to assure the protection of agricultural lands and to continue agricultural uses throughout the Marin County Coastal Zone for generations into the future.

## Policies

C-AG-1 Agricultural Lands and Resources. Protect agricultural land, continued agricultural uses, family farming, and the agricultural economy by maintaining parcels large enough to sustain agricultural production, preventing conversion to non- agricultural uses, providing for diversity in agricultural development, facilitating multi- generational operation and succession, prohibiting uses that are incompatible with long-term agricultural production or the rural character of the County's Coastal Zone, and other innovative means. Preserve important soils, agricultural water sources, and forage to allow continued agricultural production on agricultural lands.



C-AG-2 Coastal Agricultural Production Zone (C-APZ). Apply the Coastal Agricultural Production Zone (C-APZ) to preserve agricultural lands that are suitable for land-intensive or land- extensive agricultural productivity, that contain soils classified as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance, or Grazing Land capable of supporting production agriculture, or that are currently zoned C-APZ. Ensure that the principal use of these lands is agricultural, and that any development shall be accessory and incidental to, in support of and compatible with agricultural production.

**A.** In the C-APZ zone, the principal permitted use shall be agriculture, limited to the following:

**1.** Agricultural Production:

- **a.** Uses of land for the breeding, raising, pasturing, and grazing of livestock;
- **b.** The production of food and fiber;
- **c.** The breeding and raising of bees, fish, poultry, and other fowl;
- **d.** The planting, raising, harvesting and producing of agriculture, aquaculture, mariculture, horticulture, viticulture, vermiculture, forestry crops, and plant nurseries.

**2.** Agricultural Accessory Structures;

**3.** Agricultural Accessory Activities;

**4.** Agricultural Dwelling Units, consisting of:

**a.** One farmhouse or a combination of one farmhouse and one or two intergenerational home per farm tract, defined in this LCP as all contiguous legal lots under a common ownership within a C-APZ zoning district, consistent with Policy C-AG-5 (Agricultural Dwelling Units), including combined total size limits;

**b.** Agricultural worker housing, providing accommodations consisting of no more than 36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural workers and their households;

**5.** Other Agricultural Uses, appurtenant and necessary to the operation of agriculture, limited to:

**a.** Agricultural product sales and processing of products grown within the farmshed, provided that for sales, the building(s) or structure(s), or outdoor areas used for sales do not exceed an aggregate floor area of 500 square feet, and for processing, the building(s) or structure(s) used forprocessing activities do not exceed an aggregate floor area of 5,000 square feet;

**b.** Not for profit educational tours.

**B.** Conditional uses in the C-APZ zone include ~~a second intergenerational home per farm tract,~~ for-profit tours, agricultural homestay facilities, agricultural worker housing above 36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural workers and their households, and additional agricultural uses and non-agricultural uses consistent with Policies C-AG-5 (Agricultural Dwelling Units), 6 (Non-Agricultural Development of Agricultural Lands), 7 (Development Standards for the Agricultural Production Zone), 8 (Agricultural Production and Stewardship Plans) and 9 (Agricultural Dwelling Unit Impacts and Agricultural Use).

Development shall not exceed a maximum density of 1 agricultural dwelling unit per 60 acres. Densities specified in the zoning are not entitlements but rather maximums that may not be achieved when the standards of the Agriculture policies below and other relevant LCP policies are applied. The County (and the Coastal Commission on appeal) shall include all contiguous properties under the same ownership when reviewing a Coastal Development Permit application that includes agricultural dwelling units.



*Program C-AG-2.a Allowed Uses: No permit required.* Seek to clarify for the agricultural community those agricultural uses for which no permit is required. These include the Agricultural Exclusions from the existing adopted Categorical Exclusion Orders. Review aspects of agricultural operations that are not currently excluded from Coastal Development Permit requirements to determine if there are additional categories of agricultural developments, in specific geographic areas, that have no potential for any significant adverse effect, either individually or cumulatively, on coastal resources or on public access and, hence, could be eligible additions to the categorical exclusion.

Residential use shall be the principal permitted use in all parcels with the land use designation of C-AG3. Agriculture shall be the principal permitted use in all parcels with the C-AG1 and C-AG2 land use designations.

C-AG-4 C-R-A (Coastal, Residential, Agricultural) District. Apply the C-R-A zoning district to provide areas for residential use within the context of small-scale agricultural and agriculturally-related uses, subject to specific development standards.

C-AG-5 Agricultural Dwelling Units (Farmhouses, Intergenerational Housing, and Agricultural Worker Housing). Support the preservation of family farms by facilitating multi- generational operation and succession.

**A.** Agricultural dwelling units may be permitted on C-APZ lands subject to the policies below, aswell as any applicable requirement in C-AG-6 (Non-Agricultural Development of Agricultural Lands), 7 (Development Standards for the Agricultural Production Zone Lands), 8 (Agricultural Production and Stewardship Plans), and 9 (Agricultural Dwelling Unit Impacts and Agricultural Use). Agricultural dwelling units must be owned by a farmer or operator actively and directly engaged in agricultural use of the property. No more than a combined total of 7,000 sq ft (plus 540 square feet of garage space and 500 square feet of office space in the farmhouse used in connection with the agricultural operation) may be permitted as an agricultural dwelling per farm tract, defined in this LCP as all contiguouslegal lots under common ownership within a C-APZ zoning district, whether in a single farmhouseor in a combination of a farmhouse and intergenerational homes(s). Intergenerational farm homesmay only be occupied by persons authorized by the farm owner or operator, shall not be divided from the rest of the legal lot, and shall be consistent with the standards of C-AG-7 and the buildingsize limitations of C-AG-9. Such intergenerational homes shall not be subject to the requirement for an Agricultural Production and Stewardship Plan (C-AG-8), or permanent agricultural conservation easement (C-AG-7). A density of 60 acres per unit shall be required for each farmhouse and intergenerational house (i.e. at least 60 acres for a farmhouse, 120 acres for a farmhouse and an intergenerational house, and 180 acres required for a farmhouse and two intergenerational homes), including any existing homes. The reviewing authority shall consider all contiguous properties under the same ownership to achieve the requirements of the LCP. No Use Permit shall be required for the first intergenerational home on a qualifying farm tract, but a Use Permit shall be required for a second intergenerational home. No more than 27 intergenerational homes may be allowed in the County's Coastal Zone.

