

3.0 HOUSING SITES

TOWN OF TIBURON RESPONSE TO HCD COMMENTS OF DECEMBER 23, 2022

Note: Page number references to the Housing Element included in these responses are to the pages in the tracked changes version of revised draft of the Housing Element.

Comment #1

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

As part of the evaluation of programs in the past cycle, the element must also provide an explanation of the effectiveness of goals, policies, and related actions in meeting the housing needs of special needs populations (e.g., elderly, persons with disabilities, large households, female-headed households, farmworkers, and persons experiencing homelessness). Programs should be revised as appropriate to reflect the results of this evaluation.

Response #1

The following revisions have been made to the draft element:

Appendix B, page B-1, Program H-a: The following underlined text was added to the information provided in the Evaluation column:

This will facilitate development of housing for smaller households including the elderly, persons with disabilities, and female-headed households. It will also increase the availability of single-family homes that are appropriate for large households as senior homeowners in Tiburon have expressed a desire to downsize but remain in town and live in a more walkable location.

Appendix B, page B-4, Program H-e: The following underlined text was added to the information provided in the Recommendation column:

Provide specific implementation actions and timeline to ensure program is completed.

Appendix B, page B-6, Program H-i: The following underlined text was added to the information provided in the Evaluation column:

The updated housing element significantly increases densities on multifamily sites in the Downtown. This will facilitate development of affordable housing for seniors, persons with disabilities, and extremely low income households.

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Appendix B, page B-7, Program H-p: The following underlined text was added to the information provided in the Evaluation column:

The updated housing element significantly increases densities on multifamily sites in the Downtown. This will facilitate development of affordable housing for seniors, persons with disabilities, and single-person and single parent households. It will also increase the availability of single-family homes that are appropriate for large households as senior homeowners in Tiburon have expressed a desire to downsize but remain in town and live in a more walkable location.

Appendix B, page B-9, Program H-q: The following underlined text was added to the information provided in the Evaluation column:

Although the homeless population in Tiburon has decreased since the last housing element was adopted, from 7 unsheltered people in 2013 to none in 2019, the number of unsheltered people throughout Marin County has increased from 183 to 703 over the same period, illustrating the critical need for continued cross-county efforts to provide housing and services for the homeless.

Appendix B, page B-12, Program H-z: The following underlined text was added to the information provided in the Evaluation column:

The updated housing element significantly increases densities on multifamily sites in the Downtown. This will facilitate development of affordable housing for low-income households, seniors, persons with disabilities, and single-person and single parent households. It will also increase the availability of single-family homes that are appropriate for large households as senior homeowners in Tiburon have expressed a desire to downsize but remain in town and live in a more walkable location.

Appendix B, page B-14, Program H-ee: The following underlined text was added to the information provided in the Evaluation column:

ADUs provide housing for seniors and single-parent households and lower housing costs for seniors who wish to age in place.

Appendix B, page B-14, Program H-ff: The following underlined text was added to the information provided in the Evaluation column:

JADUs provide housing for seniors and single-parent households and lower housing costs for seniors who wish to age in place.

Comment #2

Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction (Gov. Code, § 65583, subd. (c)(10)(A))

Racial/Ethnic Areas of Concentration of Areas of Affluence (RCAA): As the element acknowledges that a RCAA exists within the Town, and that the Town is

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predominantly in the high resource category according to TCAC/HCD Opportunity Maps and is predominantly higher income, the Town must consider additional actions (not limited to the Regional Housing Needs Allocation (RHNA) to promote housing mobility and improve new housing opportunities throughout the Town for existing residents and the broader region.

Response #2

Page 71: The following underlined text was added to the section titled “Affirmatively Furthering Fair Housing (AFFH) Site Analysis”:

In addition, the housing element contains several programs to promote housing mobility and improve new housing opportunities throughout the Town for existing residents and the broader region. These include actions to 1) ensure fair housing opportunities are provided and landlords understand their responsibilities under fair housing laws (Programs H-b, H-q, and H-hh); provide rental assistance to make existing apartments more affordable (Program H-x); and provide home match programs to expand affordable housing opportunities (Program H-f). See Table 23 for detailed information on these programs.

Comment #3

Sites Inventory: The element must identify sites throughout the community to foster inclusive communities. The element includes some general discussion and conclusions that identified sites for lower-income households are concentrated in central areas of the Town and certain neighborhoods. However, the element should expand on the reasoning for isolating the RHNA for lower income households and discuss whether the distribution of sites improves or exacerbates supporting mobility and housing choice throughout the Town. Further, if the inventory continues to isolate the RHNA for lower-income households, the element must have commensurate programs with place- based strategies for new opportunities through-out the community (beyond RHNA) to result in an equitable quality of life and affirmatively further fair housing (AFFH) throughout the Town.

