

4. **Minimum requirements.** When the regulations of this Development Code are being interpreted and applied, all provisions shall be considered to be minimum requirements, unless stated otherwise (e.g., height limits, site coverage requirements for structures, and the numbers and size of signs allowed are identified as maximums, not minimums). Residential densities shall be construed as maximums, but not entitlements. For purposes of subdivision, the maximum allowable density shall be determined on a case-by-case basis.
- C. **Calculations – Rounding.** Where provisions of this Development Code require calculations to determine applicable requirements, any fractional/decimal results of the calculations shall be rounded as provided by this Subsection.
1. **Minimum lot area and number of lots.** The fractional/decimal results of calculations of the number of parcels allowed through subdivision based on a minimum lot area requirement shall be rounded down to the next lowest whole number. For example, the R-1 zoning district minimum lot area requirement of 7,500 square feet would allow division of a 21,000 lot into two lots ( $21,000 / 7,500 = 2.66$ , rounded down to two).
  2. **Residential density.** When the number of housing units allowed on a site ~~is~~are calculated based on density limits established by a zoning district, any fraction of a unit ~~of 0.9 or greater shall be rounded up to the next counted as a whole unit; any fraction of a unit less than 0.9 shall be rounded down to the next lowest whole number.~~ For example, a planned zoning district allows one housing unit for each 1,000 square feet of lot area; a lot of 8,500 square feet would be allowed eight housing units ( $8,500 / 1,000 = 8.5$ , rounded down to eight). A lot of 8,900 square feet would be allowed nine housing units ( $8,900 / 1,000 = 8.9$ , rounded up to nine).
  3. **Floor Area Ratio (FAR).** When calculating the allowable floor area of a structure based on the FAR established by the applicable zoning district, the fractional/decimal results of calculations shall be rounded to the next highest whole number, ~~when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.~~ For example, a maximum Floor Area Ratio of 0.30 applied to a lot of 25,856 square feet results in a maximum allowable floor area of 7,757 square feet ( $25,856 \times 0.30 = 7,756.8$ , rounded up to 7,757).
  4. **All other calculations.** For all calculations required by this Development Code other than those described in Subsections C.1 and C.2 above, the fractional/decimal results of calculations shall be rounded to the next highest whole number, ~~when the fraction/decimal is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.~~
- D. **Zoning Map boundaries.** If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the following rules are to be used in resolving the uncertainty:
1. Where zoning district boundaries approximately follow lot, alley, or street lines, the lot lines and street and alley centerlines shall be construed as the zoning district boundaries;
  2. If a zoning district boundary divides a parcel and the boundary line location is not specified by distances printed on the zoning map, the location of the boundary will be determined by using the scale appearing on the zoning map;

3. Where a public street or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned street or alley; and
4. Any property not clearly designated on the Zoning Map in any of the zoning districts established by Section 22.06.020 (Zoning Districts Established) shall hereby be designated as being in the A2 (Agriculture, Limited) zoning district (Chapter 22.08 (Agricultural and Resource-Related Districts)).

**E. Allowable uses of land.** If a proposed use of land is not specifically listed in Article II (Zoning Districts and Allowable Land Uses) the use shall not be allowed, except as follows.

1. The Director may determine that a proposed use not listed in Article II (Zoning Districts and Allowable Land Uses) is allowable if all of the following findings are made:
  - a. The characteristics of, and activities associated with, the proposed use are equivalent to those of one or more of the allowable uses listed in the zoning district;
  - b. The proposed use will not involve a higher level of activity or population density than the uses listed in the zoning district;
  - c. The proposed use will meet the purpose/intent of the zoning district that is applied to the site; and
  - d. The proposed use will be consistent with the goals, objectives and policies of the Marin Countywide Plan.
2. When the Director determines that a proposed, but unlisted, use is equivalent to a listed allowable use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Development Code apply.
3. The Director may forward questions about equivalent uses directly to the Commission for a determination at a public hearing.

**F. Conflicting requirements:**

~~1. **Other County Code provisions.** If conflicts occur between requirements of this Development Code, or between this Development Code and a Community Plan or other regulations of the County where a discretionary permit is applicable, the most restrictive provision shall apply.~~

1. **State and Federal law.** If conflicts occur between the requirements of this Development Code and Federal or State laws, Federal and State laws shall prevail.

2. **Private agreements.** It is not intended that the requirements of this Development Code are to interfere with, repeal, abrogate or annul any easement, covenant, or other agreement that existed when this Development Code became effective. This Development Code applies to all land uses and development regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction.

- G. Commercial Uses.** Limited commercial uses may be allowed only when: (1) included in a plan for new or continued agricultural activities on the site and surrounding properties, (2) determined by the Review Authority to be in all respects compatible with agricultural operations on surrounding properties, and (3) subject to specific approval in the adoption of a Use Permit.

**TABLE 2-2  
AGRICULTURAL DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2, 3, 6)	Minimum Setback Requirements (4)			Height Limit (5)		Maximum FAR (7)
			Front	Sides	Rear	Primary	Accessory	
A2	2 acres	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
A3	3 acres		30 ft.	30 ft.	30 ft.			0.05
A5	5 acres							
A10	10 acres							
A15	15 acres							
A20	20 acres							
A30	30 acres							
A40	40 acres							
A60	60 acres							
ARP	See note 2	See Zoning Map	Not applicable			30 ft.	16 ft.	N.A.

**Notes:**

- (1) Minimum lot area and setback standards may change, as follows:
  - a. In A2 districts, the minimum lot area and setback standards may change when such district is combined with a B district in compliance with the provisions of Section 22.14.050 (Minimum Lot Size [B] Combining District).
  - b. In A2 districts, including those combined with B districts, the minimum lot area may change in areas of sloping terrain in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
  - c. In A districts (A3 to A60), the minimum lot area and setback standards may be waived to allow for clustering of single-family dwellings in compliance with the provisions of Chapter 22.44 (Master Plans and Precise Development Plans); however, the total number of lots shall not exceed the maximum number permitted based on the total acreage of the parcel to be subdivided and the minimum lot area requirements of the respective A district.
- (2) In ARP districts, minimum lot area is determined through the subdivision and/or Master Plan process.
- (3) In ARP districts, any fraction of a dwelling unit shall be rounded up to the next of 0.90 or greater will be counted as a whole unit.

- (4) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In ARP districts, setbacks are determined through the Master Plan, Precise Development Plan, or Design Review process in accordance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
- (5) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions.
- ~~(6) The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.~~
- ~~(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.~~

**“P” means principally permitted**

**“U” means conditionally permitted subject to Use Permit approval**

**“—” means prohibited**

**See Article VIII (Development Code Definitions) for definitions of the terms used above.**

**22.10.040 – Residential District Development Standards**

- A. General zoning district standards – Use of table.** Proposed development and new land uses within the residential zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in conformity with the residential district development standards in Table 2-5 (Residential District Development Standards), except as provided by following Subsection B.
- B. Development standards for planned districts.** Special development standards for the RSP, RMP, RX, and RF zoning districts established by Section 22.06.020 (Zoning Districts Established) are provided by Chapter 22.16 (Discretionary Development Standards). In the event of any conflict between the provisions of Chapter 22.16 ( Discretionary Development Standards) and those of Table 2-5 (Residential District Development Standards), the standards of Chapter 22.16 shall control.

**TABLE 2-5  
RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,5)	Minimum Setback Requirements (3)			Height Limit (4)		Maximum FAR (5,6)
			Front	Sides	Rear	Primary	Accessory	
RA	7,500 sq.ft.	Not applicable	25 ft.	6 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30
RR								
RE								
R1								
R2								
RSP	Not applicable	See Zoning Map	Not applicable			30 ft.	16 ft.	Not applicable
RMP								
RF	See Sections 22.32.070.C and 22.32.075.B							
RX	See Section 22.32.110.C							

**Notes:**

- (1) Minimum lot area and setback standards may change, as follows:
  - a. In RA, RR, RE, R1, and R2 districts, the minimum lot area and setback standards may change when such district is combined with a B district in compliance with the provisions of Section 22.14.050 (Minimum Lot Size “-B” Combining District).
  - b. In RA, RR, RE, R1, and R2 districts, including those combined with “-B” districts, the minimum lot area may change in areas of sloping terrain in compliance with the provisions of Section 22.82.050 (Hillside Subdivision Design).
  - c. In RSP and RMP districts, minimum lot area is determined through the Master Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review). Through this

process, the Review Authority will determine whether the lot area is adequate for a proposed land use.

- (2) In RSP and RMP districts, any fraction of a dwelling unit shall be rounded up to the next whole number, of 0.90 or greater will be counted as a whole unit.
- (3) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In RSP and RMP districts, setbacks are determined through the Master Plan, Precise Development Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions.
- ~~(5) The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case by case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.~~
- ~~(6) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.~~

**See Article VIII (Development Code Definitions) for definitions of the terms used above.**

3. Land uses that are not listed in the table, are not shown in a particular zoning district, or are shown as a “—” in the land use tables are not allowed, except where otherwise provided by Section 22.06.040.B (Determination of Allowable Land Uses), or Section 22.06.050 (Exemptions from Land Use Permit Requirements). In some instances, there are specific land use restrictions contained in Chapter 22.32 that prohibit certain uses under specific circumstances.

Where the last column in the tables ("See Standards in Section") includes a section number, the regulations in the referenced section apply to the use; however, provisions in other sections of this Development Code may apply as well.

Reference notes apply to Tables 2-6 and 2-7, as enumerated below:

1. Allowed only where the site has a lot area of 3 acres or more.
2. Allowed where review authority determines through the Use Permit process that proposal is consistent with the small-scale, village-serving purposes of the VCR zoning district.
3. Dwellings allowed above the first floor only. First floor shall be reserved for non-residential use.
4. Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1(5) Retail Business	CP (5) Planned Commercial	

**AGRICULTURAL, RESOURCE AND OPEN SPACE USES**

Agricultural accessory structures	—	U(1)	—	—	22.32.030
Commercial gardening	P	P(1)	P	P	
Community gardens	P	P	P	P	
Community gardens, market	U	U	U	P	
Fisheries and game reserves	—	U(1)	—	—	
Livestock operations, grazing	—	U(1)	—	—	22.32.030
Livestock operations, large animals	—	U(1)	—	—	22.32.030
Livestock operations, small animals	—	U(1)	—	—	22.32.030
Mariculture/aquaculture	—	U(1)	—	—	
Nature preserves	—	U	—	—	
Plant nurseries, with on-site sales	P	U(1)	P	P	
Plant nurseries, without on-site sales	P	P	P	P	
Small WECS	P	P	P	P	22.32.180
Medium WECS	P	P	P	P	22.32.180
Large WECS	—	—	—	—	22.32.180

**Notes:**

1. Allowed only where the site has a lot area of 3 acres or more.
5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.



**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

**MANUFACTURING AND PROCESSING USES**

Beverage production	U(2)	U	U	P	
Boat manufacturing	U	U	—	P	
Food products	U(2)	U	U	P	
Furniture and fixtures	U	U	—	P	
Handcraft industries, small-scale manufacturing	U	U	—	P	
Laundries and dry cleaning plants	U	U	U	P	
Printing and publishing	U	U	—	P	
Recycling - reverse vending machines	P	U	P	P	
Recycling facility	U	U	U	P	
Wholesaling and distribution	U(2)	U	—	P	

**Notes:**

- Allowed where review authority determines through the Use Permit process that proposal is consistent with the small-scale, village-serving purposes of the VCR zoning district.
- Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

**RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES**

Adult entertainment establishments	U	U	U	P	
Child day-care centers	U	U	P	P	22.32.050
Child day-care, large family day-care homes	P	P	P	P	22.32.050
Child day-care, small family day-care homes	P	P	P	P	22.32.050
Community centers	U	U	U	P	
Golf courses/country clubs	U	U	U	P	
Health/fitness facilities	U	U	U	P	
Indoor recreation centers	U	U	U	P	
Libraries and museums	U	U	P	P	
Membership organization facilities	U	U	U	P	
Outdoor commercial recreation	U	U	U	P	
Private residential recreation facilities	U	U	U	P	
Public parks and playgrounds	P	P	P	P	
Religious places of worship	U	U	U	P	
Schools	U	U	U	P	
Sport facilities and outdoor public assembly	U	U	U	P	
Studios for art, dance, music, photography, etc.	U	U	U	P	
Theaters and meeting halls	U	U	P	P	

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

**RESIDENTIAL USES**

Adult day program	P	P	U	P	
Affordable Housing	P	P	P	P	22.22.24
Group homes, 6 or fewer residents	P	P	—	—	
Group homes, 7 or more residents	U	U			
Guest houses	P	P	—	—	
Home occupations	P	P	P	P	22.32.100
Multi-family dwellings	UP	P	P (4)	P (4)	22.32.150
Organizational houses	U	U	U	—	
Residential Accessory Dwelling Units, Junior	P	P	P	P	22.32.125
Residential Accessory Dwelling Units	P	P	P	P	22.32.120
Residential accessory uses and structures	P	P	P	—	22.32.130
Residential care facilities	P	P	—	P	
Room rentals	P	P	P	P	
Single-family dwellings	P	P	P (3, 4)	P (4)	22.32.150
Single Room Occupancy (SRO)	—	P	—	—	22.32.085
Tennis and other recreational uses	U	P	U	U	22.32.130
Two-family dwellings	UP	P	P (3, 4)	P (4)	22.32.150

**Notes:**

- Dwellings allowed above the first floor only. First floor shall be reserved for non-residential use.
- Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