**B.** Agricultural worker housing providing accommodations consisting of no more than 36 beds in group living quarters per legal lot or 12 units or spaces per legal lot for agricultural workers and their households shall not be included in the calculation of density in the following zoning districts: C-ARP, C-APZ, C-RA, and C-OA. Additional agricultural worker housing above such 36 beds or 12 units shall be subject to the density requirements applicable to the zoning district. An application for agricultural worker housing above such 36 beds or 12 units shall include a worker housing needs assessment and plan, including evaluation of other available worker housing in the area. The amount of approved worker housing shall be commensurate with the demonstrated need. Approval of agricultural worker housing shall require recording a restrictive covenant running with the land for the benefit of the County ensuring that the agricultural worker housing will continuously be maintained as such, or, if no longer needed, for non-dwelling agricultural production related uses.

C-AG-6 Non-Agricultural Development of Agricultural Lands. Non-agricultural development is defined to include division of agricultural lands and any development not classified as Agriculture. Requirethat non-agricultural development, shall only be allowed upon demonstration that long-term agricultural productivity would be maintained and enhanced as a result of such development, on the subject parcel and any new parcel created, and that agricultural productivity on adjacent parcels would be maintained. In considering

divisions of agricultural lands in the Coastal Zone, the County may approve fewer parcels than the maximum number of parcels allowed by the Coastal Zoning Code, based on site characteristics such as topography, soil, water availability, environmental constraints and the capacity to sustain viable agriculturaloperations.

C-AG-7 Development Standards for the Agricultural Production Zone (C-APZ) Lands. Proposed development in the C-APZ zone shall be designed and constructed to preserve agricultural lands and to be consistent with all applicable standards and requirements of the LCP, and in particular the policies of the Natural Systems and Agriculture Element of the LUP. In addition to the requirements applicable to a specific land use, the following requirements shall apply to development in the C-APZ:

**A. Standards for All Development in the C-APZ:**

All of the following development standards apply:

**1.** Permitted development shall protect and maintain renewed and continued agricultural production and viability on site and shall not impact adjacent agricultural lands. Development shall be sited to avoid agricultural land (i.e., prime agricultural land or "non-prime land") whenever possible, consistent with the operational needs of agricultural production. If use of such land is necessary, prime agricultural land shall not be utilized if it is possible to utilize non-prime lands. In addition, as little agricultural land as possible shall be used for structural development.

**2.** Development shall be permitted only where adequate water supply, sewage disposal, road access and capacity and other services are available to support the proposed development after provision has been made for existing and continued agricultural production. Water diversions or use for a proposed development shall not adversely impact stream or wetland habitats, have significant effects on groundwater resources, or significantly reduce freshwater inflows to water bodies, including Tomales Bay, either individually or cumulatively.

**3.** Permitted development shall have no significant adverse impacts on environmental quality or natural habitats, and shall meet all other applicable policies, consistent with the LCP.

**4.** In order to retain the maximum amount of land in agricultural production or available for future agricultural production, farmhouses, intergenerational homes, agricultural worker housing, agricultural accessory structures, and agricultural product processing facilities shall be placed within a clustered development area except when:

(a) placement outside such areas is necessary for agricultural operations (e.g. when a more remote barn is required in a different part of the property to allow for efficient agricultural operations); or

(b) when placement inside such areas would be inconsistent with applicable LCP standards (e.g. when such placement would be within a required stream setback area). In this case, new development shall be placed as close as possible to the existing clustered development area in a way that also meet applicable LCP standards.

The clustered development area, in combination with roads, agricultural product sales facilities and all other structural development, shall total no more than five percent of the gross acreage of the farm tract, to the extent feasible, with the remaining acreage retained in or available for agricultural production or open space.

Development shall be located close to existing roads, and shall not require new road construction or improvements resulting in significant impacts on agriculture, natural topography, major vegetation, or significant natural visual qualities of the site. Development shall be sited to minimize



# Community Development (CD)

## Background

In the Marin County Coastal Zone, the built environment is subordinate to the natural surroundings. Agricultural lands and open space are the predominate features of the area, whereas coastal communities are small and few in number (see Map 16 – Community Areas). Development of homes, farms, and commercial buildings, along with the community services that support them, can nevertheless have significant impacts on their surroundings, and community development is therefore inextricably linked with the protection of coastal resources.

The pace of land development in recent decades throughout the Marin County Coastal Zone has been relatively modest in comparison to that of coastal communities in other parts of California. Limitations on public service availability and the existence of extensive public land holdings in the Coastal Zone have undoubtedly played a part in that result, along with strong LCP policies that encourage agriculture and protection of community character.

Coastal Act policies provide that new residential, commercial, or industrial development, in general, shall be located within, contiguous with, or in close proximity to existing developed areas. If existing developed areas are not able to accommodate it, then development may be located elsewhere as long as adequate public services are available and significant adverse effects on coastal resources will not result. Furthermore, Coastal Act policies set certain priorities and standards for new development, for instance by limiting strictly the types of land uses that may be allowed in wetlands or other sensitive areas.

The Coastal Act defines "development" broadly, to include not only construction of houses and commercial buildings, but also changes in intensity of use of land or water, including the division of land into separate lots, and changes in public access to the shoreline. The LCP addresses the wide range of development

activities in the Coastal Zone that have the potential to affect coastal resources, including shoreline access, and requires that all new development comply with LCP standards and policies. The number of commercial and other non-residential projects in the area over the past few decades has been modest in comparison with the number of residential projects. Among the residential projects considered in the past three decades, fewer than half involved new dwellings on vacant sites. The remaining residential projects included additions and repairs/replacements, which can generally involve fewer impacts to coastal resources than new construction on vacant property.



