STAFF REPORT TO THE MARIN COUNTY PLANNING COMMISSION

2026 Local Coastal Program and Coastal Zoning Code Amendments

Recommendation: Consider proposed amendments to the Coastal Land Use Plan, Coastal Zoning Code, Marin Countywide Plan Map, Coastal Zoning Map, and the Form-Based Code for the Coastal Areas

Hearing Date: April 6, 2026

Agenda Item: 4

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PROJECT SUMMARY

Planning staff is proposing a series of amendments to the Marin County Local Coastal Program (LCP), including the coastal Land Use Plan and the Coastal Zoning Code (CZC), Title 20 of the Marin County Code. The LCP contains a set of rules that govern development in the coastal zone of Marin County, and consists of the coastal Land Use Plan (LUP) and the CZC, also known as the Implementation Plan (IP). The proposed amendments are intended to: (1) implement the policies of the 2023 Housing Element Update, including amendments to the Marin Countywide Plan (CWP), which serves as the general plan for the unincorporated area of the County; (2) ensure alignment with the latest State housing-related legislation; and (3) adopt a Form-Based Code (FBC) specifically for the coastal area. While the amendments to the CWP are primarily focused on land use map adjustments necessary to incorporate Housing Element sites, the proposed changes to the CZC encompass both zoning map revisions and text amendments. No amendments are proposed to the Interior Development Code (Title 22).

This report is an informational item for the Commission's workshop, and no action is required. Due to strict State-imposed limits on the number of public meetings at which housing development projects can be discussed, this workshop session will not include discussion of any projects pending before the County.

BACKGROUND

On January 24, 2023, the Board of Supervisors adopted the 2023-2031 Marin County Housing Element (2023 HE Update), Safety Element, and Environmental Impact Report, along with related CWP and Development Code amendments to create the Housing Overlay Designation (HOD) combining district. While the amendments to the CWP took effect immediately, amendments to the LUP and the CZC were deferred to a later date. The Interior Development Code amendment to implement other policies of the 2023 HE Update was completed last fall. Planning staff is now recommending amendments to the LUP and CZC for several reasons, as discussed below.

First, it is a statutory obligation: California Government Code section 65860(c)(1) requires that any amendments to the general plan either be accompanied by corresponding updates to the zoning ordinances or, alternatively, amendments to zoning ordinances must be enacted within a reasonable timeframe to ensure consistency. Given that the CWP was amended as part of the 2023 HE Update, and no changes were made to the LUP or the CZC, and since the CWP was amended as part of the 2023 HE Update, and no corresponding amendments were made to the coastal LUP or the CZC, it is necessary to update both the coastal LUP and CZC to comply with state laws.

Second, it is a practical necessity. The coastal LUP and CZC amendments are necessary to implement the policies outlined in the 2023 HE Update and the CWP amendments approved by the Board of Supervisors in 2023. Although those amendments are currently in effect and enforceable, the existing regulatory documents governing development in coastal zones are misaligned with those updates. This misalignment results in avoidable confusion for both stakeholders and staff involved in the development process.

Lastly, in recent years, California's housing crisis has been the primary focus of land-use legislation, with over 100 substantial housing-related land-use bills enacted since 2016. To address changes in state laws, the coastal LUP and CZC need to be revised to ensure full compliance with current state laws.

In drafting the amendments, staff follow the "CASE" principle of code - Clear, Affordable, Simple, and Enforceable. On May 8, 2025, Planning staff published a preliminary draft of the coastal LCP, CZC, CWP, and zoning maps, and the Draft Form-Based Code for the Coastal Zone. These documents are collectively called the "Public Review Draft" of the LCP amendments. As part of the amendment process, staff presented the Public Review Draft documents at a variety of community meetings, as well as to the California Coastal Commission, received comments, and incorporated changes reflecting those comments into the draft documents that are now before the Planning Commission for consideration. When comments were received that extended beyond the current limited housing-related amendments, staff informed the public that these would be postponed for consideration in future, more comprehensive code updates, as this set of amendments is focused on housing-related requirements.

DISCUSSION

Staff is requesting amendments to both the coastal LUP and CZC components of its 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. Where the HOD is applied, the new HOD would be an overlay designation that would allow development either pursuant to the underlying zoning district or the HOD. The HOD would allow future developments or redevelopments of HOD sites as multi-family housing, which may be residential-only or mixed-use residential, subject to the Coastal Development Permit (CDP).