**RETAIL TRADE USES**

Accessory retail uses	P	P	P	P	22.32.020
Auto, mobile home, vehicle, parts sales, new	U	U	U	P	
Bars and drinking places	U	U	U	P	
Building material stores	U	U	U	P	
Construction equipment sales	U	U	P	P	
Drive-in and drive-through sales	U	U	U	P	
Fuel and ice dealers	U	U	U	P	
Furniture, furnishings, home appliances	P	U	P	P	
Grocery stores	P	U	P	P	
Liquor stores	U	U	U	P	
Outdoor retail sales and activities	U	U	U	P	
Restaurants, 40 patrons or less	P	U	P	P	
Restaurants, more than 40 patrons	U	U	U	P	
Restaurants, with liquor and/or entertainment	U	U	U	P	
Restaurants, drive-in, take-out, fast food	U	U	U	P	
Retail stores, general merchandise	P	U	P	P	
Retail stores, visitor/collector	U	U	P	P	
Second hand stores	P	U	P	P	
Shopping centers	U	U	P	P	
Tobacco retail establishments	—	—	U	U	22.32.170
Warehouse retail stores	U(2)	U	U	P	

**Notes:**

- Allowed where review authority determines through the Use Permit process that proposal is consistent with the small-scale, village-serving purposes of the VCR zoning district.
- Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	CI (5) Retail Business	CP (5) Planned Commercial	

**SERVICE USES**

Automatic teller machine (ATM), not at bank	P	U	P	P	
Banks and financial services	P	U	P	P	
Business support services	U	U	P	P	
Cemeteries, columbariums and mortuaries	U	U	U	P	
Commercial solar facilities	U	U	P	P	
Construction yard	—	U	—	P	
Drive-in and drive-through services	U	U	U	P	
Homeless shelters	—	—	P	P	22.32.095
Hotels and motels	U	U	P	P	
Medical services - Clinics and laboratories	P	U	P	P	
Medical services - Hospitals and extended care	U	U	U	P	
Offices	P	U	P	P	
Personal services	P	U	P	P	
Public safety facilities	U	U	U	P	
Public utility facilities	U	U	U	P	
Repair and maintenance - consumer products	P	U	P	P	
Repair and maintenance - vehicle	U	U	U	P	
Research and development (R&D)	—	U	—	P	
Service stations	U	U	U	P	22.32.160
Storage, accessory	P	P	P	P	
Veterinary clinics and animal hospitals	U	U	U	P	
Warehousing	U	U	—	P	

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, CI, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-6 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT				See Requirements and Standards in Section:
	VCR Village Commercial Residential	RMPC Residential Commercial Multiple Planned	C1 (5) Retail Business	CP (5) Planned Commercial	

**TRANSPORTATION AND COMMUNICATIONS USES**

Broadcasting studios	P	U	U	P	
Commercial parking and vehicle storage	U	U	U	P	
Pipelines and utility lines	U	U	U	P	
Telecommunications facilities	U	U	U	P	22.32.165
Transit stations and terminals	U	U	U	P	
Transit stop shelters	P	P	P	P	
Vehicle and freight terminals	U	—	—	—	

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

**“P” means principally permitted**

**“U” means conditionally permitted subject to Use Permit approval**

**“—” means prohibited**

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**AGRICULTURAL, RESOURCE AND OPEN SPACE USES**

Commercial gardening	—	—	P	—	—	
Community gardens	P	P	P	P	P	
Community gardens, market	U	U	U	U	U	
Plant nurseries	—	—	P	—	—	
Small WECS	P	P	P	P	P	22.32.180
Medium WECS	P	P	P	P	P	22.32.180
Large WECS	—	—	—	—	—	22.32.180

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**MANUFACTURING AND PROCESSING USES**

Beverage production	—	—	—	—	U	
Boat manufacturing	—	—	—	—	U	
Chemical products	—	—	—	—	U	
Clothing products	—	—	—	—	U	
Concrete, gypsum, and plaster products	—	—	—	—	U	
Electrical and electronic equipment, instruments	—	—	—	—	U	
Food products	—	—	—	—	U	
Furniture and fixtures	—	—	—	—	U	
Glass products	—	—	—	—	U	
Handcraft industries, small-scale manufacturing	—	—	—	—	U	
Laundries and dry cleaning plants	—	—	—	—	U	
Lumber and wood products	—	—	—	—	U	
Machinery manufacturing	—	—	—	—	U	
Metal products fabrication, machine/welding shops	—	—	—	—	U	
Paper products	—	—	—	—	U	
Paving and roofing materials	—	—	—	—	U	
Pharmaceuticals	—	—	—	—	U	
Plastics and rubber products	—	—	—	—	U	
Printing and publishing	—	—	—	—	U	
Recycling facilities	—	—	—	—	U	
Recycling - reverse vending machines	—	—	P	—	U	
Recycling - scrap and dismantling yards	—	—	—	—	U	
Stone and cut stone products	—	—	—	—	U	
Structural clay and pottery products	—	—	—	—	U	
Wholesaling and distribution	—	—	—	—	U	

**Notes:**

- Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.



**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	HI (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES**

Adult entertainment establishments	—	—	—	U	—	
Child day-care centers	U	P	U	U	—	22.32.050
Child day-care, large family day-care homes	P	P	P	—	—	22.32.050
Child day-care, small family day-care homes	P	P	P	—	—	22.32.050
Community centers	U	P	U	U	U	
Golf courses/country clubs	U	P	U	U	U	
Health/fitness facilities	—	P	U	U	—	
Indoor recreation centers	—	P	U	U	—	
Libraries and museums	P	P	P	U	U	
Membership organization facilities	—	P	U	U	—	
Outdoor commercial recreation	—	—	—	U	—	
Private residential recreation facilities	U	U	U	U	—	
Public parks and playgrounds	U	P	P	U	P	
Religious places of worship	U	P	U	U	U	
Schools	U	P	U	U	—	
Sport facilities and outdoor public assembly	—	P	U	U	—	
Studios for art, dance, music, photography, etc.	P	P	U	U	—	
Theaters and meeting halls	—	P	U	U	—	

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and HI zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**RESIDENTIAL USES**

Adult day program	P	P	U	P	U	
Affordable Housing	P	P	P	P	U	Chapter 22.22
Group homes, 6 or fewer residents	—	P	U	—	—	
Group homes, 7 or more residents	—	U	U	—	—	
Guest houses	—	P	P	—	—	
Home occupations	P	P	P	—	—	22.32.100
Multi-family dwellings	P(4)	P	P(4)	UP(4)	—	
Organizational houses	—	U	U	U	—	
Residential Accessory Dwelling Units, Junior	P	P	P	P	—	22.32.125
Residential Accessory Dwelling Units	P	P	P	P	—	22.32.120
Residential accessory uses and structures	P	P	P	—	—	22.32.130
Residential care facilities	—	P	U	—	—	
Room rentals	P	P	P	—	—	
Single-family dwellings	P(4)	P	P(4)	U	—	
Single Room Occupancy (SRO)	P	P	P	—	—	22.32.085
Tennis and other recreational uses	—	U	U	—	—	22.32.130
Two-family dwellings	P(4)	P	P(4)	U	—	

**Notes:**

- Dwellings, except for affordable housing, shall be accessory to the primary commercial use. See 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS  
FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**RETAIL TRADE USES**

Accessory retail uses	—	P	P	P	P	22.32.020
Auto, mobile home, vehicle, parts sales, new	—	—	—	—	P	
Bars and drinking places	—	—	U	P	—	
Building material stores	—	—	U	—	—	
Construction equipment sales	—	—	—	—	P	
Drive-in and drive-through sales	—	—	U	—	—	
Farm equipment and supplies sales	—	—	—	—	P	
Fuel and ice dealers	—	—	U	—	—	
Furniture, furnishings, home appliances	—	—	U	—	—	
Grocery stores	—	—	U	—	—	
Liquor stores	—	—	U	—	—	
Outdoor retail sales and activities	—	—	—	—	—	
Outdoor retail sales, temporary	—	—	U	—	—	
Restaurants	—	—	U	P	—	
Restaurants, drive-in, take-out, fast food	—	—	U	—	—	
Retail stores, general merchandise	—	—	U	—	—	
Retail stores, visitor/collector	—	—	U	—	—	
Second hand stores	—	—	U	—	—	
Shopping centers	—	—	U	—	—	
Tobacco retail establishments	—	U	U	—	U	22.32.170
Warehouse retail stores	—	—	U	—	—	

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, CI, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS  
 FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	HI (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**SERVICE USES**

Automatic teller machines (ATMs), not at bank	P	P	U	P	P	
Banks and financial services	P	P	U	—	—	
Bed and breakfast inns	—	—	—	P	—	22.32.040
Business support services	P	P	U	—	—	
Cemeteries, columbariums and mortuaries	U	P	U	U	—	
Commercial solar facilities	U	U	U	U	P	
Construction yards	—	—	—	—	P	
Drive-in and drive-through services	—	—	U	—	—	
Hotels and motels	—	—	U	P	—	
Kennels and animal boarding	—	—	—	—	U	
Medical services - Clinics and laboratories	P	P	U	—	—	
Medical services - Hospitals and extended care	—	P	U	—	—	
Offices	P	P	U	—	—	
Personal services	P	P	U	—	—	
Public safety facilities	—	—	U	U	P	
Public utility facilities	—	—	U	U	P	
Repair and maintenance - consumer products	—	—	U	—	U	
Repair and maintenance - vehicle	—	—	U	—	U	
Research and development (R&D)	P	P	—	—	P	
Service stations	U	U	U	P	U	22.32.160
Storage, accessory	—	P	U	U	P	
Storage, personal storage facility	—	—	—	—	P	
Veterinary clinics and animal hospitals	—	—	—	—	U	
Warehousing	—	—	—	—	P	

**Notes:**

5. Non-residential development may trigger residential requirements in the YCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**TABLE 2-7 – ALLOWED USES AND PERMIT REQUIREMENTS FOR COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICTS (Continued)**

LAND USE (See Article VIII for Definitions)	PERMIT REQUIREMENT BY DISTRICT					See Requirements and Standards in Section:
	AP (5) Admin and Professional	OP Planned Office	H1 (5) Limited Roadside Business	RCR Resort and Commercial Recreation	IP Industrial Planned	

**TRANSPORTATION AND COMMUNICATIONS USES**

Airpark	—	—	—	—	U	
Broadcasting studios	U	P	—	—	—	
Commercial parking and vehicle storage	—	—	—	—	U	
Pipelines and utility lines	U	P	U	U	U	
Telecommunications facilities	U	U	U	U	U	22.32.165
Transit stations and terminals	U	P	U	U	U	
Transit stop shelters	P	P	P	P	P	
Vehicle and freight terminals	—	—	—	—	U	

**Notes:**

5. Non-residential development may trigger residential requirements in the VCR, RMPC, RCR, C1, CP, AP, OP and H1 zoning districts pursuant to Section 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts.

“P” means principally permitted

“U” means conditionally permitted subject to Use Permit approval

“—” means prohibited

See Section 22.12.040 (Commercial/Mixed Use and Industrial District Development Standards) for applicable standards.

**22.12.040 – Commercial/Mixed Use and Industrial District Development Standards**

- A. General standards – Use of table.** Proposed development within the commercial and industrial zoning districts established by Section 22.06.020 (Zoning Districts Established) shall be designed and constructed in conformity with the Commercial District Development Standards in Table 2-8 (Commercial/Industrial District Development Standards), except as provided by following Subsection B.
- B. Development standards for planned districts.** Special development standards for the CP, OP, RCR, RMPC, and IP zoning districts established by Section 22.06.010 (Zoning Districts Established) are provided by Chapter 22.16 (Planned District Development Standards). In the event of any conflict between the provisions of Chapter 22.16 and those of Table 2-8 (Commercial/Industrial District Development Standards), the standards of Chapter 22.16 shall control.

**TABLE 2-8  
 COMMERCIAL/MIXED USE AND INDUSTRIAL DISTRICT  
 DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Maximum Residential Density (2,6)	Minimum Setback Requirements (3)			Height Limit (4)		Maximum FAR (5,7)
			Front	Sides	Rear	Primary	Accessory	
VCR	7,500 sq.ft.	1 unit per 2,000 sq.ft. of lot area	0 ft.	0 ft. for commercial use, 5 ft. for residential use	0 ft. for commercial use, 15 ft. for residential use	35 ft.	16 ft.	Not applicable
AP		1 unit per 1,450 sq. ft. of lot area	25 ft.	6 ft. for 1-story building, 10 ft. for multi-story building, or on street side	20 ft.			
H1		1 unit per 1,450 sq. ft. of lot area	30 ft.	6 ft. adjacent to residential district, none otherwise	12 ft. adjacent to residential district, none otherwise			
C1			0 ft.					
CP	Not applicable	1 unit per 1,450 sq. ft. of lot area	Not applicable			30 ft.	16 ft.	Not applicable
IP		Not permitted	Not applicable			30 ft.	16 ft.	Not applicable
RCR		Not permitted in OP						
OP		See Zoning Map for RMPC						
RMPC								

**Notes:**

- (1) Minimum lot area and setback standards may change, as follows:
  - a. In VCR, AP, H1, and C1 districts, the minimum lot area and setback standards may change when the district is combined with a "-B" district in compliance with provisions of Section 22.14.050 (Minimum Lot Size "-B" Combining District).
  - b. In VCR, AP, H1, and C1 districts, including those combined with "-B" districts, the minimum lot area may change in areas of sloping terrain in compliance with provisions of Section 22.82.050 (Hillside Subdivision Design).
  - c. In CP, IP, RCR, OP, and RMPC districts, minimum lot area is determined through the Master Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review). Through such process, the Review Authority will determine whether the lot area is adequate for the proposed land use.
- (2) With the exception of affordable housing development, the following standards shall apply to residential development in the RMPC and C1 districts:
  - a. In RMPC districts, when determining the maximum residential density allowed, any fraction of a dwelling unit shall be rounded up of 0.90 or greater will be counted as to a whole unit.
  - b. In C1 districts, dwellings are allowed above the first floor only. The first floor shall be

reserved for non-residential use.