The community character of Marin County's coastal villages is important to both residents and visitors. The LCP continues to guide proposed development toward existing villages in an effort to preserve the natural landscape. LCP policies ensure that new development is consistent with the character of the surrounding community and maintains village limit boundaries in order to concentratedevelopment and avoid sprawl. In addition, service constraints and the large amount of publicly owned land will act as a natural constraint to future development.

The pace of residential development in recent decades has been generally modest and remains well within the estimated ultimate residential buildout for the Coastal Zone. Provisions for the siting and intensity of new development are reflected in the LCP land use policy maps (see Maps 19a – 19m). In addition, LCP policies in other chapters provide for improved resource protection that, taken together, will reduce impacts of the built environment on Coastal Zone resources.

The Density Bonus Law (found in California Government Code Sections 65915 – 65918) provides certain incentives for developers to build housing developments that include a certain amount of affordable housing, including in the coastal areas. In the Coastal areas, the Coastal Act policies are implemented through Coastal Development Permits issued by the Coastal Commission or local governments with certified LCPs. Although the State density bonus law applies in the Coastal areas, the State Density Bonus Law does not supersede or lessen the effects and requirements of the Coastal Act, and the density bonus concessions and waivers will only be authorized if it is determined, on a project-by-project basis, that a qualifying project is consistent with the LCP and all adverse impacts to sensitive coastal resources are avoided or minimized and adequately mitigated. Protecting coastal resources is an explicit goal of the Coastal Act (and LCPs certified pursuant to the Coastal Act). Pub. Res. Code § 30007.5.

The Housing Accountability Act (HAA), Government Code section 65589.5, establishes limitations to a local government's ability to deny, reduce the density of, or make infeasible housing development projects, emergency shelters, or farmworker housing that are consistent with objective local development standards and contribute to meeting housing need. The Legislature first enacted the HAA in 1982 and recently amended the HAA to expand and strengthen its provisions as part of the overall recognition of the critically low volumes of housing stock in California. While the HAA applies to all housing developments, as defined therein, throughout the County, including in coastal areas, all projects must still comply with requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), (Gov. Code, § 65589.5, subd. (e).

## Policies

| Land Use Category | Minimum Lot Size/ Density Ranges | Maximum FAR | Consistent Zoning |
|---|---|---|---|
| | | | C-RR:B3<br>C-RE:B3 |
| **Planned Residential (C-PR)** | 1 unit per 1 to 10 acres | .01 to .09 | C-RMP-0.1 to C-RMP-1 |

**Low Density Residential**
The following low density residential land use categories (minimum lot sizes of 20,000 square feet or less) are established for single-family and multi-family residential development in areas where public services and some urban services are available and where properties are not typically limited by physical hazards or natural resources.

| Land Use Category | Minimum Lot Size/ Density Ranges | Maximum FAR | Consistent Zoning |
|---|---|---|---|
| **Single-Family 5 (C-SF5)** | 10,000 to 20,000 sq. ft. (2–4 du/ac) | .01 to .25 | C-R1:B2<br>C-RA:B2<br>C-RR:B2<br>C-RSP-2.1 to RSP-4<br>C-A2:B2 |
| **Single-Family 6 (C-SF6)** | Less than 10,000 sq. ft. (4–7 du/ac) | .01 to .3 | C-R1<br>C-R1:B1<br>C-RA:B1<br>C-RSP-4.1 to C-RSP-0.5 |
| **Multi-Family 2 (C-MF2)** | 1 to 4 du/ac | .01 to .3 | C-R2<br>C-RMP-1 to C-RMP-4 |

**Low to Medium Density Residential**
The following low to medium density residential land use categories (from 5 to 10 units per acre) are established where moderate density single-family and multi-family residential development can be accommodated in areas that are accessible to a range of urban services near major streets, transit services, and neighborhood shopping facilities.

| Land Use Category | Density Range | Maximum FAR | Consistent Zoning |
|---|---|---|---|
| **Multi-Family 3 (C-MF3)** | 5 to 10 du/ac | .1 to .3 | C-RMP-5 to C-RMP-10 |

C-CD-21 Commercial/Mixed-Use Land Use Categories and Intensities. Establish commercial/mixed-use land use categories to provide for a mix of retail, office, and industrial uses, as wellas mixed-use residential development, in a manner compatible with State laws, public facilities, natural resource protection, environmental quality, and high standards of design. Mixed-use developments are intended to incorporate residential units on commercial properties, including on-site housing for employees, thereby contributing to affordable housing and reduced commutes. The following criteria shall apply to any mixed-use development:

1. ~~For parcels larger than 2 acres in size, no more than 50% of the new floor area may be developed for commercial uses, and the remaining new floor area shall be developed for new housing.~~

   ~~For parcels 2 acres and less in size, no~~ Consistent with State law, mixed-use development shall designate at least two-thirds of the square footage to residential use.~~more than 75% of the new floor area may be developed forcommercial uses~~, and the remaining new floor area shall be developed for new ~~housing~~non-residential uses.

2. Projected peak-hour traffic impacts of the proposed mixed-use development are no greater than that for the maximum commercial development permissible on the site under the specific land use category.

3. Priority shall be given to the retention of existing visitor and neighborhood serving commercial uses.

4. The site design fits with the surrounding neighborhood and incorporates design elements such as podium parking, usable common/open space areas, and vertical mix of uses, where appropriate. In most instances, residential uses shall be considered above the ground floor or located in a manner to provide continuity of store frontages, while maintaining visual interest and a pedestrian orientation.

5. For projects consisting of low income and very low income affordable units, the FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the FAR may only be exceeded in areas with acceptable traffic levels of service - but not to an amount sufficient to cause a Level of Service (LOS) standard to be exceeded. In all cases, FAR may only be exceeded if coastal resources are otherwise protected, consistent with applicableLCP policies.

