GUIDE FOR THE 2026 AMENDMENTS TO THE MARIN COUNTY COASTAL ZONING CODE (TITLE 20) AND LAND USE PLAN

Explanations of the key topics addressed in the amendments are provided below. The guide is not intended to be all-inclusive and should used in conjunction with the draft code amendments. All code sections listed are in Marin County Code Title 20, the Coastal Zoning Code, and there are no proposed amendments to Title 22, the Development Code.

A. CLARIFICATIONS AND CORRECTIONS

The amendments related to clarifications and corrections include the following:

- Indentation, spacing, and font clean-ups throughout the document;
- Minor clerical corrections throughout the document;
- 32.050(A) – delete the word 'and'
- 62.050 - add with the correct chapter number
- 62.060(D), Table 5-1-a (Allowed Uses and Permit Requirements) – Move down Agricultural Worker housing under the Residential section of the code.

The clarifications and corrections are intended to clean up non-substantive and topographical edits, which occur throughout the entire document.

B. 2023 HOUSING ELEMENT AND STATE LAW IMPLEMENTATION IN THE LCP COASTAL ZONING CODE

The proposed amendments to the Coastal Zoning Code introduce important changes, including the incorporation of standards for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). Furthermore, new sections have been established to facilitate the creation of the Housing Overlay Designation District, the Form-Based Combining District, and the Housing Development Regulations Compliance Review. The allowable uses table has also been revised to eliminate the requirement for a conditional use permit for multi-family structures in zoning districts that already permit such developments.

These amendments are part of the efforts to implement the 2023 Housing Element and to comply with updated State housing laws within the Coastal Zoning Code.

<u>Agricultural Worker Housing</u>

- 32.30 (Agricultural Worker Housing) – Expand and align the section with the State law currently in effect, and replace the word farmworkers " with " agricultural workers.

<u>ADU and JADU</u>

- 32.140 (Residential Accessory Dwelling Units) – Update to refer to the California Government Code Section 66310 – 66342.
- 32.145 (Junior Residential Accessory Dwelling Units) – Establish a new section to implement state law (California Government Code Section 66333 – 66339)

Emergency and Supportive Housing

- 32.190 (Low Barrier Navigation Center) – Establish a new section to implement state law
- 32.200 (Supportive Housing) – Establish a new section to implement state law
- 32.210 (Emergency Shelter) – Establish a new section to implement state law

Intergeneration Homes and Permit Requirements

- 62.060(B)(1)(c) – Consistency change that allow up to two intergenerational homes
- 62.060(B)(1) – Consistency change removing the requirement that a second intergenerational home is subject to a conditional use
- 62.060(D), Table 5-1-a and 5-1-c (Allowed Uses and Permit Requirements) –
  - Change the Intergenerational Home Requirements from a conditionally permitted use to a permitted use

Clarify Permit Requirements for specific uses (Table 5-2-C and Table 5-3-C)

- Designate residential care facilities as a permitted use subject to Coastal Development Permit
- Designate ADUs as principally permitted uses in all districts where residential uses are permitted, subject to the permitting requirements of the Coastal Act
- Designate JADUs as principally permitted uses in all districts where single-family residential uses are permitted, subject to the permitting requirements of the Coastal Act
- Designate Affordable Housing as a principally permitted use in districts where multi-family uses are permitted
- Remove conditional use requirements for Group homes for 6 or fewer residents
- Remove conditional use requirements for multi-family uses in all zones where multi-family uses are permitted principally permitted

Housing Element Policy Implementation

- 62.100 – Establish Housing Overlay Designation (HOD) District
- 62.110 – Establish Form-Based (FB) Combining District
- 62.120 – Establish Housing Development Regulations Compliance Review
- 62.130 – Establish State Density Bonus Regulations
- 64.030, Table 5-4-a – Revise footnote 6 to include Net Lot Area
- 64.030, Table 5-4-a – Delete reference to footnote 7
- 64.030, Table 5-4-b –Insert rounding-up provisions
- 64.030, Table 5-4-b – Revise footnote 6 to include Net Lot Area
- 64.040(B) – Revise to include Net Lot Area
- 64.040, Table 5-5 – Revise footnote 5 to include Net Lot Area

New and expanded definitions (130.030)

The definition section of the Coastal Zoning Code is amended to provide clarity. While new defined terms have been introduced, and some existing terms have been expanded or updated, all these new definitions are consistent with the various state housing laws, including the Coastal Act, and are intended to further the objectives of the Coastal Act, particularly concerning the protection of coastal resources.