- c. Where allowed, dwellings shall be accessory to the primary non-residential use of the property. See Section 22.32.150 (Residential Uses in Commercial/Mixed Use Areas).
- (3) See (1) above. See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks. In CP, IP, RCR, OP, and RMPC districts, setbacks determined through the Master Plan, Precise Development Plan, or Design Review process in compliance with Chapters 22.44 (Master Plans and Precise Development Plans) or 22.42 (Design Review).
- (4) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions.
- (5) See Section 22.32.150 Residential Uses in Commercial/Mixed Use Areas for standards on residential development. For mixed use developments, the floor area ratio shall not exceed the floor area ratio as established by the governing Countywide Plan Land Use Designation.
- ~~(6) The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation - Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.~~
- ~~(7) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation, except for projects that provide significant public benefits, as determined by the Review Authority. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD-AERA (Planned Designation - Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007.~~

**See Article VIII (Development Code Definitions) for definitions of the terms used above.**

**22.14.050 – Minimum Lot Size “-B” Combining District**

**A. Purpose.** The Minimum Lot Size “-B” combining district is intended to establish lot area, setback, height, and floor area ratio (FAR) requirements for new development that are different from those normally applied by the primary zoning district applicable to a site; and to configure new development on existing lots, where desirable because of specific characteristics of the area.

**B. Development standards.** Where the B combining district is applied, the minimum lot area, setback, height, and floor area ratio standards in Table 2-11 (B Combining District Development Standards) shall be required, instead of those that are normally required by the primary zoning district. ~~The maximum residential density for proposed subdivisions for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range as established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan’s PD\_AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services, as long as the development complies with the California Environmental Quality Act and all other applicable policies in the Countywide Plan including, but not limited to, those governing environmental protection.~~



**TABLE 2-11  
 B COMBINING DISTRICT DEVELOPMENT STANDARDS**

Zoning District	Minimum Lot Area (1)	Minimum Setback Requirements (2)			Height Limit (3)		Maximum FAR (4, 5)	
		Front	Sides	Rear	Primary	Accessory		
B1	6,000 sq.ft.	25 ft.	5 ft., 10 ft. on street side	20% of lot depth to 25 ft. max.	30 ft.	16 ft.	0.30	
B2	10,000 sq.ft.		10 ft.					
B3	20,000 sq.ft.		15 ft.					
B4	1 acre		20 ft.					
B5	2 acres		30 ft.	20 ft., 30 ft. on street side				30 ft.
B6	3 acres							
BD	See Section 22.30.050 (Sleepy Hollow Community Standards)							
BLV	See Section 22.30.040 (Lucas Valley Community Standards)							
SGV	See Section 22.30.045 (San Geronimo Valley Community Standards)							

**Notes:**

- (1) Minimum lot area shown applies except where Section 22.82.050 (Hillside Subdivision Design) establishes a different standard.
- (2) See Section 22.20.090 (Setback Requirements and Exceptions) for setback measurement, allowed projections into setbacks, and exceptions to required setbacks.
- (3) See Section 22.20.060 (Height Measurement and Height Limit Exceptions) for height measurement and exceptions. Single-family dwellings over 30 feet in height require Design Review approval in compliance with Chapter 22.42 (Design Review), and single-family dwellings over 35 feet in height require Design Review and Variance approval in compliance with Chapters 22.42 (Design Review) and 22.54 (Variances).
- (4) Single-family dwellings that contain over 3,500 square feet of floor area require Design Review approval in compliance with Chapter 22.42 (Design Review).
- ~~(5) The maximum non-residential and non-agricultural floor area for that portion or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the floor area ratio range as established by the governing Countywide Plan Land Use Designation. The floor area ratio restrictions do not apply to additions to non-residential and non-agricultural structures not exceeding 500 square feet. This restriction does not apply to lots governed by the Countywide Plan's PD AERA (Planned Designation - Agricultural and Environmental Reserve Area) land use designation and to lots in the Baylands Corridor that are two acres or less in size that were legally created prior to January 1, 2007. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water and sanitary services.~~

**See Article VIII (Development Code Definitions) for development standard definitions.**

- i. The remaining area or percentage of the parcel shall be subject to ponding and overflow;
  - ii. Lands within any F-1 district included in the property involved shall be dedicated to the County, the Marin County Flood Control and Water Conservation District, or other appropriate public agency;
  - iii. Drainage improvements which will enable the remaining area or percentage to serve as a ponding and overflow area shall be constructed by the property owner;
  - iv. A bond may be required to guarantee performance of the agreement;
  - v. Other provisions reasonably required to fulfill the purposes of the F-1 and F-2 district may be imposed;
- c. Full use of the entire parcel shall be permitted only at such time as both of the following conditions are met:
- i. Ultimate flood control channel improvements specified at the time the F-2 district was adopted are constructed through the parcel or parcels being developed. Alternative methods of providing flood control facilities may be approved by the County, the Marin County Flood Control and Water Conservation District, or other appropriate public agency provided they provide equal capacity to that of the ultimate flood control channel improvements adopted at the time the F-2 district was created; and
  - ii. The ultimate flood control channel section is constructed from the parcel to be developed, downstream to the mouth of the primary floodway.

#### **22.14.090 – Housing Overlay Designation (HOD) Combining District**

- A. Purpose.** The HOD combining district allows housing development at a density described in table 2-12 below and offers ministerial review for housing development projects. The combining district is supplemental to the underlying zoning, which remains unchanged. This approach allows compact development and encourages housing on key sites.
- B. Applicability.** This chapter shall apply to housing development projects on all properties identified in table 2-12 below.
- C. Allowable Uses.** Housing development projects are permitted ministerially in an HOD combining district through application of the Form Based combining district, Form Based Code, and Housing Development Regulation Compliance Review. Other types of projects are subject to the requirements of the land use tables for the underlying zoning district.
- D. Ministerial Review:–** The Form Based combining district may be applied to housing development projects on any HOD site. Housing development projects under the Form Based combining district are subject to a Housing Development Regulation Compliance Review and must conform with the standards of the Form Based Code as specified in Section 22.14.100.
- E. Location, Density, and Development Standards.** The HOD combining district applies to the sites listed in table 2-12 below, which also specifies the required transect zones that must be applied under the Form Based Code, and the maximum density and number of primary dwelling units for the acreage under the HOD district on the site. While a specific minimum number of

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>Alto-Strawberry</b>						
North Knoll Rd/Saint Thomas Dr	034-012-26	70 N Knoll Rd., Strawberry	T3, T4	RMP-0.2:HOD	16 units per acre.	59
	034-061-09				Limited to 3.7 acres.	
Pan Pac Ocean Site	034-012-21	Eagle Rock Rd., Strawberry	T4	RMP-0.1:HOD	2 units per acre.	32
	034-012-27			RMP-0.2:HOD		
	034-012-28			RMP-0.1:HOD		
	034-012-29			RMP-0.2:HOD		
Strawberry Commercial	043-151-02	664 Redwood Hwy Frontage Rd., Strawberry	T4	H1:HOD	30 units per acre.	60
	043-151-03				Limited to 2.0 acres.	
	043-151-09					
	043-151-31					
Strawberry Recreation District Site	043-361-54	Redwood Hwy Frontage Rd., Strawberry	T3	RMP-12.1: HOD	20 units per acre. Limited to 2.3 acres.	46
Strawberry Village Center <sup>2</sup>	043-151-30	750 Redwood Hwy Frontage Rd., Strawberry	T4	RMPC:HOD	30 units per acre.	100
	043-321-03				Limited to 3.3 acres.	
<b>Fairfax</b>						
Oak Manor Commercial Center <sup>2</sup>	174-011-33	2400/2410 Sir Francis Drake Blvd.,	T3, T4	C1:HOD	23 units per acre.	36
	174-011-36	Unincorporated Fairfax				

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.

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>Kentfield</b>						
College of Marin Parking Lot <sup>2</sup>	074-031-56	Sir Francis Drake Blvd., Kentfield	T4	RMPC:HOD	30 unit per acre.	25
	074-031-58					
	074-031-60					
	074-181-18					
	074-092-17					
	071-132-11					
	071-132-12					
Kentfield Commercial Underutilized	074-031-39	Sir Francis Drake Blvd., Kentfield	T4	RMPC:HOD	30 unit per acre.	71
	074-031-45					
	074-031-54					
	074-031-61					
	074-031-63					
	074-031-65					
	074-031-68					
	074-031-69					
	074-031-74					
	074-031-75					
	074-031-77					
Sloat Garden Center <sup>2</sup>	071-191-47	700 Sir Francis Drake Blvd., Kentfield	T4	R1:HOD	30 unit per acre.	31
	071-191-48					
25 Bayview Rd	022-071-01	25 Bayview Rd., Kentfield	T3	RMP-6:HOD	8 units per acre.	3
St. Sebastian Catholic Church (Kentfield Catholic Church)	022-010-21	215 Bon Air Rd., Kentfield	T3, T4	R1-B2:HOD	10 units per acre. Limited to 1.4 acres.	14

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>Marinwood/Lucas Valley</b>						
Lucas Valley Environs Vacant	164-280-35	1501 Lucas Valley Rd., Lucas Valley	T3	A-60:HOD	15 units per acre. limited to 1.7 acres.	26
Marin County Juvenile Hall <sup>2</sup>	164-640-01	2 Jeannette Prandi Way, Lucas Valley	T3, T4	PF:HOD	30 units per acre. Limited to 2.7 acres.	80
Marinwood Plaza	164-471-64	121 Marinwood Ave., Marinwood	T4, T5	CP:HOD	30 units per acre. Limited to 4.0 acres.	125
	164-471-65					
	164-471-69					
	164-471-70					
Miller Creek School District Properties (Marinwood Plaza adjacent)	164-471-71	Marinwood Ave., Marinwood	T4, T5	CP:HOD	30 units per acre.	10
	164-471-72					
Office Building (Across From Juvenile Hall) <sup>2</sup>	164-481-10	7 Mt. Lassen Dr., Lucas Valley	T3, T4	CP:HOD	25 units per acre.	58
St. Vincent's <sup>2</sup>	155-011-28	1 St. Vincent Dr., Santa Venetia	T3, T4	A2:HOD	20 units per acre. Limited to 34.0 acres.	680
	155-011-29					
	155-011-30					

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>Marin City</b>						
Cornerstone Community Church of God	052-140-38	626 Drake Ave., Marin City	T3, T4	RMPC:HOD	5 units per acre.	4
Donahue Highlands (formerly LiBao)	052-140-33	Off Donohue St., Marin City	T3, T4	RMP-0.5:HOD	n/a	25
Marin Gateway Center	052-490-08	190 A Donahue St., Marin City	T4, T5	CP:HOD	20 units per acre. Limited to 5.0 acres.	100
MLK Academy School	052-140-39	200 Phillips Dr., Marin City	T4	PF:HOD	11 units per acre. Limited to 6.0 acres.	63
Village Baptist Church (825 Drake)	052-112-03	825 Drake Avenue	T4	RMP-34: HOD	n/a	74
<b>Nicasio</b>						
Nicasio Corp Yard - County <sup>2</sup>	121-050-34	Nicasio Valley Rd., Nicasio	T3	ARP-60:HOD	20 units per acre. Limited to 0.8 acres.	16
<b>Novato (Unincorporated)</b>						
Atherton Corridor	143-101-17	Atherton Ave., Novato	T3	A2-B4:HOD	20 units per acre. Limited to 1.95 acres.	147
	143-101-20			A2-B4:HOD	20 units per acre. Limited to 1.8 acres.	
	143-101-35			A2-B4:HOD	20 units per acre. Limited to 1.8 acres.	
	143-101-37			A2-B4:HOD	20 units per acre. Limited to 1.8 acres.	
Black Point (Vacant)	143-110-31	300 Olive Ave., Black Point	T3	ARP-2:HOD	4 units per acre. Limited to 14.5 acres.	58
Buck Center Vacant Property	125-180-79	Redwood Hwy, Black Point	T3, T4	A-60:HOD	20 units per acre. Limited to 12.5 acres.	249
	125-180-85			A-60:HOD		
Greenpoint Nursery	153-190-24	275 Olive Ave., Black Point	T3	ARP-60:HOD	15 units per acre. Limited to 3.5 acres.	53

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>San Rafael (Unincorporated)</b>						
Bernard Osher Marin Jewish Community Center (includes Congregation Rodef Shalom site)	180-281-21	200 N San Pedro Rd., Santa Venetia	T3, T4	A2-B2:HOD	30 units per acre. Limited to 1.6 acres	49
	180-281-25			AP:HOD		
	180-281-35			A2-B2:HOD		
	180-281-34			A2-B2:HOD		
Cal Park	018-074-16	Woodland Ave., Unincorporated San Rafael	T3, T4	RSP-4: HOD	30 units per acre. Limited to 3.7 acres	110
	018-081-04					
	018-082-12					
	018-082-13					
	018-083-01					
	018-083-09					
	018-084-12					
	018-085-23					
	018-075-28					
	018-086-18					
018-086-17						
Church of Jesus Christ <sup>2</sup>	180-272-03	220 N San Pedro Rd., Santa Venetia	T3, T4	C-RA-B2:HOD	30 units per acre. Limited to 1.2 acres.	35
McPhail School	180-151-18	1565 Vendola Dr., Santa Venetia	T3	PF-RSP.4.36:HOD	30 units per acre. Limited to 1.1 acres	33
	180-161-09			PF-RSP.4.36:HOD		
	180-161-10			PF-RSP.4.36:HOD		
Old Gallinas Children Center <sup>2</sup>	180-123-01	251 N San Pedro Rd., Santa Venetia	T3, T4	PF-RSP.5.8	30 units per acre. Limited to 1.7 acres.	50
Santa Venetia Vacant	180-171-32	N San Pedro Rd., Santa Venetia	T3	A2-B2:HOD	2 units per acre. Limited to 1.0 acre.	2
San Quentin Adjacent Vacant Property	018-152-12	E Sir Francis Drake Blvd., San Quentin	T3, T4, T5	A2-B2:HOD	30 unit per acre.	230
Vacant Bayhills Dr	180-333-01	50 Bayhills Dr., Santa Venetia	T3	RMP-1:HOD	4 units per acre.	5

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Vacant Santa Venetia	179-332-19	Edgehill Way, Santa Venetia	T3	R1:HOD	3 units per acre.	3
Outnumbered2, LLC	180-261-10	Oxford Dr., Santa Venetia	T3	A2-B2:HOD	3-7 units per acre.	4