The following categories shall be established for commercial land uses:[1]

***General Commercial/Mixed Use (C-GC).*** The General Commercial mixed-use land use category is established to allow for a wide variety of commercial uses, including retail and service businesses, professional offices, and restaurants, in conjunction with mixed-use residential development. The Coastal Zoning Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide maximum floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum FARs. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-CP
C-H-1
C-RMP-.1 to C-RMP-30

***Neighborhood Commercial/Mixed Use (C-NC).*** The Neighborhood Commercial/Mixed Use land use category is established to encourage smaller-scale retail and neighborhood and visitor-serving office and service uses in conjunction with residential development oriented toward pedestrians and located

[1]Note that the zoning designations listed in each category are examples of consistent zoning and are not the only possible consistent zoning designations. A complete list of permitted and conditional uses and development standards can be found in the Coastal Zoning

in close proximity to residential neighborhoods. The Coastal Zoning Code includes permitted and conditional uses and development standards for the zoning districts consistent with this designation. The Land Use Policy Maps provide for maximum floor area ratio (FAR) standards for this designation. Residential development located in a mixed-use development within this designation shall be included in the permissible amount of development under these maximum FARs. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-VCR
C-RMPC
C-VCR:B2

***Recreational Commercial (C-RC).*** The Recreational Commercial land use category is established to provide for resorts, lodging facilities, restaurants, and privately owned recreational facilities, such as golf courses and recreational boat marinas. See the Coastal Zoning Code for a complete list of permitted and conditional uses and development standards. Refer to the Land Use Policy Maps for commercial maximum Floor Area Ratio (FAR) standards. For projects consisting of low and very low income affordable units, the maximum FAR may be exceeded to accommodate additional units for those affordable categories. For projects consisting of moderate income housing, the maximum FAR may be exceeded in areas with acceptable traffic levels of service – but not to an amount sufficient to cause an LOS standard to be exceeded. Any maximum FAR exceedances shall only be allowed if coastal resources are otherwise protected, as indicated above.

Consistent Zoning: C-RCR

C-CD-22 Public Facility, Quasi-Public Facility, and Open Space Land Use Categories. Lands used for public facilities and quasi-public institutional purposes, including airports, schools, hospitals, cemeteries, government facilities, correctional facilities, power distribution facilities, sanitary landfills, and water facilities, are designated Public Facility or Quasi-Public Facility, depending on the nature of their use. The Public Facility category is established for land owned by a governmental agency and used as a public institution. The Quasi-Public Facility category is provided for land owned by a nongovernmental agency that is used as an institution serving the public. A Public Facility or Quasi-Public Facilitydesignation may be combined with another land use designation. In such instances, the applicable standardof building intensity is that for Public or Quasi-Public Facility, as depicted on the Land Use Policy Maps. Lands in public ownership for open space purposes, such as recreation, watershed, and habitat protection and management, are designated Open Space. In addition, private lands may be designated Open Space when subject to deed restrictions or other agreements limiting them to open space and compatible uses. ~~Lands designated Open Space are subject to maximum FAR of .01 to .09.~~ The following categories shall be established for public and quasi-public land use. The zoning designations listed are examples of consistent zoning and are not the only possible consistent zoning designations.

Public (C-PF) Consistent zoning: PF
PF-RSP-.05 to PF-RSP-7
PF-RMP-.01 to PF-RMP-16
PF-ARP-20
C-PF-ARP-20

Quasi-Public (C-QPF) Consistent zoning: C-RMP-.1
C-RA:B-1

Open Space (C-OS) Consistent zoning: C-OA

C-CD-23 Multi-family Residential Development in Multi-family Zones. Require multi-family development in certain multi-family zoning districts consistent with the C-MF2, C-MF3 and C-NC land use designations, including the C-R2, C-RMP and C-RMPC zoning districts, if parcel size and density permit. Prohibit development of single-family dwellings in multi-family zones unless the Director finds that multi-family development is infeasible or impractical based on physical site constraints, environmentalconstraints, or significant incompatibility with neighborhood character.

C-CD-24 Establish State Density Bonus Regulation Implementation. Housing development proposal shall comply with the California Government Code Section 65915-65918 (State Density Bonus Law) and the Coastal Act commencing in Section 30604, including coastal resources as defined in the Coastal Act.

C-CD-25 Establish a Housing Overlay Designation. The Housing Overlay Designation (HOD) is established and applicable to all properties identified in the Housing Element (Inventory Sites).

C-CD-26 Establish a Housing Overlay Designation Combining District. The Housing Overlay Designation (HOD) Combining District is established to implement the Form Based Code in the Coastal areas and applicable to all properties identified in the Housing Element (Inventory Sites).

C-CD-27 Implement the Housing Overlay Designation Program. HOD sites include housing affordability targets that are necessary to comply with the County's obligations related to satisfying the regional housing needs allocation (RHNA). All developers of projects with more than 10 units should work with County staff to identify options for complying with the affordability targets.

HOD sites must provide at least 20% of the units at rents or sales prices that are affordable to low and very low income households.

HOD designations shall apply to all housing development projects on sites described in the table below, regardless of any different Countywide Plan Land Use Designation. The acreage and densities discussed in the table below may occur anywhere on site, subject to site specific analysis and development regulation in effect at the time a project is proposed. Clustered development shall occur on all HOD sites. All HOD sites are listed below, along with the relevant location information current at the time of the adoption of this policy. The transect zones column refers to the transect zones provided in the Marin County Coastal Form Based Code. The transect zones indicated in this column are mandated for development occurring under the regulations of the Coastal Form Based Code on the site listed.

C-CD-28 Implement the Coastal Form Based Code. ln the case of conflict between the Coastal Form Based Code and other coastal regulations, the following shall apply.

A. Unless exempted explicitly by the Coastal Act or other State laws, all new residential and mixed-use development shall be subject to a Coastal Development Permit.

B. All residential and mixed-use development subject to the Coastal Form Based Code shall comply with the objective design standards outlined in Coastal Form Based Code as well as all other applicable objective standards and policies of the Local Coastal Program.