Countywide Plan Consistency (Housing)

The Housing Element includes 33 programs and policies intended to affirmatively further fair housing and address housing needs for all residents of the unincorporated areas of the County. While not all programs are directly related to the proposed Development Code amendments, the primary programs contributing to the proposed changes are outlined as follows:

- **Housing Goal 1, Policy 1.4: Development Code Certainty.** Promote development certainty and minimize discretionary review for affordable and special needs housing through amendments to the Development Code.
- **Program 2: By Right Approval.** Establish a ministerial review process for affordable housing projects.
- **Program 3: Replacement Housing.** Development on all nonvacant sites designated in the Housing Element, at all income levels, that contain existing residential units, or units that were rented in the past five years, is subject to the replacement housing requirements specified in Government Code sections 65583.2 and 65915.
- **Program 6: Efficient Use of Multi-Unit Land.** Establish minimum densities to ensure efficient use of the County's multi-unit land and prohibit the construction of new detached single-unit homes on multi-unit zoned property.
- **Program 8: Development Code Amendments.** The County will amend the Development Code to address the following to facilitate development of a variety of housing types:
    - **Residential Use in Mixed-Use Development:** Amend the Development Code to allow at least 50 percent of the floor area as residential use.
    - **Height Limit:** Amend the Development Code to increase the height limit to 45 feet.
    - **Density Bonus**: Amend the Development Code to address all recent changes to the State Density Bonus law.
- **Program 32: Comprehensive Review of Zoning and Planning Policies.** The County will conduct a comprehensive review of zoning and planning policies and make appropriate revisions.

The proposed amendments to the CWP include map amendments to recognize the HOD sites that the Board of Supervisors adopted as part of the 2023 HE Update. Additionally, there will be text amendments related to the HOD sites approved by the Board of Supervisors during the same update. These text amendments will recognize and redesignate a housing element site in the coastal zone with an HOD. These amendments are already in full force and effect since the Board adopted these changes through the adoption of the 2023 HE Update. The map and text amendments to the CWP will not include any changes to established allowed land uses in the coastal zone, nor will the proposed amendments alter or remove the requirement for a CDP for any improvement defined as development by the Coastal Act.

Finally, the proposed amendments will have no impact on requirements for a discretionary CDP approval and on the appealability of projects within the coastal zone or on sites with HOD, both at the local and at the Coastal Commission levels. In other words, future projects proposed on

the HOD sites will continue to be subject to a discretionary CDP approval, can still be appealed, and the applicable appeal procedures will remain unchanged. The intent of the proposed amendments to the CWP is to implement the 2023 Housing Element policies that aim to create additional housing opportunities in the coastal zone for a variety of housing types, including affordable units.

Local Coastal Program

The proposed amendments, while voluminous in scope, are predominantly comprised of relatively minor changes to housing and related policies already in effect through the adoption of the 2023 HE Update, and maintain all of the existing LCP's provisions addressing coastal resource protection. The proposed amendments to the LUP include: (1) clarifications that up to two intergenerational homes are permitted in the Coastal Agricultural Production Zone (C-APZ); (2) amend the code to conform to State laws related to mixed-use development standards; (3) delete text related to development density and floor area ratio for properties designated as public parks and open spaces; (4) add new policy to establish a HOD, which will implement the FBC in the Coastal areas; (5) add new policy to recognize the housing element sites in the CZC and the LUP; and (6) implement a new section to implement the State Density Bonus Law in the coastal areas.

Other amendments to the LUP include the incorporation by reference of the County's Inclusionary Ordinance. Additionally, LCP amendments will incorporate by reference the state Accessory Dwelling Unit (ADU), codified in Cal. Gov't Code sections 66310 – 66342, Junior Accessory Dwelling Unit (JADU), codified in Cal. Gov't Code sections 66333 - 66339.5, the State Density Bonus Law, as outlined in California Government Code sections 65915 – 65918, along with the Housing Accountability Act (HAA), Government Code section 65589.5. Staff has opted to reference state laws rather than incorporating their text into the code because they are revised at the state level regularly, and staff believes it is more efficient to reference state laws rather than amend the LCP each time they change.

The proposed amendments introduce the FBC in the coastal areas. The FBC is intended to provide temporary objective design standards for multi-family housing development projects. New developments guided by the proposed FBC would still be required to adhere to other applicable and existing objective development standards and policies of the Local Coastal Program, including those essential for protecting coastal resources.

As described above, the proposed amendment primarily seeks to update certain provisions in response to recent changes to State housing laws and help the County implement its 2023 HE Update. Many of these changes are non-substantive corrections and clarifications for easier use and consistency. The substantive changes meanwhile seek to bring the LCP into conformance with various State housing laws with a particular emphasis on helping to streamline and reduce barriers to housing production.

