MARIN COUNTY BOARD OF SUPERVISORS

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF MARIN COUNTY AMENDING: (1) TITLE 20 OF THE MARIN COUNTY CODE, TO IMPLEMENT THE 2023–2031 HOUSING ELEMENT UPDATE AND ALIGN THE COASTAL ZONING CODE WITH STATE HOUSING LAWS; (2) THE ZONING MAP AND ZONING DESIGNATIONS FOR 36 PARCELS IDENTIFIED IN THE 2023–2031 MARIN COUNTY HOUSING ELEMENT WITH THE HOUSING OVERLAY DESIGNATION, TO IMPLEMENT THE 2023 HOUSING ELEMENT; AND (3) ADOPTING A COASTAL FORM-BASED CODE.

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SECTION I: FINDINGS

1. Section 30500 of the Public Resources Code (PRC) requires each county and city within the coastal zone to either prepare a Local Coastal Program (LCP) for that portion of the Coastal Zone within its jurisdiction or request that the California Coastal Commission do so. Marin County has a certified LCP, which consists of the Land Use Plan (Coastal LUP) and the Implementation Plan, including the zoning maps and the Coastal Zoning Code, also known as Title 20 of the Marin County Code. The County's first LCP was certified by the California Coastal Commission in May 1982 and has since been amended from time to time. The standard of review for Land Use Plan (LUP) amendments by the California Coastal Commission is conformance with the Chapter 3 policies of the California Coastal Act (PRC Division 20). The standard of review for Implementation Plan amendments is consistency with, and adequacy to carry out, the policies of the County's certified LUP.

2. The Housing Element is a mandatory component of the Marin Countywide Plan and is required by State law to ensure that local governments adequately plan to meet the housing needs of everyone in the community.

3. On January 24, 2023, the Board of Supervisors adopted the 6th Cycle (2023–2031) Housing Element, which was certified by the California Department of Housing and Community Development on June 19, 2023. In adopting the 2023 Housing Element Update, the Board of Supervisors identified and approved Housing Element sites, including sites located within areas governed by the LCP. The adoption of the Housing Element Update amended the land use designation and corresponding maps for each identified Housing Element site, except for those located within the Coastal Zone, for which implementation was deferred to a future date.

4. On January 24, 2023, the Marin County Board of Supervisors certified a Housing Element and Safety Element Final Environmental Impact Report (HESE FEIR), State Clearinghouse (SCH) Number 2021120123, for updates to the Marin Countywide Plan (Housing Element) and the Safety Element. The proposed amendments are within the scope of the Supplemental Marin Countywide Plan Environmental Impact Report prepared for the 2023 Housing Element.

5. The 6th Cycle (2023–2031) Housing Element contains programs that require the County to amend the Coastal Land Use Plan and the Coastal Zoning Code (Title 20) to implement Housing Element goals and policies within program-established timelines.

6. To effectuate the 6th Cycle (2023–2031) Housing Element policies, County staff proposed amendments to the LCP that include: (1) text corrections and cross-indexing clarifications; (2) implementing revisions that will accommodate the housing capacity identified in the Housing Element to meet the County's Regional Housing Needs Allocation (RHNA) obligation, including amendments to both the Coastal Land Use Plan and the Implementation Plan, codified as the Coastal Zoning Code, Title 20, and corresponding land use and zoning maps; (3) alignment with State housing laws; (4) establishment of a Coastal Form-Based Code; and (5) adoption of State Density Bonus Law implementation guidance for coastal areas.

   The sections of the Coastal Zoning Code amended by this Ordinance are listed below, and the Coastal Zoning Code amendments are shown in full in Exhibit A, attached hereto. All amendments are to provisions of the Coastal Zoning Code, Title 20.