1. Conflicting Standards. If there is any conflict between the objective standards set forth in Coastal Form Based Code and any existing County or State objective standards, including the Local Coastal Program, the objective standards and policies of the Local Coastal Program shall apply, except that such policies and standards may be relaxed through the application of the State Density Bonus Law where such modifications are found to be consistent with the

Coastal Act.

**HOUSING OVERLAY DESIGNATION SITES**

| Site Name | Parcel Number | Address | Applicable Transect Zone(s)[1] | HOD Combining District Zoning | Density Designation | Maximum Units |
|---|---|---|---|---|---|---|
| **Olema** | | | | | | |
| Olema Catholic Church[2] | 166-181-01 | 10189 State Route 1, Olema | T3, T4 | C-VCR:HOD | 20 units per acre. Limited to 1.0 acre. | 20 |
| Olema Underutilized | 166-202-01<br>166-202-04<br>166-213-01<br>166-213-02 | 10002 State Route 1, Olema | T3, T4 | C-VCR:HOD | 10 units per acre. | 36 |
| **Point Reyes Station** | | | | | | |
| Pt. Reyes Coast Guard Rehabilitation/Conversion | 119-270-24<br>119-270-25<br>119-270-26<br>119-270-27<br>(formerly 119-240-73) | 100 Commodore Webster Dr., Point Reyes Station | T3, T4 | C-OA:HOD | Limited to 5.0 acres. | 50 |
| Pt. Reyes County Vacant Site[2] | 119-270-21<br>(formerly 119-260-03 and 119-270-12) | 9 Giacomini Rd., Point Reyes Station | T3, T4 | C-RMPC:HOD | 20 units per acre. Limited to 1.9 acres. | 37 |
| Pt. Reyes Grandi Building/Site[2] | 119-234-01 | 54 B St., Point Reyes Station | T3, T4, T5 | C-VCR-B2:HOD | 20 units per acre. Limited to 1.1 acres. | 21 |
| Presbytery of the Redwoods | 119-202-05 | 11445 State Route 1, Point Reyes Station | T3 | C-RA-B3:HOD | 15 units per acre. Limited to 0.2 acres. | 3 |
| Pt. Reyes Village[2] | 119-222-08 | 60 Fifth St., Point Reyes Station | T3, T4 | C-VCR-B2:HOD | 20 units per acre. Limited to 0.85 acres. | 17 |
| Pt. Reyes Village Red/Green Barn[2] | 119-198-04<br>119-198-05 | 520 Mesa Rd., Point Reyes Station | T3, T4 | C-VCR-B2:HOD<br>C-VCR-B2:HOD | 20 units per acre. Limited to 1.2 acres. | 24 |
| Pt. Reyes Station (vacant) | 119-203-01 | Mesa Rd., Point Reyes Station | T3 | C-VCR-B2:HOD | 20 units per acre. | 4 |

| | | | | | | |
|---|---|---|---|---|---|---|
| | 119-203-03 | | | C-VCR-B2:HOD | | |

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.
2. Housing development projects that consist of 100 percent affordable housing on those sites designated for Lower Income Household in the 2023 Housing Element Update must be developed at no less than 20 units per acre as required by Government Code Section 65583.2.

## HOUSING OVERLAY DESIGNATION SITES

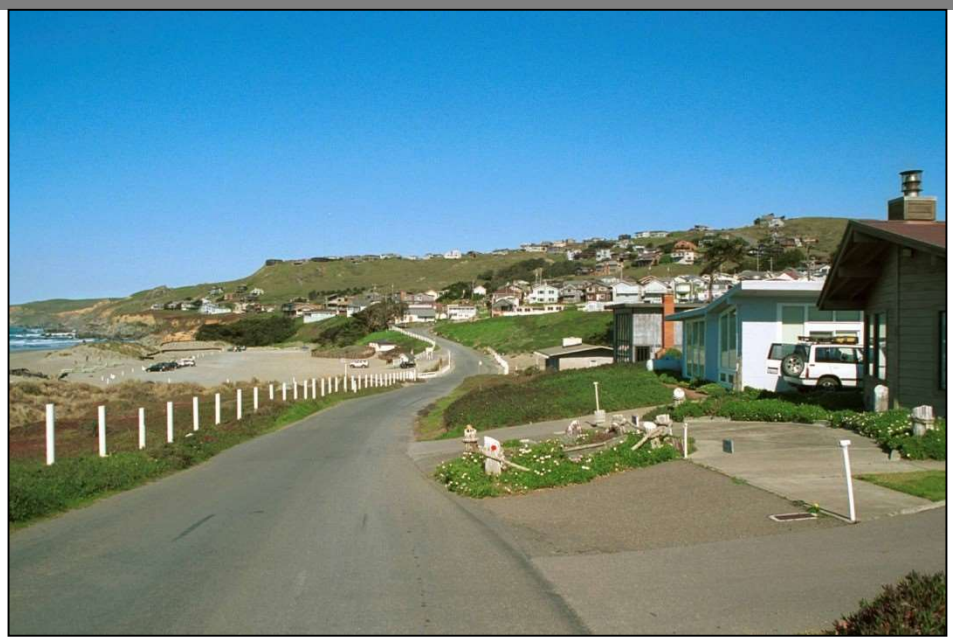
| Site Name | Parcel Number | Address | Applicable Transect Zone(s)[1] | HOD Combining District Zoning | Density Designation | Maximum Units |
|---|---|---|---|---|---|---|
| **Stinson Beach** | | | | | | |
| Stinson Beach Commercial | 195-193-35 | 3422 State Route 1, Stinson Beach | T3, T4 | C-VCR:HOD | 16 units per acre. | 5 |
| Stinson Beach Commercial Center Vacant | 195-211-05 | 10 Willow Ave., Stinson Beach | T3 | C-R1:HOD | 10 units per acre. Limited to .5 acres. | 5 |
| Stinson Beach Underutilized Residential | 195-193-15 | 128 Calle Del Mar, Stinson Beach | T3 | C-R1:HOD | 10 units per acre. | 3 |
| | 195-193-18 | 129 Calle Del Mar, Stinson Beach | T3, T4 | C-R1:HOD | | |
| **Tomales** | | | | | | |
| Shoreline Unified School District[2] | 102-080-19 | State Route 1 | T3, T4 | C-RSP-1.6:HOD | 20 units per acre | 44 |
| | 102-080-20 | | | | | |
| Tomales Catholic Church | 102-080-23 | 26825 State Route 1, Tomales | T3 | C-VCR-B1:HOD | 7 units per acre. | 13 |
| Tomales Joint Union High School District | 102-080-10 | State Route 1, Tomales | T3, T4 | C-RSP-1.6:HOD | 20 units per acre. | 14 |
| Tomales Nursery | 102-051-08 | 200 Valley Ave., Tomales | T3 | C-VCR-B1:HOD | 10 units per acre. | 6 |
| | 102-051-09 | | | | | |