All of these changes can be understood as relatively minor modernizing refinements that primarily seek to facilitate and streamline the review of housing projects, especially higher-density, affordable, and special needs housing. Importantly, the proposed amendments would not modify the LCP's coastal resource protection requirements, and the proposed amendments do not raise core coastal resource concerns (e.g., related to environmentally sensitive habitats and their buffers, coastal bluffs and their buffers, public coastal access, and public views). In other words, all of the housing development that may be facilitated by the proposed amendments would continue to be required to comply with the LCP coastal resource protection framework, and would thus ensure that needed housing opportunities are being carried out in a

protective manner. As such, at a broad level, the amendments cover a variety of topics throughout the County's CZC but do not implicate core coastal resource issues, nor would they modify the LCP's coastal resource requirements.

Coastal Zoning Code (Implementation Plan)

Planning staff proposes to amend portions of the IP component of its LCP through a series of changes to the CZC. The CZC is intended to be a reference document that is updated periodically to reflect current laws and trends in the community and to reflect the vision and policies of the CWP and the LCP. It controls the physical development of land and the uses for each individual property based on the zoning designation (i.e., residential, industrial, recreational, or commercial, etc.), and implements the CWP and the LCP policies through detailed development regulations, such as specific use types and building standards (i.e., setbacks, heights, etc.).

The proposed amendments to Chapter 20.32 aim to update specific land use regulations, including Section 20.32.30 (Agricultural Worker Housing); Section 20.32.050 (Child Day-Care Facilities); Section 20.32.095 (Homeless Shelters); Section 20.32.140 (Residential Accessory Dwelling Units) and Section 20.32.145 (Residential Junior Accessory Dwelling Units) to align with the current State laws; amendments to Chapter 20.32 will locally codify recently enacted State legislation, such as Section 20.32.190 (Low-Barrier Navigation Center), Section 20.32.200 (Supportive Housing), and Section 20.32.210 (Emergency Shelter); and the following new sections: 20.62.100 to create HOD sites; 20.62.110 to implement the Form Based Code; and 20.62.130 to create an density bonus implementation guide in the coastal areas.

Minor edits include amendments to Chapters 20.62 and 20.64 to remove the requirement for a Conditional Use Permit (CUP) for multi-family residences in commercial and multi-family zoning districts where the CWP densities permit multi-family and mixed-use developments. Amendments to Chapter 20.64 (Accessory Dwelling Units) would update ADU regulations by referencing the state laws, while amendments to Chapter 20.70 (Coastal Permit Administration) would acknowledge that conversion of existing space within a primary residence or additions attached to the primary residence to create an ADU may be permitted by right.

Other substantial amendments will involve the modification of policies that limit development density for subdivision proposals. The CZC currently contains footnotes in the tables that mandate the low end of the density range for land division proposals for certain properties located within sensitive habitats and that lack public water or sewer systems. The amendment would allow subdivisions as long as sensitive habitat areas and sensitive resources are protected.

Nothing in the proposed amendments modifies the requirements for a CDP for new development defined as development by the California Coastal Act, Public Resources Code Section 30000. The Coastal Act is the controlling authority for land use and development in the Coastal Zone. The Coastal Act defines development broadly (with a few narrow exceptions), to include not only typical land development activities such as construction of buildings, but also land divisions and changes in the intensity of use of land or water, even where no construction is involved. The Coastal Act requires a discretionary CDP for any land use activity defined as a development. The policies of the Coastal Act (and Local Certified Programs certified pursuant to the Coastal Act) establish development standards intended to protect coastal resources. (Article Two, Section 30106 of the Coastal Act).

State Housing Laws

In recent years, California's housing crisis has been the primary focus of land use legislation, with over 100 substantial housing-related land use bills enacted since 2016. The 2024 legislative session continued this trend, with Governor Gavin Newsom signing a package of 62 housing-related bills that took effect on January 1, 2025. While the majority of these new laws do not apply to Marin County, some of the new laws do apply to the County and affect the CZC.

The proposed amendments will incorporate the County's ADU regulations, the State Density Bonus Law found in California Government Code Sections 65915 – 65918 and the HAA, Government Code section 65589.5, apply in the coastal zone. Staff has decided not to propose adopting coastal-specific laws pertaining to ADUs, density bonus law, and the HAA due to the frequency with which the State updates these sets of laws. For example, these three laws have been modified four times in the last three legislative cycles. Instead, the CZC will incorporate many State housing requirements by reference.

PUBLIC COMMENTS AND PUBLIC OUTREACH

As part of the LCP amendments, Planning staff conducted extensive public outreach activities from April to August of 2025. Planning staff sought participation and input from people who represent the full range of demographics, perspectives, and experiences in West Marin, including existing residents, environmental protection groups, nonprofit housing developers, housing advocates, utility and service providers, historically underrepresented community members, and community organizations representing special needs groups such as older adults, agriculture workers, people experiencing homelessness and people with disabilities. These outreach efforts included in-person meetings with stakeholder groups in Stinson Beach, Tomales, Point Reyes Station, and Zoom meetings with groups, service providers, and individuals from the entire West Marin. Additionally, the staff held one Community Workshop in Point Reyes Station, where attendees came from the entire West Marin area representing various community groups, land trusts, individuals, and concerned citizens. Over 50 people attended the workshop.