   CHAPTER 20.32 - COASTAL STANDARDS FOR SPECIFIC LAND USES

   - 20.32.30 (Agricultural Worker Housing) – Update to align with applicable state law.
   - 20.32.050.A – delete the word 'and'.
   - 20.32.095 (Homeless Shelters) – Clarify the purpose of this section.
   - 20.32.140 (Residential Accessory Dwelling Units) – Update to align with applicable state law.
   - 20.32.145 (Junior Residential Accessory Dwelling Units) – Update to align with applicable state law.
   - 20.32.190 (Low Barrier Navigation Center) – Establish a new section to implement state law.
   - 20.32.200 (Supportive Housing) – Establish a new section to implement state law.
   - 20.32.210 (Emergency Shelter) – Establish a new section to implement state law.

   CHAPTER 20.62 - COASTAL ZONING DISTRICTS AND ALLOWABLE LAND USES

   - 20.62.030 (Coastal Zoning Districts Established) – Establish Housing Overlay Designation (HOD) zoning district and Form-Based Combining zoning District
   - 20.62.040.B. – Correction of minor clerical errors
   - 20.62.060(B)(1)(c) - Consistency change that allows up to two intergenerational homes
   - 20.62.060(B)(1) - Consistency change removing the requirement that a second intergenerational home is a conditional use
   - 20.62.060(D), Table 5-1-a and 5-1-c (Allowed Uses and Permit Requirements) –
     - Changed the Intergenerational Home Requirements from a conditionally permitted use to a permitted use
     - Relocate Agricultural Worker Housing uses from agricultural use to residential use section of the table
     - Update the residential care facilities permit requirements
     - Update the ADU and JADU permit requirements
   - 20.62.070(D), Table 5-2-C (Allowed Uses and Permit Requirements) –
     - Update the residential care facilities permit requirements

- Update the ADU and JADU permit requirements
- Add supportive housing permit requirements

- 20.62.060(D), Table 5-3-C (Allowed Uses and Permit Requirements) –
  - Changed construction of Affordable Housing to principally permitted in districts where multi-family uses are permitted
  - Remove conditional use requirements for Group homes
  - Remove conditional use requirements for multi-family uses in all zones where multi-family uses are permitted
  - Create a new uses (supportive housing and JADU) land use designation
  - Establish ADUs as a principally permitted use in residential zones
  - Update the residential care facilities permit requirements
  - Update footnote 9 to be consistent with changes to table
- 20.62.100 – Establish Housing Overlay Designation (HOD) District
- 20.62.110 – Establish Form-Based (FB) Combining District
- 20.62.120 – Establish Housing Development Regulations Compliance Review
- 20.62.130 – Establish State Density Bonus Regulations

CHAPTER 20.64 - COASTAL ZONE DEVELOPMENT AND RESOURCE MANAGEMENT STANDARDS

- 20.64.030, Table 5-4-a – Revise footnote 6 to include Net Lot Area
- 20.64.030, Table 5-4-b – Revise footnote 6, insert rounding-up provisions
- 20.64.030, Table 5-4-b – Revise footnote 6 to include Net Lot Area
- 20.64.040(B) – Revise to include Net Lot Area
- 20.64.040, Table 5-5 – Revise footnote 5 to include Net Lot Area
- 20.64.130(A)(5) - Revise ADU section to refer to Government Code Section 66310 – 66342.

CHAPTER 20.68 - COASTAL DEVELOPMENT PERMIT REQUIREMENTS

- 20.68.050 – Allow conversion of ADU without a discretionary permit

CHAPTER 20.130 - COASTAL ZONING CODE DEFINITIONS

- 20.130.030 – New and revised definitions

7. In the 6th Cycle (2023–2031), the RHNA established by the State and the Association of Bay Area Governments (ABAG) for unincorporated Marin County is 3,569 units.

8. Given the current land use designations of parcels within the 2023 Housing Element sites inventory, approximately 36 of the 153 sites are located within the Coastal Zone and must be rezoned to accommodate the RHNA, as required by Government Code Sections 65583(c)(1) and 65583.2(h) and (i).