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.
2. Housing development projects that consist of 100 percent affordable housing on those sites designated for Lower Income Household in the 2023 Housing Element Update must be developed at no less than 20 units per acre as required by Government Code Section 65583.2.

## HOUSING OVERLAY DESIGNATION SITES

| Site Name | Parcel Number | Address | Applicable Transect Zone(s)[1] | HOD Combining District Zoning | Density Designation | Maximum Units |
|---|---|---|---|---|---|---|
| **Tomales** | | | | | | |
| Tomales | 102-051-07 | John St., Tomales | T3, T4 | C-VCR-B1:HOD | 10 units per acre. | 11 |
| | 102-075-09 | | | | | |
| Tomales (Vacant) | 102-041-44 | Shoreline Hwy/ Dillon Beach Rd., Tomales | T3 | C-RSP-7.26:HOD:HOD | 3 units per acre | 30 |
| | 102-062-03 | | | C-RSP-7.26 | 7 units per acre | |
| | 102-060-05 and 102-060-06 (formerly 102-062-04) | | | | | |
| | 102-075-02 | | | C-VCR-B1:HOD | 20 units per acre | |
| | 102-075-06 | | | C-VCR-B1:HOD | | |
| | 102-075-07 | | | C-VCR-B1:HOD | | |

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.
2. Housing development projects that consist of 100 percent affordable housing on those sites designated for Lower Income Household in the 2023 Housing Element Update must be developed at no less than 20 units per acre as required by Government Code Section 65583.2.



# Housing (HS)

## Background

Housing is a vital component of Marin's coastal communities and it is important to respond to current and future housing needs in the Coastal Zone, particularly in planning for sustainable communities by supplying housing affordable to the full range of the Coastal Zone's diverse community and workforce.

Provision of affordable and diverse housing opportunities in the Coastal Zone is important to provide decent housing for residents. The challenge of providing new housing compatible with existing community character and quality, as well as environmental constraints and resources, is ever-present. At the same time, the County is required to meet federal and state law with respect to providing low- and moderate-income housing, replacement housing, or any other obligation related to housing imposed by existing laws.

Assuring housing choices at prices within reach is also important indirectly in carrying out Coastal Act resource protection goals. The Coastal Act places a high priority on maintaining agriculture and mariculture as viable land uses in the Coastal Zone, and encourages provision of visitor-serving facilities including overnight accommodations. These land uses depend on the availability of local labor, and pay scales for workers in these industries tend to be relatively low. Provision of housing opportunities for those employed in the Coastal Zone is thus essential if these high-priority land uses are to be maintained.

The Coastal Act addresses housing in several ways. Section 30500.1 provides that the LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of state and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. Furthermore, as defined in Section 30108.5, the Coastal Act requires that the land use plan component of the LCP indicates types, location, and intensity of land uses and applicable resource protection and development policies.

Because the adopted Marin County Housing Element and Marin County Code include measures such as density bonuses and reduction in site development standards, which affect the intensity of land uses that can be allowed in the Coastal Zone, the LCP contains select housing policies. These policies achieve compliance with housing-related requirements of the Government Code and the Marin Countywide Plan's Housing Element, and with the Coastal Act requirement to specify the potential density of future development in the Coastal Zone, including residential development.

The LCP provides several measures to address low and moderate income housing needs in the Coastal Zone, such as affordable housing provisions and retention of zoning for small lots of 6,000 to 10,000 square feet. These needs are also addressed by LCP policies that support development of Accessory Dwelling Units and agricultural worker housing where appropriate. To protect existing lower income units, the LCP also limitsconditions under which such units can be demolished, although hazardous structures may be demolished even if no replacement housing is built. Finally, it should be noted that the County's ~~draft~~ Housing Element identifies several sites in the Coastal Zone that could potentially accommodate affordable housing.

## Policies

C-HS-1 Protection of Existing Affordable Housing. Continue to protect and provide affordable housing opportunities for very low, low, and moderate income households. Prohibit demolition of existing deed restricted very low, low, and moderate income housing except when:

1. Demolition is necessary for health and safety reasons; or
2. Costs of rehabilitation would be prohibitively expensive and impact affordability of homes for very low, low and moderate income households; and
3. Units to be demolished are replaced on a one-for-one basis with units of comparable rental value on site or within the immediate Coastal Zone area.

C-HS-2 Density for Affordable Housing. Allow the maximum range of density for deed-restricted housing developments that are affordable to extremely low, very low or low income households and that have access to adequate water and sewer services.

C-HS-3 Affordable Housing Requirement. Require residential developments in the Coastal Zone consisting of 2 or more units to provide ~~20 percent of the total number of units to be affordable by households of very low or low income or a proportional "in-lieu" fee to increase affordable housing construction~~varying levels of affordability consistent with Marin County Code section 22.22.090 (Inclusionary Housing Standards).

C-HS-4 Retention of Small Lot Zoning. Preserve small lot zoning (6,000 – 10,000 square feet) in Tomales, Point Reyes Station, and Olema for the purposes of providing housing opportunities at less expense than available in large-lot zones.