Public comments include a request to streamline the ADU permitting process, advocacy for changes in on-site septic system permitting and capacity calculations based on water usage, financial assistance for upgrading septic systems for ADU development, emphasis on protecting coastal resources amidst housing initiatives, reforming the planning and coastal permit processes to reduce costs and complexity for homeowners. These points capture the community's concerns and recommendations aimed at fostering more effective planning and development practices in West Marin. For a more comprehensive overview, please refer to Attachment No. 7: Public Comments and Public Outreach Description.

EQUITY IMPACT

The proposed amendments implement the State housing laws and the 2023 HE Update, both of which are intended to facilitate the development of housing at all income levels. Additionally, the overall purpose of the proposed amendments is to provide clear and accessible development standards and regulations, which is the first critical step in the development world. The CZC will further the County's goal of providing adequate housing supply to meet the County's needs and the County's share of regional housing needs and to affirmatively further fair housing.

RECOMMENDATION

In conclusion, after your Commission has completed the workshop on April 6, 2026, and provided comments, Planning staff will make revisions to the amendments to reflect your Commission's comments. A Planning Commission hearing is scheduled on May 11, 2026, for your Commission to review the revised amendments, and consider a Resolution recommending approval of the amendments to the Board of Supervisors.

Review the proposed amendments, receive public testimony, deliberate on the amendments, and provide directions to staff.

Attachments:

1. Guide to the 2026 Coastal Zoning Code Amendments
2. Draft Coastal Land Use Plan Amendments
3. Draft Coastal Land Use Plan amendments
4. Draft Coastal Zoning Code amendments
5. Draft Land Use Designation and Zoning Designation Maps
6. Draft Coastal Form-Based Code
7. Memorandum from the Coastal Commission, dated February 12, 2026, and September 30, 2025
8. Public Comments and Public Outreach Description

M E M O R A N D U M

TO: **Planning Commission**

FROM: **Immanuel Bereket, Principal Planner**

DATE: **May 28, 2026**

RE: **2026 Local Coastal Program Amendments**

At the Planning Commission Workshop on April 6, 2026, the Commissioners directed the staff to: (1) Provide further information regarding the concept of net lot area and its implementation; (2) Review the proposed Coastal Form-Based Code to assess whether the core neighborhood concept outlined in T-4 is appropriate for the coastal areas of Marin County; and (3) Provide an explanation of the implementation process for Form-Based Code and State Density Bonus Law, and outline steps to address if a project results in significant impacts to coastal resources, and provide a comparison with other coastal jurisdictions.

1. Lot area and net lot area

In non-coastal areas, the subdivision ordinance section of the Development Code ("Dev Code") requires that land subdivision proposals must first establish a net lot area and then base land division proposals on the net lot area (Dev Code § 22.82.025). The net lot area refers to the portion of land available for development, excluding unbuildable areas such as streams, wetlands, buffer zones, adjacent streets, paper streets, rights-of-way, and any land below the mean high tide line that is affected by tidal action. Unlike net lot area, the Dev Code and the Coastal Zoning Code define lot area as “the total area included within the lot lines of a lot, exclusive of adjacent street or paper street rights-of-way and any portion of the property located below mean high tide that is subject to tidal action” (Dev Code § 22.130.030). Thus, the net lot area will always be smaller than the original lot area, as it excludes non-buildable areas.

Under Dev Code § 22.82.025, the net lot area is derived by subtracting all non-buildable portions (i.e., streams, wetlands, buffers, roadway, streets, paper streets, etc.) from the total lot area. As defined in Dev Code § 22.130.030, net lot area is:

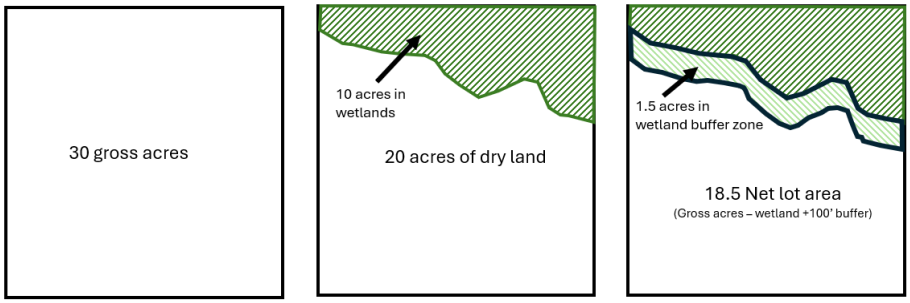
> Net Lot Area**.** The baseline area of a lot used for calculating maximum subdivision potential, and calculated by taking the area of the whole lot and subtracting the following:
>
> 1. Any areas seaward of mean high tide
> 2. Any areas within a Stream Conservation Area or Wetland Conservation Area.
>
> The resulting area is the net lot area.