**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>San Geronimo Valley</b>						
Office - Forest Knolls (Upper Floors)	168-141-12	6900 Sir Francis Drake Blvd., Forest Knolls	T3, T4	VCR:HOD	20 units per acre.	2
Office - Lagunitas (Upper Floors and Rear Prop) <sup>2</sup>	168-175-06	7120 Sir Francis Drake Blvd., Lagunitas	T3, T4	H1:HOD	20 units per acre. Limited to 1.5 acres.	30
	168-192-28			CP:HOD		
Presbyterian Church San Geronimo	169-101-21	6001 Sir Francis Drake Blvd., San Geronimo	T3, T4	R1-B2:HOD	13 units per acre. Limited to 1.2 acres.	15
Saint Cecilia Church <sup>2</sup>	168-183-04	428 W. Cintura, Lagunitas	T3, T4	R1-B3:HOD	20 unit per acre.	16
Woodacre Fire Station	172-104-02	33 Castle Rock	T3, T4	R1-B2:HOD	4 units per acre	10
	172-111-01					
	172-111-02					
6760 Sir Francis Drake Boulevard	168-131-04	6760 Sir Francis Drake Blvd., Forest Knolls	T3, T4	RA-B4:HOD	11 units per acre. Limited to .75 acres.	8

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>Sleepy Hollow</b>						
Karuna	177-220-10	1 Sacramento Ave., Sleepy Hollow	T3	RMP-1.0:HOD	10 units per acre.	10
San Domenico School <sup>2</sup>	176-300-30	1500 Butterfield Rd., Sleepy Hollow	T3, T4	RMP-0.1:HOD	30 units per acre. Limited to 1.7 acres.	50
Subud California	177-202-08	100 Sacramento Ave., Sleepy Hollow	T3	RMP-0.1:HOD	2 units per acre.	4
Sacramento/San Anselmo Properties	177-203-03	Sacramento Ave./San Francisco Blvd., Sleepy Hollow	T3, T4	R1:HOD	30 units per acre. Limited to 2.1 acres.	64
	177-203-04					
	177-203-09					
	177-220-41					
Woodacre Fire Station	172-104-02	33 Castle Rock, Woodacre	T3, T4	R1-B2:HOD	4 units per acre.	10
	172-111-01					
	172-111-02					

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>Tamalpais Valley</b>						
Holiday Inn Mill Valley <sup>2</sup>	052-371-09	160 Shoreline Hwy, Tamalpais	T3, T4	CP:HOD	30 units per acre. Limited to 2.4 acres.	72
Jack Krystal Hotel Parcel Site	052-227-09	260 Redwood Hwy Frontage Rd., Almonte	T4	BFC-RCR:HOD	30 units per acre. Limited to 1.2 acres.	36
Peace Lutheran Church <sup>2</sup>	052-062-05	205 Tennessee Valley Rd.	T3, T4	RA-B1:HOD	20 units per acre. Limited to 1 acre	20
Shoreline Unified School District	102-080-19	State Route 1, Tomales	T3, T4	C-RSP-1.6:HOD	20 units per acre.	44
	102-080-20					
Tam Junction State Vacant Lot	052-041-27	Shoreline Hwy, Tamalpais	T3, T4	RMP-12.45:HOD	30 units per acre.	12

1. See the Form Based Combining District in the Development Code for explanation of applicable transect zones.

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>West Marin (Coastal)</b>						
Olema Catholic Church <sup>2</sup>	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	10002 State Route 1, Olema	T3, T4	C-VCR:HOD	10 units per acre.	36
	166-202-04					
	166-213-01					
	166-213-02					
Pt. Reyes Coast Guard Rehabilitation/Conversion	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 <sup>2</sup>	119-260-03	9 Giacomini Rd., Point Reyes Station	T3, T4	C-RMPC:HOD	20 units per acre. Limited to 1.9 acres.	37
	119-270-12			C-RMPC:HOD		
Pt. Reyes Grandi Building/Site <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	119-198-04	520 Mesa Rd., Point Reyes Station	T3, T4	C-VCR-B2:HOD	20 units per acre. Limited to 1.2 acres.	24
	119-198-05			C-VCR-B2:HOD		
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.

**TABLE 2-12  
 HOUSING OVERLAY DESIGNATION**

Site Name	Parcel Number	Address	Applicable Transect Zone(s) <sup>1</sup>	HOD Combining District Zoning	Density Designation	Maximum Units
<b>West Marin (Coastal)</b>						
Shoreline Unified School District <sup>2</sup>	102-080-19	State Route 1	T3, T4	C-RSP-1.6:HOD	20 units per acre	44
	102-080-20					
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 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					
Tomales	102-051-07	John St., Tomales	T3, T4	C-VCR-B1:HOD	10 units per acre.	11
	102-075-09					
Tomales-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	
	102-062-04			C-VCR-B1:HOD	20 units per acre	
	102-075-02			C-VCR-B1:HOD		
	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.

**22.14.100 – Form Based (FB) Combining District**

- A. Purpose.** The Form Based (FB) combining district is intended to provide objective design standards for multi-family housing development projects that qualify for ministerial review. The combining district is supplemental to the underlying zoning, which remains unchanged. This section incorporates by reference the Marin County Form Based Code in its entirety.
- B. Application of combining district.**– The FB combining district shall apply to the new development of at least five primary residential dwelling units on either of the following:
1. Sites of residential or mixed use projects subject to Senate Bill 35 (if SB 35 applies to the County), Assembly Bill 2011, or any other State legislation that mandates ministerial review of housing development projects.
  2. Sites of residential or mixed use projects within the Housing Overlay Designation (HOD) area where residential development is proposed at a density consistent with the HOD designation on the site listed in Table 2.12. However, in this instance a property owner may choose to rely on the underlying zoning district standards, subject to any discretionary requirements, instead of applying the FB district.
- The FB district shall not be applied to floating home marinas or mobile home parks.
- C. Allowable Uses.** Allowable uses are governed by the underlying zoning district and application of the FB combining district shall have no effect on the allowable uses on a property.
- D. Density.** At least five new primary dwelling units shall be created by a project subject to the FB combining district. The project shall result in at least the number of units on the property necessary to reach the minimum number of units established in the density range of the Countywide Plan Land Use Designation, or the residential density per acre specified by the HOD, as applicable.
- E. Design Standards.** New development shall comply with the provisions of the Marin County Form Based Code, which supersedes all other design standards in this Development Code. Development on those properties within an HOD area shall be subject to the specific transect zone(s) indicated in the HOD standards.
- F. Deviations.** Deviations from the provisions of the Marin County Form Based Code, as identified in subsection E. above, are subject to Design Review (Chapter 22.42), or the Exceptions process for civil engineering standards (Chapter 24.15) related to parking and access improvements.

construction permit, or may remain in private ownership with appropriate scenic and/or open space easements/agreements granted to the County in perpetuity. The County may require reasonable public access across those lands remaining in private ownership, consistent with Federal and State law.

2. **Maintenance.** The County or other designated public agency will maintain all open space lands accepted in fee title, as well as public access and trail easements across private property. Open space lands that remain in private ownership with scenic easements shall be maintained in compliance with the adopted policies of the Marin County Open Space District and may require the creation of a homeowners' association or other organization to maintain the private open space.
3. **Open space uses.** Uses in open space areas shall be in compliance with policies of the Marin County Open Space District. Generally, uses shall have no or minimal impact on the natural environment. Pedestrian and equestrian access shall be provided where possible and reasonable.

#### I. **Project design:**

##### 1. **Height limits for structures:**

- a. Thirty feet for primary structures, except that multi-family residential buildings may be increased in height to ~~40~~45 feet when side yard setbacks of 15 feet or greater are provided.
- b. Sixteen feet for detached accessory structures, except that parking structures may reach a height allowed for the primary structures when they comply with Section 22.20.090.E.2 (Parking structures on steep lots). Further, a detached accessory structure may be constructed to the height allowed for primary structures if the accessory structure is located at least 40 feet from all property lines.
- c. The floor level of the lowest floor shall not exceed 10 feet above natural grade at the lowest corner.
- d. Structures located within the ridgeline areas pursuant to Subsection D.2 above shall be limited to a maximum height of 18 feet.
- e. Where allowed, agricultural structures sited in compliance with the requirements of Section 22.16.030.D.2 (Development near ridgelines) may exceed the above height limits with Design Review approval. See Chapter 22.42 (Design Review).

These requirements may be waived by the Director in unusual circumstances resulting from an irregular site characteristic (e.g., location, lot shape/size, topography) where the waiver will not result in a structure that will impinge significantly on sun and light exposure, views, vistas, and privacy of adjacent properties and rights-of-way.

2. **Materials and colors.** Building materials and colors shall be chosen to blend into the natural environment unobtrusively, to the greatest extent possible.

## **CHAPTER 22.24 – AFFORDABLE HOUSING INCENTIVES**

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### **Sections:**

22.24.010 – Purpose of Chapter

22.24.020 – Density Bonus and Other Incentives Pursuant to State Law

22.24.030 – Replacement Units~~County Incentives for Affordable Housing~~

22.24.040 – Childcare facilities

22.24.050 – Commercial Development Bonus

### **22.24.010 – Purpose of Chapter**

This Chapter provides procedures for granting incentives for the construction of affordable housing, senior housing, the provision of childcare facilities, following California Government Code Sections 65915-65918 ("Density Bonuses and Other Incentives"), to encourage the production of affordable housing, and to achieve the following additional goals:

- A. Countywide Plan goals and policies.** To implement goals and policies contained in the Countywide Plan providing for incentives for the construction of affordable housing.
- B. Compliance with State law.** To comply with the provisions of Government Code Section 65915-65918, which mandates the adoption of a County ordinance specifying procedures for providing density bonuses and other incentives and concessions, waivers or reductions of development standards, and/or reduced parking ratios, to housing development projects that include a specified percentage of housing for moderate income households, low income households, very low income households, senior citizens, transitional foster youth, disabled veterans, homeless persons, or lower income students or providing childcare facilities, ~~as required by that section.~~ This Chapter is intended to be used in conjunction with applicable sections of State law and refers to those sections for brevity and clarity.

### **22.24.020 – Density Bonus and Other Incentives Pursuant to State Law**

This Section specifies standards and procedures for providing density bonuses and other incentives and concessions as required by State law (Government Code Section 65915-65918).

- A. Applicability.** Density bonuses and other requirements under State law, including incentives, concessions, waivers or reductions of development standards and parking requirements, are available to the following types of projects:
  1. A housing development with at least five percent of the units at affordable rent or affordable housing cost for very low income households, as defined by Section 50105 of the Health and Safety Code, or 10 percent of the units at affordable rent or affordable housing cost for lower income households, as defined by Section 50079.5 of the Health and Safety Code.
  2. A housing development in which at least 80 percent of the units are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, with the



2. The density bonus for which the housing development project is eligible shall increase if the percentage of units affordable to very low, low, and moderate income households exceeds the base percentage established in subsections (2) and (3) above, as established in California Government Code Section 65915(f).
  
3. For an affordable housing development project in which at least 80 percent of the units are for lower income households with any remainder for moderate-income households, the following shall apply:
  - a. The maximum density bonus for which the affordable housing project is eligible shall increase up to 80 percent, subject to the findings included in Section 22.24.030.E (Review of application).
  
  - b. If the project is located within one-half mile walking distance of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code: (1) The project shall receive a height increase of up to three additional stories, or 33 feet; and (2) The project shall be exempt from any maximum controls on density.
 

If the project is located within a one-half mile walking distance or farther of a major transit stop and receives a waiver from any maximum controls on density, the project shall not be eligible for, and shall not receive, a waiver or reduction of development standards other than density, parking, and height requirements.
  
4. A housing development in which units are for sale where at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, provided that all units in the development are offered to the public for purchase, shall be eligible for a density bonus based on the percentage of moderate income units shown in the sliding scale provided in Government Code Section 65915(f)(4).
  
5. Density bonuses may also be granted for childcare facilities, and land donation in excess of that required by Chapter 22.22 (Affordable Housing Regulations), pursuant to Government Code Sections 65915(g), 65915(h) and 65915(i).

**TABLE 3-5a  
CALIFORNIA STATE DENSITY BONUS CALCULATION  
PER GOVERNMENT CODE SECTION 65915**

Income Category	% Affordable Units	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units	% Affordable Units Required for Maximum <del>35</del> 50% Bonus
Very low income	5%	20%	2.5%	<del>11</del> 15%
Low income	10%	20%	1.5%	<del>20</del> 24%
Moderate income (for-sale development only)	10%	5%	1%	4044%
Senior citizen housing	--	20%	--	--

development of 35 units or more				
Affordable Housing Project, exclusive of manager’s unit	100%	80%	--	--
Student housing	20%	35%	--	--

6. When an applicant proposes to construct a housing development project that conforms to the requirements of Section A above, proposes to include additional rental or for-sale units affordable to very low-income households or moderate-income households, and meets any of the following requirements:
  - a. The housing development project provides 24 percent of the total units to lower-income households; or
  - b. The housing development project provides 15 percent of the total units to very low-income households; or
  - c. The housing development project provides 44 percent of the total units to moderate-income households.

The applicant may be granted additional density bonus and concessions and incentives, as calculated in Tables 3-5b and 3-5c, provided that the resulting housing development project would not restrict more than 50 percent of the Total Units to moderate-income, lower-income, or very low-income households.

**TABLE 3-5b  
CALIFORNIA STATE DENSITY BONUS CALCULATION  
PER GOVERNMENT CODE SECTION 65915(v)(2)**

<u>Income Category</u>	<u>% Affordable Units</u>	<u>Additional Bonus Granted</u>	<u>Additional Bonus for Each 1% Increase in Affordable Units</u>	<u>Maximum additional density Bonus</u>
<u>Very low income</u>	<u>5%</u>	<u>20%</u>	<u>3.75%</u>	<u>38.75</u>
<u>Moderate income</u>	<u>5%</u>	<u>20%</u>	<u>2.5%</u>	<u>50%</u>
	<u>Notes:</u> (A) <u>The additional density bonus provided in this table shall be in addition to any increase in density granted by subdivision (B).</u> (B) <u>The additional density bonus required under this subdivision shall be calculated using the number of units excluding any density bonus awarded by this section.</u>			

7. The following provisions apply to the calculation of density bonuses:
  - a. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger integer. When calculating the number of required affordable units, any calculations resulting in fractional units shall be rounded up to the next larger integer.