C-HS-5 Accessory Dwelling Units. Consistent with the requirements of California Government Code Section 65852.2 and this LCP, continue to enable construction of well-designed Accessory Dwelling Units in both new and existing residential neighborhoods as an important way to provide workforce and special needs housing. Ensure that adequate services and resources, such as water supply and sewage disposal, are available consistent with Policy C-PFS-1 (Adequate Services).

C-HS-6 Short Term Rentals. Short Term Rental regulations are included in Appendix 11, and establish Short Term Rental License requirements for all Short Term Rentals in the Coastal Zone.

alluvial valleys, while much of the rest of the area is characterized by low-permeability fractured bedrock and thin alluvial deposits with too little saturated thickness to produce meaningful supplies of water.

Water supplies in some areas are currently constrained, including those served by the BCPUD and California Water Service Company (CWSC), where connection moratoria are in place. Other systems have frequent summer peaking problems in dry years, as do some individual wells. Most of the water service areas are projected to experience water supply deficits during extreme droughts, according to the Marin Countywide Plan environmental documents.

Sewage disposal is generally provided by individual on-site systems in much of the Coastal Zone, including along the East Shore of Tomales Bay, Point Reyes Station, Inverness Ridge, Olema, Stinson Beach, and Muir Beach, parts of Dillon Beach, and most of Bolinas. Other areas are served by community sewer facilities, or in a few cases, small package treatment plants. Soil and groundwater conditions can affect the feasibility of new on-site systems or, in some cases, the functioning of existing systems.

The Coastal Act connects the amount of new residential, commercial, and industrial development with the availability of adequate services. New development is directed by the Coastal Act to existing developed areas that are able to accommodate it or to other locations outside developed areas where adequate public services are available. Thus, whether within or outside existing developed areas, new development must be supported by adequate public services. Furthermore, the Coastal Act requires that public works facilities shall be designed and limited to accommodate needs generated by development permitted consistent with the Act. In other words, such facilities should be sized so as to provide adequate service to development, but not sized in such a way as to create growth-inducing effects. Where public works facilities can accommodate only limited new development, high priority should be accorded to coastal-dependent land uses, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, agriculture, and visitor-serving land uses.

The LCP proposes no new sewage treatment plants, water production facilities, or other public services or facilities. Instead, new development shall continue to rely on existing community service facilities, where capacity is adequate, or on new on-site water and sewage facilities, where those are feasible and can be developed consistent with LCP policies.

## Policies

C-PFS-1 Adequate Public Services. Ensure that adequate public services (that is, water supply, on-site sewage disposal or sewer systems, and transportation including public transit as well as road access and capacity if appropriate) are available prior to approving new development, including land divisions. In addition, ensure that new structures and uses are provided with adequate parking and access. Lack of available public services, or adequate parking and access, shall be grounds for project denial or for a reduction in the density otherwise indicated in the land use plan.

C-PFS-2 Expansion of Public Services. Limit new or expanded roads, flood control projects, utility services, and other public service facilities, whether publicly owned or not, to the minimum necessary to adequately serve development as identified by LCP land use policies, including existing development. Take into account existing and probable future availability of other public services so that expansion does not accommodate growth which cannot be handled by other public service facilities. All such public service projects shall be subject to the LCP.

C-PFS-3 Formation of Special Districts. Ensure that special districts are formed or expanded only where assessment for, and provision of, service would not induce new development inconsistent with policies of the LCP.

C-PFS-4 High-Priority Visitor-Serving and other Coastal Act Priority Land Uses. In acting on any Coastal Development Permit for the extension or enlargement of community water or community sewage treatment facilities, determine that adequate capacity is available and reserved in the system to serve VCR- and RCR-zoned property, other visitor-serving uses, and other Coastal Act priority land uses (i.e. coastal-dependent uses, agriculture, essential public services, and public recreation). In areas with limited service capacity (including limited water, sewer and/or traffic capacity), new development for a non-priority use, including land divisions, not specified above shall only be allowed if adequate capacity remains for visitor-serving and other Coastal Act priority land uses, including agricultural uses.

*C-PFS-4.a Reservation of Capacity for Priority Land Uses.* Coordinate with water service and wastewater service providers to develop standards to allocate and reserve capacity for Coastal Act priority land uses.

C-PFS-5 Community Sewer Systems. Require new development within a village limit boundary to connect to a public sewer system if the sewer system is within 400 linear feet of the parcel on which development is proposed, unless the County Health Officer or applicable sewer service provider finds that such connection is legally prohibited, physically impossible, or otherwise infeasible.

C-PFS-6 Sewage Disposal Systems and Protection of Water Quality. Require new and expanded sewage disposal systems to be designed, constructed, and maintained so as to protect the biological productivity and quality of coastal streams, wetlands, and other waters.

C-PFS-7 Adequately Sized Sewage Disposal Systems. Require new and expanded sewage disposal systems to be sized adequately to meet the needs of proposed development, including any changes in type or intensity in use of an existing structure.

C-PFS-8 Sewage Disposal Systems Requirements for New Lots. Require all sewage disposal systems on newly created lots to comply in all respects, without variance, with applicable County and state septic system regulations.

C-PFS-9 Preference for On-Site Individual Sewage Disposal Systems. Require an individual sewage disposal system serving a building or buildings to be located on the same building site, lot, or parcel as the building(s). Where an existing legal parcel is found by the County Health Officer or designee to be unsuitable for an onsite sewage disposal system, the system may be located on a contiguous lot (provided the contiguous lot has sufficient replacement area) or parcel within a non-revocable easement specifically designated for such sewage disposal system. The non-revocable easement shall be surveyed and recorded with the County Recorder, and the easement shall provide for access to the site for maintenance of the sewage disposal system.

C-PFS-10 Adequate On-Site Sewage Disposal Systems for Existing Development. Ensure that existing on-site sewage disposal systems function properly by complying with all rules and regulations of the Regional Water Quality Control Board, including any requirements adopted pursuant to AB 885. Where repairs to existing systems are necessary, take corrective action in the following priority order as appropriate:

1. Require connection to a public sewer, if the property is within 400 feet of a public sewer main and it is physically and legally possible to connect to such main; or

C-PK-3 Mixed Uses in the Coastal Village Commercial/Residential Zone. Continue to permit a mixture of residential and commercial uses in the C-VCR zoning district to maintain the established character of village commercial areas.