The "net lot area" establishes the portions of a lot that are available for potential land subdivision. Any development occurring within this net lot area must also comply with the Countywide Plan policies designed to protect streams, wetlands, and their buffers. This definition has been effectively applied in the non-coastal, unincorporated areas of the County to regulate subdivision potential, while implementing stringent measures to safeguard sensitive environmental resources. Further, for properties not served by public utility services, land subdivisions are required to demonstrate access to water and onsite wastewater treatment system, and vehicular and pedestrian access would be provided. This is done through the discretionary review process on a case-by-case basis.

How to calculate net lot area

To calculate net lot area, begin by determining the total land area (gross lot area) included within the property's legal boundary lines, which is usually established by a survey. Next, identify the square footage of areas that cannot be developed, which include (1) land occupied by critical natural resources (i.e., wetland, vernal pool, stream, land under water, etc.); (2) code-mandated conservation areas (e.g., 100-foot horizontal distance from an environmentally sensitive habitat area (ESHA), stream conservation area (SCA), or wetland conservation area (WCA)); and (3) land encumbered by recorded open space easements, roadways, etc. Finally, subtract these excluded areas from the total area, and the resulting area is considered the net lot area. Figure 1 illustrates the concept of Lot Area and net lot area.

Figure 1: Net Lot Area



Under this example, the land that is available for subdivision would be reduced to 18.5 acres (as opposed to the original lot, which consists of 30 acres. The net lot area may be further reduced in size if the property includes land dedicated for streets, rights-of-ways, deed-restricted open space, or similar purposes.

During the subdivision process, buildable envelopes are mapped and recorded on the final map, along with restrictions that limit development to the buildable areas only. Typically, this is known as a building envelope. All proposed components of the development, such as the on-site septic system and its appurtenances, domestic wells and associated conveyance systems, surface parking spaces, driveways, etc., must occur within the designated buildable envelope. This method facilitates the clustering of development away from sensitive areas, helping to prevent over-development of properties. The process to establish a building requires applicants to provide a biological site assessment, soil investigations, percolation tests, and other evaluations to confirm the feasibility of development within the specified areas. Additionally, since all subdivision proposals are defined as development proposals under the Coastal Act, a discretionary Coastal Development Permit (CDP) and a concurrent discretionary subdivision application will be required. Through this discretionary review process, the County

can mandate environmental analysis and implement necessary controls to protect natural resources, maximize the protection of sensitive habitats, and create effective buffer zones, within the requirements of State law.

Net lot area within the LCP Amendments

In the coastal areas, the State Map Act controls land division proposals in the coastal areas, and the net lot areas codified in the Dev Code do not apply to the coastal areas. Staff proposes to introduce the concept of net lot area into the Coastal Zoning Code to allow and regulate subdivision proposals. Here is the proposed definition of net lot area:

> Net Lot Area. The area of the lot calculated by taking the area of the whole lot and subtracting the following:
>
> 1. Any areas seaward of mean high tide.
> 2. Any areas within an environmentally sensitive habitat area (ESHA), wetland, or within a 100-foot buffer or wetland buffer as outlined in the biological policies of the Land Use Plan surrounding an ESHA and wetlands.
>
> The resulting area is the net lot area.

Similar to the Dev Code, the net lot area would be further reduced if the property contains rights-of-way, streets, or paper streets. Under the proposed amendments, all land division proposals—regardless of whether they involve five or more lots—will use net lot area for density and subdivision metrics, rather than relying on the full dimensions of the site. By decreasing the area available for potential subdivision to the net lot area instead of the entire lot, these amendments seek to regulate density and growth effectively. This approach encourages the clustering of developments away from sensitive natural resources and their associated buffer zones.

Existing LCP Regulations and Conflict with the 2023 Housing Element Update

The 2023 Housing Element Update identified housing sites in coastal areas to meet the County's Regional Housing Needs Allocation (RHNA) obligations. Countywide, the 2023 Housing Element identified 155 sites with a collective capacity of accommodating approximately 3,569 dwelling units. Of these sites, 36 parcels- representing roughly 23% of the total housing element sites- are located within the coastal areas, with an assumed collective capacity of approximately 356 dwelling units. Each one of these sites in the coastal areas meets at least one condition (i.e., lack of public sewer services) that would limit development to the lowest end of the density range. If the regulation mandating the lowest end of the density range remains intact in its current form, it would create conflict with the certified 2023 Housing Element Update policies and goals, and undermine the County's objective of producing housing for all income levels throughout the unincorporated areas of the County. Therefore, staff recommends removing this restriction to better support and further the goals and policies of the 2023 Housing Element and the County's objective of creating housing throughout the unincorporated areas of the county.