**TABLE 3-5b5c  
DENSITY BONUS INCENTIVES AND CONCESSIONS  
REQUIRED BY GOVERNMENT CODE SECTION 65915**

Affordability Category	% of Units			
	1	2	3	4
Very low income (Health & Safety Code Section 50105)	5%	10%	15%	--
Low income (Health & Safety Code Section 50079.5)	10%	17%	24%	--
Moderate-income (ownership units only) (Health & Safety Code Section 50093)	10%	17%	24%	--
Lower income students in a student housing development project	20%	--	--	--
very low income (homeownership units only)	--	--	16	--
Moderate-income (homeownership units only)	--	--	45	--
Affordable Housing Project, exclusive of manager's unit	--	--	--	100%
<b>Maximum Incentive(s)/Concession(s)</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
<p><b>Notes:</b></p> <p>(A) A concession or incentive may be requested only if an application is also made for a density bonus, except as may be permitted pursuant to Section 22.24.030.B.3.</p> <p>(B) Concessions or incentives may be selected from only one category (very low, low, or moderate).</p> <p>(C) No concessions or incentives are available for land donation or senior housing.</p> <p>(D) Day care centers may have one concession or a density bonus at the County's option, but not both.</p>				

1. For the purposes of this section, incentive or concession means the following:
  - a. A reduction in the site development standards of this Development Code or other County policy, or local architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to height, setback, coverage, floor area, and/or parking requirements, which result in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set aside specified based upon appropriate financial analysis and documentation consistent with Section 22.24.030.A.2 and 22.24.030.A.3, 22.24.020.E.
  - b. Approval of mixed use zoning in conjunction with the proposed residential development project if non-residential land uses will reduce the cost of the residential development, and the non-residential land uses are compatible with the residential development project and existing or planned surrounding development.
  - c. Other regulatory incentives or concessions proposed by the applicant or the County that will result in identifiable and actual cost reductions, ~~including those incentives listed in Section 22.24.030 (County Incentives for Affordable Housing),~~ and based upon appropriate financial analysis and documentation as specified in Section 22.24.020.D (Application for density bonuses, incentives and concessions).
2. Nothing in this section requires the provision of direct financial incentives for the residential development project, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The County at its sole discretion may choose to provide such direct financial incentives. Any

such incentives may require payment of prevailing wages by the residential development project if required by State law.

3. The County, at its sole discretion, may provide incentives or concessions for a housing development project that is eligible for a density bonus pursuant to Section 22.24.020.A (Density bonuses; calculation of bonuses) but where the applicant does not request a density bonus, providing the following findings can be made:

- a. The project is a deed-restricted housing development that is affordable to very low or low income persons, or is any residential development project developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan.
- b. The incentive or concession is in compliance with the California Environmental Quality Act and will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

4. Pursuant to Government Code Section 65915(p), an applicant for a housing development project that is eligible for a density bonus pursuant to Section 22.24.020.A may request that onsite vehicular parking ratios, inclusive of accessible and guest parking not exceed the following standards:

- a. For zero to one bedroom dwelling units: 1 onsite parking space.
- b. For two to three bedroom dwelling units: 2 onsite parking spaces.
- c. For four or more bedroom dwelling units: 2.5 onsite parking spaces.
- d. Onsite parking may include tandem and uncovered parking.

If a development includes the maximum percentage of extremely low, low or very low income units provided for in Section 22.24.020(B) and is located within one half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resource Code, and there is unobstructed access to the major transit stop from the development, then upon the request of the applicant, the vehicular parking ratio, inclusive of accessible and guest parking, shall not exceed 0.5 spaces per bedroom or the ratios set below, whichever are lower. For purposes of this paragraph, a development is considered to have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

If a development consists solely of rental units, exclusive of a manager's unit(s), with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, then, upon the request of the applicant, the number of required parking spaces, inclusive of accessible parking and guest parking, shall not exceed the following ratios:

- a. If the development is located within one half mile of a major transit stop and there is unobstructed access to the major transit stop from the development: 0.5 spaces per unit.
- b. If the development is a for rent housing development for individuals who are 62 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code:

~~0.5 spaces per unit, provided the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.~~

~~e. If the development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower income families, as provided in Section 50052.5 of the Health and Safety Code, or if the development is a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code no parking shall be required. A special needs housing development must have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.~~

~~d. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.~~

~~For purposes of this subsection, a development may provide on-site parking through tandem parking (provided that the parking spaces in tandem are for the same unit) or uncovered parking, but not through on-street parking.~~

5. An applicant for a housing development project that is eligible for a density bonus pursuant to Section 22.24.020.A and who requests a density bonus, incentives, or concessions may seek a waiver and reduction of development standards that have the effect of physically precluding the construction of the project with the density bonus or with the incentives or concessions permitted by this section. There is no limit to the number of waivers and reductions to development standards and parking requirements.

**D. Standards for affordable housing units.** Affordable units that qualify a housing development project for a density bonus pursuant to this section shall conform to the provisions applicable to affordable housing units as established in Chapter 22.22.080.A through E (General Affordable Housing Standards), 22.22.110 (Decision and Findings), and 22.22.120 (Affordable Housing Post Approval), except:

1. Rental prices shall be determined pursuant to Health and Safety Code Section 50053 and Section 6922, Title 25, California Code of Regulations, and the units shall be affordable for at least 30 years.
2. Sales prices shall be determined pursuant to Health and Safety Code Section 50052.5 and Section 6924, Title 25, California Code of Regulations. Units affordable to very low and low income households shall be affordable for 30 years or as long as a period of time permitted by current law, and units affordable to moderate income households shall be affordable in perpetuity.

**E. Application for density bonus, incentives, and concessions.** Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to Section 22.24.020 shall be included in the affordable housing plan submitted as part of the first approval of any residential development project and shall be processed, reviewed, and approved, conditionally approved, or denied concurrently with all other applications required for the project. The affordable housing plan shall include, for all affordable units that qualify a housing development project for a density bonus pursuant to this section, the information that is required for inclusionary units as specified in Section 22.22.030 (Application Filing). In

addition, when requested by staff, the affordable housing plan shall include the following information:

1. A description of any requested density bonus, incentive, concession, waiver of development standards, or modified parking standard.
2. Identification of the base project without the density bonus, number and location of all affordable units qualifying the project for a density bonus, and identification of the density bonus units.
3. Written financial statement demonstrating that any requested incentives and concessions result in identifiable and actual cost reductions, unless the request for incentives and concessions is submitted pursuant to Section 22.24.030.B.3 (Incentives and concessions). The written financial statement shall include: (a) the actual cost reduction achieved through the incentive or concession; and (b) evidence that the cost reduction allows the applicant to provide affordable rents or affordable sales prices.
4. For waivers of development standards: evidence that the development standards for which the waivers are requested would have the effect of physically precluding the construction of the residential development project at the density or with the incentives or concessions requested. Information must include narrative descriptions, analyses, and architectural diagrams that clearly articulate how many units would be lost due to the application of the specific development standard(s). Where more than one waiver is sought, the application shall clearly demonstrate why the waivers are cumulatively necessary to prevent a development standard from physically precluding the construction of the development.
5. If an incentive or waiver is requested, submittal of information sufficient to allow the County to assess whether any of the requested incentive(s) or waiver(s) will have a specific adverse impact on any real property that is listed in the California Register of Historical Resources, or if there is such an impact, an analysis of potential methods to satisfactorily mitigate or avoid the specific adverse impact without rendering the residential housing development project unaffordable to moderate-, low-, and very low-income households, and the feasibility of such methods.
6. The County may require that any written statement submitted pursuant to Section 22.24.020.D.3 include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the written financial analysis. The cost of reviewing any required financial data, including but not limited to the cost to the County of hiring a consultant to review the financial data, shall be borne by the applicant.
67. If a density bonus is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings in Government Code Section 65915(hg)(2) can be made.
78. If a density bonus or concession is requested for a child care facility, the application shall provide evidence that the findings in Government Code Section 65915(hi) can be made.
89. If a request for a density bonus, incentive, concession, parking reduction, or waiver is submitted after the first approval of any housing development project, an amendment to earlier approvals may be required if the requested density bonus, incentive, concession,

parking reduction, or waiver would modify either the earlier approvals or the environmental review completed pursuant to the California Environmental Quality Act.

- F. Review of application.** Any request for a density bonus, incentive, concession, parking reduction, or waiver pursuant to this Section 22.24.020 shall be submitted as part of the first approval of any housing development project and shall be processed, reviewed, and approved or denied concurrently with the discretionary applications required for the project.
1. Before approving a request for a density bonus, incentive, concession, parking reduction, or waiver, the review authority shall make the following findings, as applicable:
    - a. The housing development project is eligible for a density bonus and any concessions, incentives, waivers, or parking reductions requested; conforms to all standards for affordability included in this chapter; and includes a financing mechanism for all implementation and monitoring costs.
    - b. Any requested incentive or concession will result in identifiable and actual cost reductions based upon appropriate financial analysis and documentation if required by Section 22.24.020.D unless the incentive or concession is provided pursuant to Section 22.24.020.B.3.
    - c. If the density bonus is based all or in part on dedication of land, all of the findings included in Government Code Section 65915(h) can be made.
    - d. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, all of the findings included in Government Code Section 65915(i) can be made.
    - e. If the incentive or concession includes mixed uses, all of the findings included in Government Code Section 65915(k)(2) can be made.
    - f. If a waiver is requested, the waiver is necessary because the development standards would have the effect of physically precluding the construction of the residential development project at the densities or with the incentives or concessions permitted by this Section 22.24.020.
  2. The review authority may deny a request for an incentive or concession for which the findings set forth in Section 22.24.020.E.1 (Review of application) above can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
    - a. The incentive or concession does not result in identifiable and actual cost reductions and is not required to provide for affordable rents or affordable ownership costs; or
    - b. The incentive or concession would have a specific adverse impact upon public health or safety, or on any real property that is listed in the California Register of Historic Resources, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety

- standards, policies, or conditions, as they existed on the date that the application was deemed complete; or
- c. The incentive or concession would be contrary to State or federal law.
3. The review authority may deny a request for a waiver for which the findings set forth in Section 22.24.020.E.1 above can be made only if it makes a written finding, based upon substantial evidence, of one of the following:
    - a. The modification would have a specific adverse impact upon health, safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete; or
    - b. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources; or
    - c. The waiver would be contrary to State or federal law.
  4. The review authority may deny a density bonus, incentive, concession, or waiver that is based on the provision of child care facilities and for which the required findings can be made only if it makes a written finding, based on substantial evidence, that the County already has adequate child care facilities.

### ~~22.24.030 – County Incentives for Affordable Housing~~

~~The incentives provided by this Section 22.24.030 are available to housing development projects which either: 1) comply with Chapter 22.22 (Affordable Housing Regulations); 2) are comprised of income-restricted housing that is affordable to income-qualifying households; or 3) are developed pursuant to the Housing Overlay Designation policies included in the Countywide Plan. Housing development projects which have been granted a density bonus pursuant to Section 22.24.020 (Density Bonus and Other Incentives Pursuant to State Law) are not eligible for the County density bonus described in subsection (C) below but may be granted the other incentives included in this section.~~

- ~~A. **Density for Affordable Housing Projects.** For affordable housing located in all districts that allow residential uses, allowable density will be established by the maximum Marin Countywide Plan density range, subject to all applicable Countywide Plan policies.~~
- ~~B. **Where allowed.** Development of affordable housing may be allowed in any zoning district provided that the review authority first finds that residential uses are allowed by the applicable Countywide Plan land use designation.~~
- ~~C. **County density bonus.** The density bonus allowed by this Section shall not be combined with the density bonus permitted by Section 22.24.020 (Density Bonus and Other Incentives Pursuant to State Law) or with any other density bonus. No single residential development project shall be granted more than one density bonus.~~



- ~~1. **Eligibility.** The County density bonus may be granted only where the proposed density (including the density bonus) complies with all applicable Countywide Plan policies, including traffic standards, environmental standards, and Countywide Plan designations.~~
  - ~~2. **Determination of bonus.** The granting of this density bonus shall be based on a project-by-project analysis and the determination that the increase in density will not be detrimental to the public health, safety, welfare, and/or environment.~~
  - ~~3. **Amount of bonus.** The review authority may grant an increase in density of up to 10 percent of the number of dwelling units normally allowed by the applicable zoning district in a proposed residential development or subdivision.~~
- ~~**D. Interior design.** The applicant may have the option of reducing the interior amenity level and the square footage of affordable housing below that of large market-rate units, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the reduction in interior amenity level will provide a quality and healthy living environment. The County strongly encourages the use of green building principles such as the use of environmentally preferable interior finishes and flooring, as well as the installation of water and energy efficient hardware, wherever feasible.~~
- ~~**E. Unit types.** In a residential development which contains single family detached homes, affordable housing may be attached living units rather than detached homes or may be constructed on smaller lots, and in a residential project that contains attached multistory dwelling units, affordable housing may contain only one story, provided that all of the dwelling units conform to the requirements of County Building and Housing Codes and the Director finds that the modification of the design will provide a quality living environment.~~
- ~~**F. On-site affordable housing included with non-residential development.** As an inducement to the development of on-site affordable housing in non-residential development, the County may grant a reduction in the site development standards of this Development Code or architectural design requirements which exceed the minimum building standards approved by the State Building Standards Commission in compliance with State law (Health and Safety Code Sections 18901 et seq.), including, but not limited to setback, coverage, and/or parking requirements.~~
- ~~**G. Affordable housing on mixed use and industrial sites.** In commercial/mixed use and industrial land use categories, as designated in the Countywide Plan, the floor area ratio may be exceeded for affordable housing, subject to any limitations in the Countywide Plan. For housing that is affordable to moderate income households, the floor area ratio may be exceeded in areas with acceptable levels of traffic service, subject to any limitations in the Countywide Plan, and so long as the level of service standard is not exceeded.~~
- ~~**H. Impacted roadways.** In areas restricted to the lowest end of the density range due to vehicle Level of Service standards, affordable housing developments are allowable up to the maximum densities per the Countywide Plan.~~
- ~~**I. Fee waivers.** The County may waive any County fees applicable to the affordable housing units of a proposed residential, commercial, or industrial development. In addition, for projects developed pursuant to Housing Overlay Designation policies and for income restricted housing that is affordable to income qualifying households, the Director may waive fees or transfer In-lieu Housing Trust funds to pay for up to 100 percent of Community Development~~

Agency fees, based on the proportion of the project that is affordable to income-qualifying households and the length of time that the housing shall remain affordable.