Revised or expanded defined terms include:

- Accessory Dwelling Unit - Amended to reflect the State's definition of ADU
- Junior Accessory Dwelling Unit - Amended to reflect the State's definition of JADU

- Affordable Ownership Cost and Affordable Rent Levels - Amended to reflect the recent amendments to the County's inclusionary ordinance
- Coastal Resources – Update to align with the definition found in the Coastal Act
- In-Lieu fee – Expanded to provide clarity

New defined terms include:

- Affordable Housing Impact Fee - Added to provide clarity
- Commercial linkage fee – Added to implement to the County's inclusionary ordinance
- Emergency Shelter – Added to implement state law that mandates local jurisdictions to plan for Emergency Shelters
- Low-Barrier Navigation Center - Added to implement the state law that mandates local jurisdictions to allow temporary housing
- Net Lot Area - Added to implementation of the 2023 Housing Element policies
- Racially Concentrated Area of Affluence – Added to implementation of the 2023 Housing Element policies and state laws
- Regulatory Agreement (Affordable housing plan) – Added to codify the County's mandatory requirements that affordable units must be under a regulatory agreement to govern affordability levels, years of affordability, etc.
- Supportive Services - added to implement housing state laws
- Target population - added to implement housing state laws
- Use by right – Added to provide to provide clarity

C. 2023 HOUSING ELEMENT AND STATE LAW IMPLEMENTATION IN THE LCP LAND USE PLAN

The amendments related to implementing the 2023 Housing Element and updated State housing laws in the LCP Land Use Plan include the following:

- Policy C-AG-2 Coastal Agricultural Production Zone (C-APZ) – Allow for up to two intergenerational homes as a permitted use and remove references to two intergenerational homes being a conditional use
- Community Development, background section – Added text regarding Density Bonus and Housing Accountability Act
- Policy C-CD-21 Commercial/Mixed-Use Land Use Categories and Intensities – Revise text to include the words "State laws" and remove criteria
- Policy C-CD-22 Public Facility, Quasi-Public Facility, and Open Space Land Use Categories – Remove FAR limitation on lands designated Open Space
- Community Development – Add new polices establishing the Form Based combining district, Housing Overlay Designation, and State Density Bonus Regulations
- Community Development – Add a new table for Housing Overlay Designation Sites
- Policy HS-3 Affordable Housing Requirement – refer to Section 22.22.090

The updated LCP Land Use Plan involves revisions aimed at enhancing consistency with the changes made to Title 20. Among these changes are the introduction of new policies, which include the integration of a Form-Based Combining District, a Housing Overlay Designation (HOD), and guidance on how to implement the State Density Bonus Law in the coastal areas.

These updates reflect a commitment to modernizing the planning framework and addressing evolving community needs.

D. HOUSING OVERLAY DESIGNATION (HOD) AND COASTAL FORM-BASED CODE

Housing Overlay Designation (HOD) zone

Staff is proposing amendments to both the coastal LUP and CZC components of the Certified Local Coastal Program to implement the policies contained in the County's adopted 2023-2031 Housing Element, including: the establishment of a new HOD combining district, the redesignation of several sites to the new HOD combing district, and the establishment of objective design standards in the form of Form Based-Code. The 2023 Housing Element Update identified approximately 36 total parcels within the coastal areas as housing element sites, and those sites must be rezoned to accommodate the Regional Needs Housing Allocation (RHNA) numbers assigned to the County.

The 2023 Housing Element established the HOD and requires that those sites accommodate 20% or more lower-income units in the Housing Sites Inventory. Where the HOD zoning is applied, the HOD zoning would be an overlay designation that would allow development either pursuant to the underlying zoning district or the HOD, as multi-family housing or mixed-use residential, subject to the Coastal Development Permit (CDP).

Coastal Form-Based Code

The establishment of a form-based code is a critical component of the 2023 Housing Element Update, specifically for the HOD sites. In December 2023, the Board of Supervisors formally adopted a form-based code for the interior of the unincorporated areas. The adopted form-based code established objective design standards and regulations for multi-family and mixed-use housing development projects for the interior of the county.

The form-based code is a regulatory tool that establishes objective, quantifiable development standards and regulations to promote and manage the physical form of built environments while ensuring a harmonious relationship between land use and design. By regulating the scale, height, and architectural style of buildings, the form-based code ensures that new developments respect the existing development fabric, while contributing positively to the community's physical character.

With recent state laws mandating that local jurisdictions can only apply objective, quantifiable housing development standards, the County must adopt a form-based code to regulate certain housing developments. In the context of coastal Marin County, recent state laws, such as Assembly Bill 2011 and Senate Bill 423, permit housing development to occur in coastal areas, and these developments may only be subject to objective design and development standards that are in effect at the time an application is submitted. Staff is proposing a Coastal Form-Based Code to regulate the HOD sites as well as any housing development pursuant to state law that mandates the use of objective design standards only.

The proposed Coastal Form-Based Code draws from the adopted Form-Based Code for the interior of the County. Unlike the interior form-based code, the proposed Coastal Form-Based

Code does not include references to high-rise buildings or modern architectural styles; instead, it prioritizes and promotes alignment with the prevailing physical character of the coastal region, by creating development standards for low-rise structures that are designed to harmonize with the existing built environment of the coastal areas. A core emphasis of the Coastal Form-Based code is the design and activation of public spaces. By setting standards for plazas, parks, and streetscapes, the Coastal Form-Based can create vibrant, multi-use areas that encourage community interaction, events, and opportunities for social gathering, while regulating building scale, design and placement.

The adopted form-based code and the proposed Coastal Form-Based Code focus on establishing development standards for on-site building and structure development. Meanwhile, the County has initiated a process in conjunction with the Department of Public Works to address off-site development standards. The goal is to create objective design standards for off-site developments that include sidewalks, streets, bike lanes, and other related improvements.