Existing LCP Regulations and Proposed amendments

The Coastal Zoning Code currently contains footnotes in development standards that restrict and regulate land division for properties constrained by ESHA or its buffers, or properties that lack public water or sewer systems, to the low end of the density range established by the

governing Land Use Category (Coastal Zoning Code § 20.64.030 and § 20.64.040). These Coastal Zoning Code footnotes mandate subdivision at the lowest end of the density, unless affordable housing is proposed. However, the footnotes do not reduce the allowable residential density for multifamily or mixed-use developments that do not involve subdivision applications.

To implement the net lot area, staff is proposing to make the following modification to a development regulation in the Coastal Zoning Code that requires developments on the low end of the density range for properties with ESHA and buffers, and properties that lack public water or sewer systems. (old text appears in ~~strikethrough~~ while new text is underlined)

> The maximum residential density for proposed divisions of land for that portion or portions of properties with Environmentally Sensitive Habitat Areas and buffers, ~~and properties that lack public water or sewer systems,~~ shall be calculated based on Net Lot Area, ~~at the lowest end of the density range as established by the governing Land Use Category,~~ except for projects that provide significant public benefits, as determined by the Review Authority, or lots proposed for affordable housing, and if it can be demonstrated that the development is consistent with applicable Environmentally Sensitive Habitat Area and hazard policies and will be served by onsite water and sewage disposal systems.

Because net lot area specifically excludes non-buildable areas like ESHA and its buffers, the proposed Net Lot Area would limit the area that can actually be utilized for development, thereby encouraging the clustering of improvements away from sensitive natural resources and buffer zones. Furthermore, any proposal for land division must demonstrate consistency with relevant ESHA and hazard policies and ensure adequate provision of on-site water and sewage disposal systems. This assessment will be carried out on a case-by-case basis through a discretionary CDP and a subdivision application, supported by technical studies, including geotechnical investigations, percolation testing, water-yield testing, and hydrological assessments. Staff is NOT recommending that the Planning Commission permit development within the mandatory ESHA buffer zones.

Staff believes that these proposed amendments not only enhance environmental stewardship but also promote reasonable development practices. Importantly, the net lot area will not undermine or supersede the policies outlined in the Countywide Plan or the LCP regulations designed to protect these vital resources. Further, the proposed amendments to footnotes are supported by the 2023 Housing Element policies and goals, including Housing Goal 1, Policy 1.4 (Development Code Certainty), Program 6 (Efficient Use of Multi-Unit Land), Program 8 (Development Code Amendments), and Program 32 (Comprehensive Review of Zoning and Planning Policies). Finally, the proposed amendments to land subdivision restrictions are consistent with Coastal Land Use Plan Policies Policy C-CD-1, Policy C-CD-2, and Policy C-CD-20. *For more discussion on this, see below.*

Consistency with the Countywide Plan

The Countywide Plan is Marin County's general plan and the County's governing planning document. Land use and development decisions must be consistent with the applicable Countywide Plan policies, and thus, zoning regulations must be consistent with, or conform to, the Countywide Plan. In the coastal areas, the certified Coastal Land Use Plan (LUP) and the Coastal Zoning Code are the controlling documents for coastal development standards, but Countywide Plan policies also apply in some instances. For instance, if a CDP necessitates concurrent Design Review approval, the policies of the Countywide Plan will apply in addition to, and separately from, the policies of the LUP because the design review standards and procedures are outlined in the Dev Code and incorporated into the LCP by reference.

On January 24, 2023, the Board of Supervisors adopted the 2023-2031 Marin County Housing Element, Safety Element, and Environmental Impact Report, along with related Countywide Plan and Development Code amendments. The programs in the Housing Element that are directly related to the proposed Coastal Zoning Code amendments are the following: Housing Goal 1, Policy 1.4 (Development Code Certainty), Program 2 (By Right Approval), Program 3 (Replacement Housing), Program 6 (Efficient Use of Multi-Unit Land), Program 8 (Development Code Amendments) and Program 32 (Comprehensive Review of Zoning and Planning Policies).

As part of the 2023 Housing Element Update, the Board of Supervisors permanently removed Countywide Plan policies that required adherence to the lowest end of the density range under specific circumstances (e.g., properties located in ridge upland areas or those lacking access to public water and sewage services). There is no policy in the Countywide Plan that mandates the lowest density range. Removal of the land subdivision regulations would implement the policies of the 2023 Housing Element Update and, by extension, the Countywide Plan, which promotes housing development at all income levels throughout the county.