- ~~J. **Projects developed pursuant to Housing Overlay Designation policies.** Residential development projects developed in conformance with Housing Overlay Designation policies may be granted adjustments in development standards, such as parking, floor area ratio, and height, as provided in the Countywide Plan, not to exceed unit counts identified in the Countywide Plan.~~
- ~~K. **Technical assistance.** In order to emphasize the importance of securing affordable housing as a part of the County's affordable housing program, the County may provide assistance in obtaining financial subsidy programs to applicants.~~
- ~~L. **Priority processing.** The County shall priority process projects developed pursuant to Housing Overlay Designation policies and affordable housing developments.~~

### 22.24.030 – Replacement Units

- A. Consistent with State law, a developer shall be ineligible for a density bonus or any other incentives or waivers if the residential housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income or occupied by lower or very low income households.
- B. Notwithstanding Subsection A. above, a developer shall remain eligible for a density bonus and related incentive(s) and waiver(s) if the conditions described in Subsection A. apply, the proposed residential housing development replaces those units, and either of the following applies:
1. The proposed residential housing development, inclusive of the units replaced pursuant to this Section, contains affordable units at the percentages set forth in Section 22.24.020(B).
  2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.
- C. For purposes of this Section, replace shall mean either of the following:
1. If any dwelling units described in Subsection A. are occupied on the date of application, the proposed residential housing development project shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied the units in the same proportion of lower income renter households to all renter households within the unincorporated area of Marin County, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For

unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. If the proposed development is for-sale units, the units replaced shall be subject to subsection 3 below.

2. If all dwelling units described in Subsection A. have been vacated or demolished within the five-year period preceding the date of application, the proposed residential housing development project shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. If the proposed development is for-sale units, the units replaced shall be subject to subsection 3 below.
3. Any for-sale unit that qualified the applicant for the award of the density bonus shall meet either of the following conditions:
  - a. The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement; or
  - b. The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:
    - i. A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.
    - ii. An equity sharing agreement.
    - iii. Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.

4. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for fifty-five years. If the proposed development is for-sale units, the units replaced shall be subject to the provisions of Paragraph (2) of Subsection(c) of Government Code Section 65915.
5. For purposes of this Section, "equivalent size" means that the replacement units contain at least the same total number of bedrooms and bathrooms as the units being replaced.

#### **22.24.040 – Childcare facilities**

**A. Residential Development.** When a developer proposes to construct a residential housing development that conforms to the requirements of Section 22.24.020(B), and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the residential housing development, the County shall grant either of the following:

1. An additional density bonus that is an amount of square feet of residential space that is equal to, or greater than, the amount of square feet in the childcare facility; or
2. An additional incentive approved by the County that would contribute significantly to the economic feasibility of the construction of the childcare facility.

**B. Requirements.** The County shall require, as a condition of approving the residential housing development, that the following occur:

1. The childcare facility shall remain in operation for a period of time that is as long as, or longer than, the period of time during which the affordable housing units are required to remain affordable pursuant to this article; and
2. Of the children who attend the childcare facility, the children of very low-income households, lower income households, moderate income households shall equal a percentage that is equal to, or greater than, the percentage of dwelling units that are made affordable to very low-income households, lower income households, or families of moderate income households.
3. For purposes of this section only, "childcare facility" means a facility installed, operated, and maintained under this Section for the nonresidential, care of children as defined under applicable State licensing requirements for the facility.

**C. Residential Development Bonus.** The density bonus shall be calculated as follows:

1. A maximum of five square feet of floor area for each one square foot of floor area contained in the childcare facility for existing structures.
2. A maximum of ten square feet of floor area for each one square foot of floor area contained in the childcare facility for new structures.
3. For purposes of calculating the density or floor area bonus under this Section, both indoor and outdoor square footage requirements for the childcare facility as set forth in applicable State childcare licensing requirements shall be included in the floor area of the child care facility.

- D. Notwithstanding any requirement of this Section, the County shall not be required to provide a density or floor area bonus or incentive for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

**22.24.050 – Commercial Development Bonus**

- A. Residential Development. Consistent with Government Code Section 65915.7, as it may be amended from time to time, when a developer proposes to construct a commercial development and has entered into a partnered housing agreement approved by the County, the County shall grant a commercial development bonus as prescribed in subdivision (C) below. The commercial development bonus shall not include a reduction or waiver of fees imposed on the commercial development to provide for affordable housing.

- B. Requirements. The requirements for commercial development bonus are as follows, which shall also be described in the partnered housing agreement:

1. The residential development project shall be constructed on the site of the commercial development or on a site that meets all of the following criteria:
  - a. On a site within the unincorporated area of the County;
  - b. Within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code;
  - c. Located within one mile of public amenities, including schools and employment centers.
2. At least thirty percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for low-income households, or at least fifteen percent of the total units in the residential development project shall be made available at affordable ownership cost or affordable rent for very low-income households.
3. The commercial developer must agree either to directly build the affordable units concurrently with the commercial development; donate a land consistent with Section 22.22.090, for the affordable units, prior to issuance of a building permit for the construction of the commercial development; or make a cash payment to the housing developer for the affordable units prior to issuance of a building permit for the commercial development.

- C. Residential Development Bonus. The development bonus granted to the commercial developer shall consist of any one of the following:

1. Up to a 20-percent increase in maximum allowable density.
2. Up to a 20-percent increase in maximum allowable floor area ratio.
3. Up to a 20-percent increase in maximum height requirements.
4. Up to a 20-percent reduction in minimum parking requirements.
5. An exception to a zoning ordinance or other land use regulation.

Any use of accessory workshops for a commercial activity shall comply with the requirements for Home Occupations in Section 22.32.100 (Home Occupations) or, where applicable Cottage Industries in Section 22.32.060 (Cottage Industries).

- E. Room rentals.** Room rentals in single family dwellings shall be limited to three or fewer individual bedrooms.
- F. Residential Accessory Dwelling Units.** Residential Accessory Dwelling Units are subject to Section 22.32.120 (Residential Accessory Dwelling Units) and Chapter 22.56 (Accessory Dwelling Unit Permits) of this Development Code.

### 22.32.150 – Residential Requirements in Commercial/Mixed Use Districts

This section applies to development projects that include new non-residential floor area where the underlying zoning district allows residential uses.~~in the C1, CP, AP, and HI zoning districts.~~

**A. Development standards.**

1. Consistent with Government Code Section 6589.5(h)(2)(B), mixed-use developments shall designate at least two-thirds of the square footage to residential use. For lots larger than 2 acres in size, at least 50% of the new floor area shall be developed for new housing.

~~For lots 2 acres and less in size, at least 25% of the new floor area shall be developed for new housing.~~

2. For mixed-use developments, the commercial component of the development shall be subject to the floor area ratio standard while the residential component shall be subject to density standards. The combined residential and commercial floor area ratio shall not exceed the floor area ratio that is established in the Countywide Plan land use designation. The floor area ratio limit does not apply to affordable housing projects.

~~For projects consisting of moderate income housing, the FAR may only be exceeded in areas that meet the County's vehicle level of service standard.~~

3. Required housing shall be provided at a minimum size of 220 square feet and a maximum size of 1,000 square feet per unit.
4. The maximum residential density shall not exceed one unit per 1,450 square feet of lot area (30 units per acre).
5. ~~For properties within the area covered by the Tamalpais Area Community Plan, the residential units on sites developed pursuant to this section shall not result in more than 100 residential units, excluding units with valid building permits issued prior to the date of adoption of the Countywide Plan update (November 6, 2007). The 100 unit cap includes any applicable density bonus.~~
56. The affordable housing requirements contained in Chapter 22.22 (Affordable Housing Regulations) apply to proposed development.

- B. Permit requirement.** Residential development required in commercial areas is subject to Chapter 22.42 (Design Review). The following additional findings shall apply:

### 22.32.184 – Senate Bill 9 Housing Development

This section applies to development authorized under California Senate Bill 9 (SB 9) of 2021 and subsequent amendments. Regulations for urban lot splits authorized under SB 9 are provided in section 22.80.064 rather than in this section.

The standards and requirements enumerated below apply to the development of residential units proposed under the provisions of SB 9 and this section. If the project is ineligible for SB 9 processing because it does not meet the required standards, the applicant may elect to submit an application for the applicable discretionary approval.

A housing development is eligible for SB 9 processing if it satisfies all of the requirements enumerated below.

- A. The housing development contains no more than two primary units per lot, which are either attached or detached. A housing development contains two residential units if the development proposes no more than two new units (including just one unit on a vacant lot) or if it proposes to add one new unit to one existing unit.
- B. The site of the housing development is within a single family residential zoning district.
- C. The site of the housing development is located within a legal lot wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
- D. The development is not located on a site that is any of the following:
  1. Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.
  2. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
  3. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:-
    - a. Section 4291 of the Public Resources Code or Section 51182, as applicable.
    - b. Section 4290 of the Public Resources Code.

- c. Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).
4. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:~~the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.~~
- a. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
- b. The State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
5. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
6. Within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to the site. A development may be located on a site described in this subparagraph if either of the following are met:
- a. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the County.
- b. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
7. Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If a development proponent is



able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subsection and is otherwise eligible for streamlined approval under this section, the County shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by the County that is applicable to the site.

8. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
  9. Lands under conservation easement.
- E.** The proposed housing development would not require demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
  2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
  3. Housing that has been occupied by a tenant in the last three years.
- F.** The lot subject to the proposed housing development is not a lot on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
- G.** The proposed housing development does not allow the demolition of more than 25 percent of the existing exterior structural walls, unless the site has not been occupied by a tenant in the last three years.
- H.** The development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.
- I.** Notwithstanding the governing zoning district for the property, the development standards of the R2 zoning district (Two Family, Residential) apply unless the development qualifies for an exception as described in subsection J below. In addition, except as provided in subsection J below, the maximum floor area of any newly constructed primary residential unit authorized under this section shall not exceed ~~4,200~~1,600 square feet or 30 percent floor area ratio, whichever is more restrictive. Further, the residential units are not allowed to be built within a Stream Conservation Area or Wetland Conservation Area, and the development shall not entail the removal of protected or heritage trees, except in conformance with Development Code Chapter 22.62 (Tree Removal Permits).

- J.** Notwithstanding subsection I above, the County shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two primary units or that would physically preclude either of the two units from being at least 800 square feet in floor area. Such units are subject to minimum front yard setbacks of 25 feet and minimum side and rear yard setbacks of four feet.

No setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

- K.** The County shall require that a rental of any unit created pursuant to this ordinance be for a term longer than 30 days. A deed restriction shall be recorded against the property providing future owners with constructive notice of this restriction.
- L.** The County shall not allow the creation of an Accessory Dwelling Unit as part of the development subject to this section and SB 9 if the lot on which the development is to occur was created by an Urban Lot Split approval under section 22.80.064 and SB 9 (both the authority contained with Government Code section 65852.21 related to development projects and the authority in Government Code section 66411.7 related to urban lot splits).

### **22.32.188 – Residential Development under Assembly Bill 2011**

- A. Purpose.** This section applies to development authorized under California Assembly Bill 2011 (AB 2011) of 2022, codified in Government Code Section 65912.100, allowing mixed-income and affordable residential development in zones where office, retail and parking are a principally permitted use.

The standards and requirements enumerated below apply to the development of residential units proposed under the provisions of AB 2011 and this section. If the project is ineligible for AB 2011 processing because it does not meet the required standards, the applicant may elect to submit an application for the applicable discretionary approval.

- B. Applicability.** This Chapter is applicable to housing development projects proposed pursuant to AB 2011 consisting of any of the following uses: (i) residential uses only; (ii) mixed-use developments consisting of residential and nonresidential uses where at least two-thirds of the square footage is designated for residential use; or (iii) transitional housing or supportive housing. Property owners, at their sole discretion, may decide to develop under the provisions of this Chapter. Otherwise, they are subject to all other provisions of this Development Code. When a property owner decides to develop under the provisions of this Chapter, and demonstrates that the housing development project meets the general requirements to be eligible in subsection C. below, the property will become subject to the Form Based (FB) combining district.
- C. General Requirements.** A housing development project is only eligible for the streamlined, ministerial review process under AB 2011, if it is proposed to be located on a site that satisfies all of the following criteria:

1. The site of the housing development is within a Commercial District or Zone, as defined in Chapter 22.130

2. The site of the housing development is within an unincorporated area of the County, and the legal parcel or parcels are wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
3. The housing development project is proposed on a site where at least 75 percent of the site adjoins parcels developed with Urban Uses. For purposes of eligibility for AB 2011 streamlined processing, parcels that are only separated by a street or highway shall be considered to be adjoined.
4. The housing development project is not located on a site or adjoined to any site where more than one-third of the square footage of the site is dedicated to industrial uses. For purposes of this section, dedicated industrial use means any of the following: (a) the square footage is currently being used as an industrial use; or (b) the most recently permitted use of the square footage is an industrial use; or (c) the site is designated for industrial use in the current Countywide Plan.
5. The dwelling units in the housing development project shall not be located within 500 feet of a freeway, as defined Section 332 of the Vehicle Code, or within 3,200 feet of a facility that actively extracts or refines oil or natural gas.
6. The housing development project is proposed on a site that satisfies the requirements of Government Code Section 65913.4(a)(6)(B) through (K). For vacant sites, the following shall apply:
  - i. No housing development shall be permitted on a vacant site located within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code or as designated pursuant to subdivisions (a) and (b) of Section 51179.
  - ii. It does not contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the housing development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code.
7. The housing development project is not proposed on a site that is currently or was previously governed by any of the following:
  - i. Mobilehome Residency Law (codified at California Civil Code Sections 798, *et seq.*);
  - ii. Recreational Vehicle Occupancy Law (codified at California Civil Code Sections 799.20, *et seq.*);
  - iii. Mobilehome Parks Act (codified at Health & Safety Code Sections 18200, *et seq.*); or
  - iv. Special Occupancy Parks Act (codified at Health & Safety Code Sections 18860, *et seq.*).
8. For a housing development project proposed on a site that is vacant that the time that the application is submitted, the site shall not contain tribal resources, as defined in California Public Resources Code Section 21074, that could be affected by the housing development project that were found pursuant to a consultation as described in Public Resources Code Section 21080.1 and the effects of which cannot be mitigated pursuant to the process in Public Resources Code Section 21080.3.2.