9. Programs HE-1.1, HE-1.4, and HE-Program 8 of the Marin County 2023 Housing Element directly or indirectly support amending the Land Use Designation for vacant or underutilized properties to appropriate multifamily residential and/or mixed-use zone districts to accommodate the RHNA in each income category.

10. Amendments to the Coastal Zoning Code, including the zoning maps, and adoption of a Coastal Form-Based Code further the objectives of Housing Element Program 1a of the

Marin County 2023 Housing Element, which establishes the Housing Overlay Designation (HOD) and requires that those sites accommodate 20 percent or more lower-income units in the Housing Sites Inventory. Development of those properties remains subject to the Coastal Development Permit requirements established in the Coastal Act, Public Resources Code (PRC) Section 30600.

11. The Planning Commission of Marin County held duly noticed public hearing workshops on April 6, 2026 and May 28, 2026, to consider preliminary draft amendments, receive public comment, and provide feedback to County staff. On June 15, 2026, the Planning Commission held a duly noticed public hearing where they reviewed the proposed amendments, considered all public comments, and found that the proposed amendments to the Coastal Zoning Code, including the zoning maps, and the adoption of the Coastal Form-Based Code conform to the policies of Chapter 3 of the California Coastal Act. The Planning Commission unanimously recommended that the Board of Supervisors approve the proposed LUP amendment, with one Commissioner absent.

12. The proposed amendments are consistent with and conform to the certified Local Coastal Program, including the Land Use Plan. Additionally, the proposed amendments are consistent with Public Resources Code Section 30512, which requires that Land Use Plans meet the requirements of, and be in conformity with, the Chapter 3 policies of the Coastal Act. The proposed amendments also comply fully with Public Resources Code Section 30513, as they conform to and adequately carry out the provisions of the certified Coastal Land Use Plan.

13. The proposed land use rezoning will allow development densities and types of uses that are compatible with the objectives, policies, programs, and land use designations of the certified 2023 Housing Element Update. The rezoned sites will accommodate housing types needed to house the local workforce and support the local economy, and the proposed Coastal Zoning Code amendment is intended to accommodate housing at all income levels, including affordable housing.

14. On November 3, 2026, the Marin County Board of Supervisors held a duly noticed public hearing to take public testimony and consider amendments to the Local Coastal Program Land Use Plan.

SECTION II: LEGAL AUTHORITY

The Marin County Board of Supervisors' action on the proposed Local Coastal Program Amendments is intended to carry out the following provisions of the Public Resources Code:

1. Section 30004(a): The Legislature further finds and declares that (a) to achieve maximum responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement; and

2. Section 30500(c): The precise content of each local coastal program shall be determined by the local government, consistent with Section 30501, in full consultation with the California Coastal Commission and with full public participation; and

3. Section 30512.1(a): The California Coastal Commission's review of a land use plan shall be limited to its administrative determination that the land use plan submitted by the local

government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the Coastal Commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan; and

4. Section 30512.2(c): The Commission shall require conformance with the policies and requirements of Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.

SECTION III: ACTION

NOW THEREFORE, THE MARIN BOARD OF SUPERVISORS HEREBY ORDAINS as follows:

1. The Coastal Zoning Code, Title 20, is hereby amended, as depicted in Exhibit A.

2. The Marin County Zoning Map (Coastal Zoning Code Section 20.62.030) is hereby amended, as depicted in Exhibit B, to apply the Housing Overlay Designation Combining District to the properties listed in the table below, and corresponding Coastal Zoning Code map amendments to implement the Housing Overlay Designation Combining District.

3. The Coastal Form-Based Code is hereby adopted as a stand-alone document to provide objective design standards for multifamily housing development in the coastal areas. The Coastal Form-Based Code is attached herein as Exhibit C.

4. The rezonings established through this Ordinance implement Countywide Plan Policy CD-2.3, which creates a Housing Overlay Designation where the review of housing development projects will be streamlined through the application of objective design standards.