State law also requires local jurisdictions to amend their zoning ordinances to be consistent with their general plans (in this case, the Countywide Plan) within a reasonable time. (Gov't Code § 65860(c)(1)). According to the consistency test set forth by the Governor's Office of Planning and Research, a zoning ordinance is consistent with a general plan when it furthers the objectives and policies of the general plan and does not obstruct their attainment. Because the Countywide Plan serves as the "constitution" for local land use development policies, all subordinate regulations—including zoning codes and development standards—must be compatible with and not frustrate the goals and policies of the Countywide Plan. Therefore, staff recommends removing this restriction to better support and further the goals and policies of the 2023 Housing Element and the County's objective of creating housing throughout the unincorporated areas of the county.

Consistency with the Local Coastal Land Use Plan

The Coastal Land Use Plan primarily implements the coastal resource protection policies of the California Coastal Act of 1976, found in Division 20, commencing with Public Resources Code (PRC) § 30000 through § 30900. The Community Development chapter of the Land Use Plan establishes land-use designations and permitted densities in coastal areas. *There is no policy in the Coastal LUP that restricts developments and subdivision proposals to the low end of the floor area ratio or density range.* The Coastal LUP provides several policies that support the proposed amendments, including:

- Policy C-CD-1, which requires that new development be located "where it will not have significant adverse impacts, either individually or cumulatively, on environmental and natural resources, including coastal resources."

- Policy C-CD-2, which states, in part, "that the type and intensity of new development, including land divisions, conform to the land use categories and density provisions of the LCP and Land Use Policy Maps."

- Policy C-CD-20, which establishes "residential land use categories for residential development at a full range of densities, with emphasis on providing more affordable housing, including incentives for low and very low income units, while also

recognizing that physical hazards, fire risk, development constraints, protection of natural resources, and availability of public services and facilities can limit housing development in most areas."

The proposed amendments are consistent with, and conform to, the applicable Land Use Plan of the LCP. There is no policy in the Land Use Plan that mandates a minimum density range. Rather, all existing land use policies support a full range of housing options as long as environmental resources are protected. There is currently no policy in place that the footnotes are intended to implement. The proposed amendments to the footnotes align with existing policy frameworks in the LCP and underscore the appropriateness of the amendments to carefully allow land subdivision on a case-by-case basis, while protecting environmental resources.

Consistency with State laws (The Coastal Act, Sections 30000 through 30900) and Planning and Land Use (Cal. Gov't Code § 65860)

In the coastal planning framework, the relationship between the Coastal LUP and the Coastal Zoning Code is governed by a strict conformity and adequacy standard established by the Coastal Act. Public Resources Code § 30512 requires that the LUP must meet the requirements of, and be in conformity with, the Chapter 3 policies of the Coastal Act, while PRC § 30513 focuses on the Coastal Zoning Code's relationship to the LUP, by requiring that zoning codes conform with, or are adequate to carry out, the provisions of the certified land use plan. Together, these sections ensure that local coastal regulations remain consistent with state-level regulations applicable to the coastal areas.

According to PRC § 30513, a Coastal Zoning Code and any implementing ordinances are deemed consistent with the Coastal Act if they align with and implement the provisions of the certified land use plan. In this case, the existing footnotes within the Coastal Zoning Code do not support or advance any LUP policies, nor do they align with the Countywide Plan policies related to the production of housing at all income levels. Instead, the development standards outlined in the Coastal Zoning Code footnotes, as currently written, create inconsistency with the 2023 Housing Element Update. As previously mentioned, the 2023 Housing Element Update identified 36 parcels in coastal areas, which account for approximately 23% of the total housing element sites, with an assumed collective capacity of approximately 356 dwelling units. Each of these coastal sites meets at least one condition, such as a lack of public sewer services or water services, that would mandate development to the lowest end of the density range. If the regulation mandating the lowest end of the density range remains intact in its current form, it will be inconsistent with the LUP, and it will also contradict the certified goals of the 2023 Housing Element Update. Therefore, staff recommends that the Planning Commission adopt the proposed amendments to further the goals and policies of the 2023 Housing Element Update.

2. Form-Based Code

Following the Planning Commission workshop on April 6, 2026, staff reviewed the proposed Coastal Form-Based Code for the downtown core, which permits heights of up to 50 feet. Staff agrees with the Planning Commission and has removed any references to the T4 Core Main Street. Under the revised Form-Based Code, the maximum allowable height within the coastal zone will be limited to 45 feet above grade.