9. The development proponent for the housing development project shall complete a phase I environmental assessment (as defined in Health & Safety Code Section 25319.1) and any subsequent environmental review and remediation required by subdivision (f) of Government Code Section 65912.123.

10. All housing development projects shall be subject to the FB combining district and comply with the Form Based Code (Section 22.14.100), and shall meet development standards in Transect 3 (T-3) zones that do not conflict with the standards in subsections D. and E. below. Where there is a conflict between the standards of the FBC and subsections D. and E. below, the standards in D. and E. shall govern.

**D. Mixed-Income Housing Developments in Commercial zones.** A housing development project that is eligible for AB 2011 processing and subject to the FB combining district shall comply with the following development standards:

1. **Multi-Unit Residential Development.** The housing development project must propose at least five residential dwelling units, excluding additional units gained through the State Density Bonus Law.

2. **Ground floor.** At least one-half of the square footage of the ground floor of the housing development project shall be dedicated to retail uses, as defined in Section Chapter 22.130 of the Code.

3. **Lot size.** The housing development project is not proposed on a site that is larger than twenty acres.

4. **Commercial frontage.** The site on which the housing development project is proposed abuts a commercial corridor and has a frontage along the commercial corridor of a minimum of 50 feet.

5. **Prohibition on demolition.** The housing development project will not require the demolition of any of the following:

i. Housing subject to recorded covenant, deed restriction, ordinance or law that restricts rents to levels affordable to moderate-, low-, or very low-income households;

ii. Housing that has been occupied by tenants in the last 10 years, excluding manager's units; or

iii. A historic structure that was placed on a national, state, or local historic register.

6. **Site requirements.** The housing development project meets all of the following criteria:

i. The housing development project site was not previously used for permanent housing that was occupied by tenants, excluding any manager's units, that was demolished within ten years before the application for the housing development project is submitted.

ii. The housing development project is not proposed on a site that currently contains one to four dwelling units or on a site that is vacant and zoned for four or fewer units.

- iii. If the housing development project is proposed on a site where there are commercial tenants at the time of submission of the application for the housing development project, the development proponent shall comply with all applicable requirements of subdivision (i) of Government Code Section 65912.124.
  - iv. For vacant sites, the site satisfies both of the following:
    - a. It does not contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code.
    - b. It is not within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code or as designated pursuant to subdivisions (a) and (b) of Section 51179.
  - v. For a housing development project proposed on a site in a neighborhood plan, the neighborhood plan shall permit a multi-unit housing development on the site. For purposes of this section only, neighborhood plan means a specific plan adopted pursuant to Government Code Section 65450-65457, or an area plan, precise plan, urban village plan, or master plan that has been adopted by the Board of Supervisors.
- 7. Density.** A mixed-income housing development project shall propose a residential density that meets or exceeds the density of the greater of the following:
- i. The residential density allowed on the parcel by the Countywide Plan; or
  - ii. For sites of less than one acre in size, 30 units per acre; or
  - iii. For sites of one acre in size or greater located on a commercial corridor of less than 100 feet in width, 40 units per acre; or
  - iv. For sites of one acre in size or greater located on a commercial corridor of 100 feet in width or greater, 60 units per acre; or
  - v. Notwithstanding subparagraphs (i), (ii), or (ii), for sites within one-half mile of a major transit stop, 80 units per acre.
- 8. Height.** The height for the proposed housing development project shall not exceed the greater of the following:
- i. The maximum height permitted by the current zoning designation for the site, regardless of whether that height limit is applicable to residential, commercial, or other type of developments.
  - ii. For a site on a commercial corridor with a right-of-way of less than 100 feet, 35 feet.
  - iii. For a site on a commercial corridor with a right-of-way equal to or greater than 100 feet, 45 feet.

iv. Notwithstanding subparagraphs (i), (ii), or (ii), a height of up to 65 feet shall be permitted for sites that meet all of the following criteria:

1. They are within one-half mile of a major transit stop.
2. They are not within a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

**9. Setbacks.** A proposed housing development project subject to this Chapter shall comply with the following setbacks:

- i. For the portion of the site that fronts the commercial corridor, no setbacks shall be required except that any parking that is provided must be set back at least twenty-five feet from the front property line. Notwithstanding the foregoing, on the ground floor of the housing development project, any building or buildings must abut the commercial corridor within ten feet of the property line for at least eighty percent of the frontage.
- ii. For any portion of the site that fronts a side street, any building or buildings shall abut the side street within ten feet of the property line for at least sixty percent of the frontage.
- iii. For any portion of the site that abuts an adjoining property that also abuts the same commercial corridor, no setbacks shall be required unless the adjoining property contains a residential use that was constructed prior to September 28, 2022, in which case the requirements of paragraph (iv) below shall apply.
- iv. For any portion of the site that does not abut the commercial corridor, a side street, or an adjoining property that also abuts the same commercial corridor as the site, but abuts a property that contains a residential use, the ground floor of the housing development project shall be set back ten feet. Starting with the second floor of the housing development project, each subsequent floor shall be stepped back in an amount equal to seven feet multiplied by the floor number. For the purposes of this paragraph, the ground floor is the first floor.
- v. For any portion of the site that does not abut the commercial corridor, a side street, or an adjoining property that also abuts the same commercial corridor as the site, but abuts a property that does not contain a residential use, the housing development project shall be set back fifteen feet.

**10. Affordable Housing in mixed-income Development.** A housing development eligible for AB 2011 processing shall comply with the following development standards:

- i. **Affordability.** A housing development project shall comply with the affordable housing requirements enumerated in Govt Code Section 65912.122(A), (B), (C) or with affordability requirements enumerated in Chapter 22.22., whichever is greater.
- ii. **Deed Restriction.** A housing development project shall record a deed restriction ensuring that the required affordable units are rented to eligible households at affordable housing cost or affordable rent as follows:
  - a. **Rental Housing Development:** A rental housing development shall be income restricted to a period no less than 55 years.

**b. Owner-occupied Housing Development:** An owner-occupied housing development shall be deed restricted to a period no less than 45 years.

**iii. Characteristics of Affordable Units.** The affordable units in the housing development project shall have the same proportion of each bedroom and bathroom type as the market-rate units, shall be equitably distributed within the housing development project, and shall have the same type or quality of appliance, fixtures, and finishes as the market-rate units.

**11. Commercial Tenant Notice and Relocation Assistance Requirements.** If the housing development project is proposed on a site where there are commercial tenants at the time of submission of the application for the housing development project, the development proponent shall comply with all applicable requirements of subdivision (i) of Government Code Section 65912.124.

**E. Affordable Housing Developments in Commercial Zones.** A housing development project that is eligible for AB 2011 processing and subject to the FB combining district shall comply with the following development standards:

**1. Multifamily Residential Development.** The housing development project must entail the construction of at least five residential dwelling units.

**2. Affordable Housing.** One hundred percent of the units, excluding any manager's unit or units in a housing development project proposed pursuant to this Chapter, shall be dedicated for rent to lower-income households at an affordable rent or for sale to lower-income households at an affordable cost.

**3. Deed Restriction.** Any rental units in the housing development project shall be subject to a recorded deed restriction for a period of no less than fifty-five years.

**4. Density.** The housing development project shall have a residential density no greater than 30 units per acre.

**5. Commercial Tenant Notice and Relocation Assistance Requirements.** If the housing development project is proposed on a site where there are commercial tenants at the time of submission of the application for the housing development project, the development proponent shall comply with all applicable requirements of subdivision (c) of Government Code Section 65852.24.

## **CHAPTER 22.64 – HOUSING DEVELOPMENT REGULATION COMPLIANCE REVIEW**

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### **Sections:**

- 22.64.010 – Purpose of Chapter
- 22.64.020 – Applicability
- 22.64.030 – Application Filing
- 22.64.040 – Application Review for Type 1 Projects (Form Based)
- 22.64.050 – Application Review for Type 2 Projects (SB 9)
- 22.64.060 – Application Review for Type 3 Projects (SB 35)

### **22.64.010 – Purpose of Chapter**

This Chapter establishes procedures for various types of Housing Development Regulation Compliance Reviews (Housing Compliance Reviews) that provide for ministerial review of housing development project applications.

### **22.64.020 – Applicability**

There are three distinct types of Housing Compliance Review applications, which apply as described below:

- A. Type 1.** Development proposed in the Form Based (FB) combining district, under the regulations of the Marin County Form Based Code.
- B. Type 2.** Development proposed under the statutory authority of Senate Bill 9 (2021, as subsequently amended). Urban lot split applications are reviewed under the Urban Lot Split provisions in section 22.80.064.
- C. Type 3.** Development proposed under the statutory authority of Senate Bill 35 (2018, as subsequently amended), if applicable.

Application of the Housing Compliance Review preempts the application of discretionary development entitlements. Specific procedures for reviewing these three types of applications are provided in this Chapter. All of these types of review are ministerial in nature and shall conform to the requirements of Development Code Section 22.40.052 for ministerial planning permit reviews, except for those deviations specifically established in this Chapter.

### **22.64.030 – Application Filing**

An application for a Housing Compliance Review shall be submitted, filed, and processed in compliance with and in the manner described in Chapter 22.40 (Application Filing and Processing, Fees).

Housing Compliance Review application forms are available online and at the Agency's public service counter.



**22.64.040 – Application Review for Type 1 Projects (Form Based)**

The Director may only approve or conditionally approve an application for a Type 1 Housing Compliance Review if the project is consistent with all of the applicable standards in the Marin County Form Based Code. Deviations from these standards are subject to Design Review (Chapter 22.42), or the Exceptions process for civil engineering standards (Chapter 24.15) related to parking and access improvements.

**22.64.050 – Application Review for Type 2 Projects (SB 9)**

The Director may only approve or conditionally approve an application for a Type 2 Housing Compliance Review if the project is consistent with all of the applicable standards in Section 22.32.184 (Senate Bill 9 Development Standards).

The County shall only deny a Type 2 Housing Compliance Review application that is otherwise eligible for SB 9 processing if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of California Government Code Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

**22.64.060 – Application Review for Type 3 Projects (SB 35)**

All sites for Type 3 (SB 35, if applicable) projects are governed by the FB (Form Based) Combining District. The Planning Commission is the Review Authority for Type 3 (SB 35) projects, and the Planning Commission may only approve or conditionally approve an application for a Type 3 Housing Compliance Review if the project is consistent with all of the applicable standards in the Marin County Form Based Code.

Type 3 (SB 35) applications are subject to the mandatory procedures provided below.

- A. Preliminary Application Filing.** An applicant shall file a notice of intent to submit an SB 35 Housing Compliance Review application in the form of a preliminary application consistent with Government Code Section 65941.1. Complete Building Permit applications for the project shall be submitted concurrently with the Preliminary Application.

An applicant for an SB 35 housing development project shall be deemed to have submitted and filed a preliminary application upon providing all of the following information about the proposed project to the County:

1. The specific location, including parcel numbers, a legal description, and site address, if applicable.
2. The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.
3. A site plan showing the location on the property, elevations showing design, color, and material, and the massing, height, and approximate square footage, of each building that is to be occupied.

4. The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.
5. The proposed number of parking spaces.
6. Any proposed point sources of air or water pollutants.
7. Any species of special concern known to occur on the property.
8. Whether a portion of the property is located within any of the following:
  - a. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:-
    - i. Section 4291 of the Public Resources Code or Section 51182, as applicable.
    - ii. Section 4290 of the Public Resources Code.
    - iii. Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).
  - b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
  - c. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply: 1) The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses (this section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5); or 2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.
  - d. A special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.
  - e. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California

for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

- b. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- c. Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. ~~a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.~~ This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:-
  - a. Section 4291 of the Public Resources Code or Section 51182, as applicable.
  - b. Section 4290 of the Public Resources Code.
  - c. Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations
- d. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply: the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
  - a. The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5
  - b. The State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- e. Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
- f. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a

1. Easements required for the provision of public services and facilities.
- ~~2. Both lots adjoin a public right of way, except that if a lot is already developed with a residence it can adjoin a private street. A requirement that the parcels have access to, provide access to, or adjoin the public right-of-way.~~

- G.** The County shall require that the uses allowed on a lot created by this section be limited to residential uses.

The County shall require an applicant for an urban lot split to sign an affidavit stating that the applicant intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

- H.** This requirement shall not apply to an applicant that is a “community land trust,” as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code, or is a “qualified nonprofit corporation” as described in Section 214.15 of the Revenue and Taxation Code.

- I.** The County shall require that a rental of any unit on a lot created pursuant to this section be for a term longer than 30 days. A deed restriction shall be recorded against the property providing future owners with constructive notice of this restriction.

- J.** The County shall not require, as a condition for ministerial approval of a Lot Split Review, the correction of nonconforming zoning conditions.