Assessor's Parcel Number	Existing Zone District	New Zone District
166-181-01	C-VCR[1]	C-VCR:HOD
166-202-01	C-VCR	C-VCR:HOD
166-202-04	C-VCR	C-VCR:HOD
166-213-01	C-VCR	C-VCR:HOD
166-213-02	C-VCR	C-VCR:HOD
119-270-24 (formerly 119-240-73)	C-OA[2] and C-RA-B3[3]	C-OA:HOD and C-RA-B3:HOD
119-270-25 (formerly 119-240-73)	C-OA	C-OA:HOD
119-270-26 (formerly 119-240-73)	C-OA	C-OA:HOD
119-270-27 (formerly 119-240-73)	C-OA	C-OA:HOD
119-270-21 (formerly 119-260-03 and 119-270-12)	C-RMPC	C-RMPC:HOD
119-234-01	C-VCR-B2	C-VCR-B2:HOD
119-202-05	C-RA-B3	C-RA-B3:HOD
119-222-08	C-VCR-B2	C-VCR-B2:HOD
119-198-04	C-VCR-B2	C-VCR-B2:HOD
119-198-05	C-VCR-B2	C-VCR-B2:HOD

119-203-01	C-VCR-B2	C-VCR-B2:HOD
119-203-03	C-VCR-B2	C-VCR-B2:HOD
102-080-19	C-RSP-1.6[6]	C-RSP-1.6:HOD
102-080-20	C-RSP-1.6	C-RSP-1.6:HOD
195-193-35	C-VCR	C-VCR:HOD
195-211-05	C-R1[5]	C-R1:HOD
195-193-15	C-R1	C-R1:HOD
195-193-18	C-R1	C-R1:HOD
102-080-23	C-VCR-B1	C-VCR-B1:HOD
102-080-10	C-RSP-1.6	C-RSP-1.6:HOD
102-051-08	C-VCR-B1	C-VCR-B1:HOD
102-051-09	C-VCR-B1[7]	C-VCR-B1:HOD
102-051-07	C-VCR-B1	C-VCR-B1:HOD
102-075-09	C-VCR-B1	C-VCR-B1:HOD
102-041-44	C-RSP-7.26 C-ARP-2	C-RSP-7.26:HOD C-ARP-2:HOD

1. C-VCR (Coastal, Village Commercial/Residential)
2. C-OA (Coastal, Open Area)
3. C-RA-B3 (Coastal, Residential, Agricultural Combined District)
4. C-RMPC (Coastal, Residential/Commercial Multiple Planned)
5. C-1 (Coastal, Residential, Single-Family)
6. C-RSP (Coastal, Residential, Single-Family Planned)

B (Combining district): Combining districts are applied to property together with one of the other agricultural, residential, or commercial zoning districts, to highlight areas where important site, neighborhood, or area characteristics require particular attention in project planning.

SECTION IV: EFFECTIVE DATE

Pursuant to 14 California Code of Regulations § 13551(b), this ordinance shall be, and is hereby declared, to take effect automatically and immediately upon the California Coastal Commission's approval and certification.

SECTION V: VALIDITY

If any section, subsection, sentence, clause, or phrase of the provisions depicted in this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions adopted under this Ordinance. The Board of Supervisors of Marin County hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses, or phrases thereof shall be declared invalid.

SECTION VI: VOTE

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin, State of California, on the 3rd day of November, 2026, by the following vote to wit:

AYES: SUPERVISORS

NOES:

ABSENT:

ERIC LUCAN, PRESIDENT
MARIN COUNTY BOARD OF SUPERVISORS

ATTEST:

Clerk of the Board of Supervisors

Exhibits:

1. Exhibit A: The Coastal Zoning Code, Title 20, Text Amendments
2. Exhibit B: Coastal Zoning Code Map Amendments
3. Exhibit C: Coastal Form-Based Code