Within the mapped village commercial core area of the C-VCR zone Commercial shall be the principal permitted use and Residential shall be a permitted use. In this area Residential uses shall be limited to: (a) the upper floors, and/or (b) the lower floors if not located on the road-facing-side of the property. Residential uses on the ground floor of a new or existing structure on the road-facing side of the property shall only be allowed provided that the development maintains and/or enhances the established character of village commercial areas.

Outside of the village commercial core area of the C-VCR zone, Residential shall be the principal permitted use, and Commercial shall be a permitted use.

Maintenance and repair of any legal existing residential use shall be exempt from the above provision and shall be permitted.

C-PK-4. Balance of Visitor-Serving and Local-Serving Facilities. Support a level of local-serving facilities such that an adequate infrastructure can be maintained to ensure the health, vitality, and survival of the visitor-serving segment of the coastal economy.

C-PK-5 Small-Scale Tourist Facilities. Permit small-scale tourist-oriented businesses, rather than large tourist facilities, within coastal villages. Small-scale uses that serve visitors to major public recreationareas include campgrounds, hotels, shops, and restaurants. Ensure that the siting, height, scale, intensity, and design are compatible with surrounding community character.

C-PK-6 Bed and Breakfast Inns. Support bed and breakfast facilities in the Coastal Zone as a meansof providing visitor accommodations, while minimizing their impacts on surrounding communities. Restrict the conversion of Accessory Dwelling Units and affordable housing to bed and breakfast inns. In addition, support the location of bed and breakfast inns in areas that are easily and directly accessible from usual tourist travel routes and where there is adequate off-street parking for guests and where the problem of nearby residents being inconvenienced by noise and increased transient traffic is minimized. Bed and breakfast inns shall bepermitted to host or provide facilities for gatherings, such as weddings, receptions, private parties, or retreats if located in the C-APZ, C-ARP or C-R-A and if such activities are otherwise LCP consistent. Eachbed and breakfast inn must be operated by a householder who is the sole proprietor of the enterprise and whose primary residence is on the premises where the inn accommodations are located.

C-PK-7 Lower Cost Recreational Facilities. Protect and retain existing lower cost visitor and recreational facilities. Prohibit conversion of an existing lower-cost overnight facility unless replaced in kind. Prohibit conversion of an existing visitor serving facility on public land to private membership use. Ensure that new development of overnight visitor-serving accommodations (other than bed and breakfast inns), provides a component of lower cost overnight visitor accommodations open to the public, such as a campground, RV park, hostel, or lower cost hotel. The required component of lower cost overnight accommodations should be equivalent to at least 20 percent of the number of high-cost or private membership overnight accommodations. This requirement may be met on site, off site, or by means of payment of an in lieu fee to the County for deposit into a fund to subsidize the construction of lower-cost overnight facilities in the Coastal Zone.

C-PA-13 Needs of Persons with Disabilities. Ensure that new public coastal accessways are compliant with California Title 24 and accessible to persons with disabilities, to the maximum extentfeasible.

C-PA-14 Consultation with Appropriate Land Management Agencies. Refer new development proposals adjacent to existing public coastal accessways to appropriate federal, state, county, and other managing entities for review and comment.

C-PA-15 Impacts of New Development on Public -Use of Coastal Accessways. Site and design new development so as to avoid, if feasible, and, if unavoidable, to minimize impacts to users of publiccoastal access and recreation areas. Measures to mitigate impacts to users of public coastal access andrecreation areas shall be implemented prior to or concurrent with construction of the approved development.

C-PA-16 Protection of Existing Public Coastal Accessways. Recognize existing public coastal accessways, both public and private, as an integral part of the County's overall access program. Maintain existing public accessways. Consider closure of existing County-managed accessways only if authorized by a Coastal Development Permit and only after the County has offered the accessway to another public or private entity.

C-PA-17 Restoration of Public Coastal Access Areas, Where- Necessary. The Marin County Parks department should restore areas under its control that become degraded through public access use, including by such means as revegetation, trail improvements, installation of boardwalks, and informational signing, as funds and staffing or volunteer support permit.

C-PA-18 Parking and Support Facilities at Public Coastal Accessways. Where appropriate and feasible, provide parking areas for automobiles and bicycles and appropriate support facilities in conjunction with public coastal accessways. The location and design of new parking and support facilitiesshall minimize adverse impacts on any adjacent residential areas. The need for parking shall be determinedbased on existing parking and public transit opportunities in the area, taking into account resource protection policies. Consider opportunities for reducing or eliminating parking capacities if transit service becomes available or increases.

C-PA-19 Explanatory Signs at Public Coastal Accessways. Sign existing and new public coastal accessways, trails, and parking facilities where necessary, and use signs to minimize conflicts between public and private land uses. Where appropriate, signs posted along the shoreline shall indicate restrictions,such as that no fires or overnight camping are permitted, and that the privacy of homeowners shall be respected. Where public access trails are located adjacent to agricultural lands, signs shall indicate appropriate restrictions against trespassing, fires, camping, and hunting. Where only limited public access or use of an area can be permitted to protect resource areas from overuse, such signing should identify theappropriate type and levels of use consistent with resource protection. The County and CALTRANS shall, as resources permit, post informational signs at appropriate intersections and turning points along visitor routes, in order to direct coastal visitors to public recreation and nature study areas in the Coastal Zone.

C-PA-20 Effects of Parking Restrictions on Public Coastal Access Opportunities. When considering a Coastal Development Permit for any development that could reduce public parking opportunities near beachaccess points or parklands, including any changes in parking timing and availability, and any signage reducing public access, evaluate options that consider both the needs of the public to gain access to the coast and the need to protect public safety and fragile coastal resources, including finding alternatives to reductions in public parking and ways to mitigate any potential loss of public coastal access.