### **22.80.070 – Notice of Judicial Challenge**

At least 30 days before filing any judicial action or proceeding to attack, review, set aside, void or annul the decision of the Review Authority concerning a Tentative, Parcel or Final Map, or any of the proceedings, acts or determinations taken, done or made before this decision, or to determine the reasonableness, legality or validity of any condition of approval, written notice shall be served upon the Review Authority detailing the nature of the conduct or action intended to be challenged. This Section is not intended to extend the statute of limitations provided in Map Act Section 66499.37.

## **CHAPTER 22.82 – SUBDIVISION DESIGN STANDARDS**

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### **Sections:**

- 22.82.010 – Purpose of Chapter
- 22.82.020 – Clustering Required in Planned Districts
- 22.82.025 – Density Range
- 22.82.030 – Drainage Facilities
- 22.82.040 – Energy Conservation
- 22.82.050 – Hillside Subdivision Design
- 22.82.060 – Roadway Landscaping
- 22.82.070 – Lot Configuration and Minimum Area
- 22.82.080 – Roads, Sidewalks, Pathways, Driveways
- 22.82.090 – Utilities

### **22.82.010 – Purpose of Chapter**

This Chapter provides standards for subdivision design, consistent with the policies of the Marin Countywide Plan and the requirements of the Map Act.

### **22.82.020 – Clustering Required in Planned Districts**

Proposed subdivisions within the planned zoning districts should be designed to cluster proposed structures in compliance with Article V and Section 22.08.040 (Agricultural District Development Standards).

### **22.82.025 – Density Range**

As a general rule, the residential density established by the zoning for a property shall be used to calculate the maximum number of residential lots potentially resulting from a subdivision. However, the maximum number of residential lots allowed for proposed subdivisions shall be modified based on a calculation of the net lot area of the original lot, except for proposed lots dedicated to affordable housing. In some cases, this means that properties in zoning districts allowing multiple units per lot will have a higher number of potential residential units than the potential number of residential lots allowable based on the net lot area.

~~In addition, the maximum number of residential units for any properties or portions of properties with sensitive habitat or within the Ridge and Upland Greenbelt or the Baylands Corridor, and properties that lack public water or sewer systems, shall be calculated at the lowest end of the density range established by the governing Countywide Plan Land Use Designation. This restriction does not apply to lots governed by the Countywide Plan's PD\_AERA (Planned Designation – Agricultural and Environmental Reserve Area) land use designation. Densities higher than the lowest end of the applicable density range may be considered on a case-by-case basis for new housing units affordable to very low and low income households that are capable of providing adequate water or sewer services, as long as the development complies with the California Environmental Quality Act, and all other applicable policies in the Countywide Plan including those governing environmental protection.~~

Residential densities shall be construed as maximums, but not entitlements.

**Board, Board of Supervisors.** The Board of Supervisors of the County of Marin, State of California.

**Board, Board of Commissioners of the Housing Authority.** The Board of Commissioners of the Housing Authority of the County of Marin, State of California.

**Broadcasting Studios (land use).** This land use consists of commercial and public communications facilities entirely within buildings, including radio and television broadcasting and receiving stations and studios. Transmission and receiving apparatus, including antennas and towers, are included under the definition of "Telecommunications Facilities."

**Buffer Zone.** An area which separates one land use from another, for purposes of safety, environmental protection or compatibility.

**Building.** Any structure, having a roof supported by columns or walls and usable for shelter, housing, or enclosure of any person, animal, equipment or material.

*Building, primary detached.* A detached primary building lacks any type of substantial physical connection with other buildings and roofs between the buildings are separated by a horizontal distance of at least five feet. If the roofs are separated by a horizontal distance of less than five feet, then the buildings are considered attached.

**Building Area.** The sum of the floor area of all floors in all buildings on a site. Unlike "Floor Area", building area includes garages, carports, storage buildings, and other attached or detached accessory structures.

**Building Element:** Any uninterrupted flat surface finished with a single material to which a sign may be mounted, excluding the background to a sign.

**Building Envelope.** An area of real property identified for the construction of buildings.

**Building, Main.** See "Structure, primary."

**Building Material Stores (land use).** This land use consists of the retail sale of lumber and other large building materials, where most display and sales activities occur indoors. Products sold may include paint, wallpaper, glass, fixtures, nursery stock, and lawn and garden supplies. Includes stores selling to the general public, even if contractor sales account for a major proportion of total sales. Includes incidental retail ready-mix concrete operations, except where excluded by a specific zoning district. Establishments primarily selling electrical, plumbing, heating, and air conditioning equipment and supplies are classified in "Wholesaling and Distribution." Hardware stores are listed in the definition of "Retail Stores, General Merchandise," even if they sell some building materials.

**Building Site.** A lot or parcel that is recognized by the Community Development Agency as having been created in compliance with the governing zoning and development standards.

**Bulk.** Total interior cubic volume as measured from the exterior surfaces of the structure.

**Business Day.** Any day that the Planning Division's public service center is staffed and open to the public.

**Development Standard.** A site or construction condition including a height limitation, a setback requirement, a floor area ratio, an on-site open space requirement, a parking ratio that applies to any ordinance, general plan element, specific plan, or other local condition, law, policy, resolution, or regulation that is adopted by the Board of Supervisors or that is enacted by a public initiative or referendum, whether that power is derived from the California Constitution, statute, or ordinances of Marin County.

**Diameter at Breast Height (DBH).** DBH means the diameter of a tree trunk measured in inches at a height of 4.5 feet above ground while standing on level ground or from the uphill side of the tree. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point beneath the split.

**Director.** The Director of the Marin County Community Development Agency or designee of the Director, referred to throughout this Development Code as "Director."

**Disabled.** A person with: (1) a physical or mental impairment which substantially limits one or more of a person's major life activities; (2) a record of having such an impairment; or (3) being regarded as having such an impairment.

**Discretionary Permit.** A permit granted by a review authority in response to a land use permit application after applying the exercise of judgment or deliberation prior to making a decision. Includes any of the following entitlements/approvals established by Article IV (Land Use and Development Permits): Coastal Permits, Design Reviews, Floating Home Exceptions, Master Plans and Precise Development Plans, Use Permits, Sign Reviews, Temporary Use Permits, Tentative Maps, Site Plan Reviews, and Variances. See also "Ministerial Permit."

**Discretionary Project.** A project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. A timber harvesting plan submitted to the State Forester for approval under the requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Pub. Res. Code Sections 4511 et seq.) constitutes a discretionary project within the meaning of the California Environmental Quality Act. Section 21065(c).

**Dock.** A structure extending alongshore or out from the shore into a body of water, to which boats may be moored.

**Dripline.** A vertical line extending from the outermost edge of the tree canopy to the ground.

**Drive-in and Drive-thru Sales (land use).** This land use consists of the retail sale of food or other products to motorists who do not leave their vehicles to complete their purchases. Examples of facilities included under this land use are fast-food restaurants, drive-through photo processing facilities, coffee sales, dairy product stores, pharmacies, etc.

**Drive-in and Drive-thru Services (land use).** This land use consists of services provided to motorists who do not leave their vehicles to obtain the services. Examples of facilities included under this land use are drive-up bank teller windows, dry cleaners, etc. Does not include: automatic teller machines (ATMs) or automobile service stations, which are separately defined; or car washes (see "Repair and Maintenance – Vehicle").

**Driveway.** A vehicular access across private property, extending from an improved street to a building site.

**Dwelling, or Dwelling Unit.** A room or group of internally connected rooms that have sleeping, food preparation, eating, and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis. Types of dwellings include single-family dwellings, two-family dwellings, multi-family dwellings, mobile homes, condominiums and townhouses, floating homes, and independent living units for the elderly.

**M. Definitions, "M."**

**Machinery Manufacturing (land use).** This land use consists of the manufacture of machinery and equipment for purposes and products including the following:

- bulldozers
- carburetors
- construction
- conveyors
- cranes
- die casting
- dies
- dredging
- engines and turbines
- farm and garden
- food products manufacturing
- gear cutting
- heating, ventilation, air conditioning
- industrial trucks and tractors
- industrial furnaces and ovens
- industrial molds
- laundry and dry cleaning
- materials handling
- mining
- oil field equipment
- paper manufacturing
- passenger and freight elevators
- pistons
- printing
- pumps
- refrigeration equipment
- textile manufacturing

**Map Act.** See "Subdivision Map Act."

**Mariculture (land use).** This land use consists of the culture and husbandry of aquatic organisms including shellfish, mollusks, crustaceans, kelp, and algae. (See "Fish Hatcheries and Game Reserves," for activities related to fish.)

**Marin Countywide Plan.** The Marin Countywide Plan, including all its elements and all amendments, adopted as the General Plan by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq.

**Marinas (land use).** This land use consists of recreationally-oriented small craft harbors that may include mooring and launching facilities and accessory facilities for boat servicing. Mooring, launching, and service facilities oriented primarily toward the needs of commercial fishing are included under the definition of "Harbors." Marinas accommodating floating homes are defined as "Floating Home Marinas."

**Master Plan.** See Chapter 22.44 (Master Plans and Precise Development Plans).

**Maximum Allowable Residential Density.** The greatest number of units allowed maximum allowable gross residential density under the zoning and Land Use element of the Countywide Plan, or if a range of density is permitted, the greatest number of units allowed maximum density for the specific zoning range and Land Use element of the Countywide Plan applicable to the project. If the density under the zoning is inconsistent with the density under the Land Use element of the Countywide Plan, the greater Countywide Plan density shall prevail. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, or Land Use element of the Countywide Plan does not provide a dwelling-units-per-acre standard for density, then the density shall be calculated as follows:

1. Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include



considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards.

2. Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

**Medical Services – Clinics and Laboratories (land use).** This land use consists of businesses primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- health management organizations (HMOs)
- medical and dental laboratories
- medical, dental and psychiatric offices
- out-patient care facilities
- other allied health services

Counseling services by other than medical doctors or psychiatrists are included under "Offices."

**Medical Services – Extended Care (land use).** This land use consists of the provision of nursing and health-related care as a principal use, with in-patient beds. This land use includes: convalescent and rest homes; extended care facilities; and skilled nursing facilities that are licensed or supervised by any Federal, State, or local health/welfare agency. Long-term personal care facilities that do not emphasize medical treatment are included under "Residential Care Facilities," and "Group Homes."

**Medical Services – Hospitals (land use).** This land use consists of the provision of diagnostic services and extensive medical treatment, including surgical and other related services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care services. May include on-site accessory clinics and laboratories, accessory retail uses and emergency heliports (see the separate definition of "Accessory Retail Uses").

**Membership Organization Facilities (land use).** This land use consists of permanent headquarters and meeting facilities for organizations operating on a membership basis for the promotion of the interests of the members, including facilities for:

- business associations
- civic, social and fraternal organizations
- country clubs (golf courses separately defined)
- labor unions and similar organizations
- political organizations
- professional membership organizations
- other membership organizations

**Metal Fabrication, Machine and Welding Shops (land use).** This land use consists of the assembly of metal parts, including the following uses that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

- blacksmith and welding shops
- sheet metal shops

Areas behind secured dykes, which is normally not subject to tidal action by virtue of the dyke, are not considered tidelands.

**Timber Harvesting.** The cutting of timber and/or removal of forest products for commercial purposes, together with all the work incidental to those operations, including road building, tree marking, hazard reduction, etc.

**Tobacco Paraphernalia.** Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette-rolling machines, and any other item designed for the smoking, use or ingestion of tobacco products.

**Tobacco Products.** Any substance containing any tobacco leave, including cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and smokeless tobacco.

**Tobacco Retailer.** Any person who sells, offers for sale, or offers to exchange for any form of consideration, tobacco, tobacco products, and/or tobacco paraphernalia.

**Total Height (System Height).** The total WECS height is the height from natural grade to the fixed portion of the tower and includes the highest vertical length of any extensions above grade, such as the rotor blades when being operated.

**Total units or total dwelling units.** A calculation of the number of units that:

- i. Excludes a unit or units added by a density bonus awarded pursuant to the State Density Bonus Law.
- ii. Includes a unit designated to satisfy an inclusionary zoning requirement of Marin County

**Tower.** The tower is the support structure, including guyed monopole and lattice types, upon which a wind turbine or other mechanical device is mounted as part of a wind energy system.

**Tower Height (WECS).** The tower height is the height from natural grade to the upper-most fixed portion of the tower excluding the length of any vertical axial-rotating turbine blade.

**Transfer of Development Rights (TDR).** The process established by Chapter 22.34 (Transfer of Development Rights), which allows some or all of the number of dwelling units potentially allowed by the zoning applicable to a "donor" site, to be transferred and built on another "receiving" site, in addition to the number of units potentially allowed by the zoning of the receiving site.

**Transit Stations and Terminals (land use).** This land use consists of passenger stations for vehicular, ferry, and rail mass transit systems; also terminal facilities providing maintenance and service for the vehicles operated in the transit system. Includes buses, taxis, railway, etc.

**Transit Stop Shelter (land use).** This land use consists of a small-scale covered waiting area for busses, taxis, and rail/mass transit stops.

**Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months per Health and Safety Code Section 50675.2(h).

**Trash Full Capture System.** Any device or series of devices that traps and retains all particles that are five millimeters or greater, and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour, storm in the tributary drainage catchment area.

**U. Definitions, "U."**

**Unincorporated Community.** A concentration of structures and population within the unincorporated areas of the County identified by the Countywide Plan as a community.

**Urban Uses.** Any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

**Urbanized Area.** An urbanized area or urban cluster, as designated by the United States Census Bureau.

**Use.** The purpose for which land or a building thereon is designed, or for which it may be occupied. Each business, administrative, professional, industrial, or other establishment, which is separate from another establishment, both in fact and in the appearance presented to the public, shall be considered a separate use.

**Use Permit.** A discretionary land use permit that may be granted by the Review Authority in compliance with Chapter 22.48 (Conditional Use Permits) or Chapter 22.49 (Master Use Permits), which authorizes a specific use of land on a specific site, subject to compliance with any conditions of approval imposed on the permit.