3. What constitutes Significant Coastal Resource Impacts?

Protecting coastal resources is listed as an explicit goal of the Coastal Act (and LCPs certified pursuant to the Coastal Act). Public Resources Code § 30116 states that "sensitive coastal resource areas" means "those identifiable and geographically bounded land and water areas within the coastal zone of vital interest in sensitivity," and that these areas include, among others, "special marine and land habitat areas", "areas possessing significant recreational value", "highly scenic areas" and "areas that provide existing coastal housing." *See id.* at subparts (a), (b), (f). Additionally, PRC § 30116 requires that ESHAs must be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas and development ESHA in areas adjacent to ESHA must be sited and designed to prevent impacts. *See id.* at subparts (a), (b).

Although the Coastal Act does not explicitly mention the number "100," it has been established as the standard, customary, and legally recognized minimum setback by the Coastal Commission. This standard is also codified in many local coastal plans (LCPs) to ensure compliance with the Coastal Act's requirements. In the context of Marin County, the County's LCP specifies that a 50-foot buffer is required for terrestrial ESHA. This buffer may be adjusted on a case-by-case basis, but it cannot be less than 25 feet (LUP policy C-BIO-3 ESHA Buffers). Unlike wetlands or marine habitats, terrestrial ESHA focuses on dry-land ecosystems. Further, Marin's LUP policy C-BIO-18 requires a 100-foot buffer for development from ESHA and policy C-BIO-19-3 allows for a reduced buffer, but no less than 50 feet, if it can be demonstrated that the narrower buffer would prevent impacts that would significantly degrade and/or disrupt the biological integrity and habitat values of the ESHA. Non-compliance with the 100-foot or adjusted buffer areas is considered a significant impact on coastal resources. Marin's current LCP policies stipulate a buffer of 100 feet from ESHA, but no less than 50 feet. These policies are consistent with other certified local coastal programs. For instance, in April 2026, the California Coastal Commission conditionally approved a significant amendment to the Local Coastal Program for the City of Newport Beach (LCP Amendment Request No. LCP-5-NPB-24-0032-2). The Coastal Commission's approval established a minimum 50-foot buffer from ESHA, rather than a 100-foot buffer that may be modified to no less than a 50-foot buffer on a case-by-case basis.

For subdivision proposals of four or fewer, non-compliance with the coastal resources protection policies will result in denial of the project on the basis of objective development LCP standards, unless (a) the project encourages housing opportunities for persons of low and moderate income with the least amount of Coastal Act and LCP deviation; and (b) there will be no significant adverse coastal resource impacts due to the project. If a project results in significant adverse coastal resource impacts, then it will have to go through the Coastal Commission's conflict resolution process. The conflict resolution process allows the Coastal Commission to select the course of action that, on balance, is the most protective of significant coastal resources, even if it will cause impacts that are generally prohibited by the Act. In these cases, there must also be no feasible less environmentally damaging alternative, and mitigation measures must be provided to minimize adverse environmental effects.

For subdivision proposals of five or more, the County must allow the maximum allowable density under the zoning or the LUP.[1] Those projects with five or more units may seek relief

[1] "Maximum allowable residential density" or "base density" means the greatest number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the greatest number of units allowed by the specific zoning range, specific

from development policies or standards, and the County may only deny applications, or requests for modification of local development regulations, policies or standards, if it can make specific written findings listed in State law, based on substantial evidence on record. The permissible bases to deny a concession are: (i) the concession does not result in identifiable and actual cost reductions; (ii) the concession would have a specific, adverse impact (as defined) upon public health and safety or the physical environment or on real property listed in the California Register of Historical Resources, and there is no feasible method to mitigate or avoid the impact; or (iii) the concession would be contrary to state or federal law. (Id.) Further, the permissible bases to deny a waiver are: (1) the waiver or reduction would have a specific, adverse impact, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact; (2) the waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources; or (3) to grant any waiver or reduction that would be contrary to state or federal law.

The Coastal Commission has outlined the mandatory implementing procedures for housing projects in coastal areas. These procedures include a step-by-step process to implement the State Density Bonus Law and objective design standards, including conflict resolution provisions of the Coastal Act outlined in PRC §30007.5 and 30200(b)) to approve non-resource-dependent uses in an ESHA. These procedures aim to facilitate housing production while safeguarding the Coastal Act and the constraints of the Local Coastal Program, in accordance with Coastal Act Section 30604. Recently, the Commission has certified LCP amendments for counties such as Santa Barbara, Ventura, and Santa Cruz, as well as cities including Imperial Beach, Encinitas, Capitola, Oceanside, Dana Point, and others. The County's approach is similar to and aligns with the amendments the Coastal Commission recently approved to implement various housing components.

Attachments:

1. Step-by-Step State Densit Bonus Law Implementation Guide

plan, or land use element of the general plan applicable to the project. Density shall be determined using dwelling units per acre. (Gov't Code § 65915(o)(6)).