Response #3

Page 71: The following underlined text was added to the section titled “Affirmatively Furthering Fair housing (AFFH) Site Analysis”:

With the exception of the Reed School and Mar West sites (Sites 8 and 9), multifamily sites identified to accommodate the lower-income housing need are concentrated in the downtown. In an effort to ensure housing affordable to lower income households was distributed throughout the community, the Town undertook a parcel-by-parcel analysis of all sites outside of the Downtown that were appropriate for high-density multifamily housing and met the following criteria:

1. Over ½ acre;
2. Within walking distance of public transit facilities and services;
3. Not designated as open space; and

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4. Not located on steep slopes that were infeasible for high-density multifamily housing.

Only two sites met these criteria: the Cove Shopping Center at 1 Blackfield Drive (approximately 2.9 acres) and the Tiburon Baptist Church at 445 Greenwood Beach Rd. (approximately 3.2 acres). Both sites were evaluated at a community workshop, through surveys, and by the Planning Commission and Town Council. For the Cove Shopping Center site, the community explored a mixed use development concept with a residential density of 25-30 units per acre, yielding 72-86 units. For the Tiburon Baptist Church site, the community considered a townhome development concept at 20-25 units per acre, yielding 63-79 units. In both instances, the property owners wrote letters to the Town stating that they were not interested in redeveloping their properties and requesting that their properties not be rezoned and be removed from the housing site inventory the Town was preparing for the housing element update. Nonetheless, Program H-kk states the Town will consider rezoning these sites for lower-income housing if the property owner indicates future interest in redeveloping or adding housing to these sites.

Sites 1-7 are identified to meet approximately 90% of the Town's lower income RHNA. Nonetheless, these sites improve housing mobility and housing choice throughout Town by providing smaller and affordable units that allow seniors currently living in Tiburon to downsize while remaining in Town, as well as units for young adult children who are starting careers and families. Furthermore, the housing sites are interspersed among other downtown sites that are identified for moderate and above moderate income housing, thereby ensuring a balanced and integrated residential community in the downtown area. New residents will be able to easily access community facilities and amenities in the downtown, including the library, the Town Plaza, and the ferry, as well as community activities such as Friday Nights on Main and Holiday, Chanukah, Diwali, and Juneteenth celebrations. The Downtown chapter of the Town's General Plan supports the redevelopment of downtown to provide a vibrant residential neighborhood, a walkable district, and a center for community life. These improvements will result in an equitable quality of life for all Tiburon residents.

Site H is not located downtown and has a minimum development capacity of 93 units. Although this site was not identified for a 100% affordable housing project due to its distance from services and transit stops, the site will provide some affordable units under the Town's inclusionary ordinance. This will help to improve the balance of lower income units throughout the Town.

The Town has been working on a comprehensive update of its General Plan over the past two years. The draft Downtown element is here: <https://createtiburon2040.org/wp-content/uploads/2022/12/Draft-Downtown-General-Plan-Chapter-text-only.pdf>. This new element supports the redevelopment of downtown as discussed above. The updated General Plan will be adopted with the 6th cycle housing element.

Comment #4

Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)

Extremely Low-Income (ELI) Households: The element reports some data on the number of existing and projected ELI households, but it must also include an analysis of their housing needs. The analysis should evaluate tenure, overpayment, resources, and strategies available and the gap and magnitude of housing needs to better formulate policies and programs. Depending upon the results of this analysis, the Town may need to add or revise existing programs.

Response #4

The number and tenure of ELI households are discussed on pages 22-24. The following underlined text was added to page 24:

There are approximately 240 extremely low income households in Tiburon (7.1% of the total number of households), and approximately one-third of these households own their homes. In order to remain in their homes, extremely low income owner households need programs to help reduce housing costs, while extremely low income renter households need programs to limit rent increases. The Housing Element contains *Program H-f Home Match Services* to help extremely low income homeowners develop a source of income and *Program H-v Rehabilitation Loan Programs* to provide these homeowners with money to make necessary repairs. *Program H-aa Tenant Protection Strategies* will help to protect extremely low income renters from rising rents.

Cost-burdened ELI households are discussed on pages 41-43. The following underlined text was added to the paragraph on page 41 in the section “Cost-Burdened Households”:

In Tiburon, 15.1% of all households spend 50% or more of their income on housing, while 16.0% spend 30% to 50%. However, these rates vary greatly across income categories (see Figure 27). For example, 66.7% of Tiburon households making less than 30% of AMI (i.e., extremely low income households) spend the majority of their income on housing. For Tiburon residents making more than 100% of AMI, just 5.1% are severely cost-burdened, and 81.0% of those making more than 100% of AMI spend less than 30% of their income on housing.

Cost-burdened senior ELI households are discussed on pages 45-46. The following underlined text was added to paragraph on page 45 in the section “Cost-Burdened Households”:

When cost-burdened seniors are no longer able to make house payments or pay rents, displacement from their homes can occur, putting further stress on the local rental market or forcing residents out of the community they call home. Understanding how seniors might be cost-burdened is of particular importance due to their special housing needs, particularly for low-income seniors. 78.9% of seniors making less than 30% of AMI (i.e., extremely low income households) are spending the majority of their income on housing. For seniors making more than 100% of AMI, 80.8% are not cost-burdened and spend less than 30% of their income on housing (see Figure 30).

Overcrowded ELI households are analyzed on pages 46-47. The following underlined text was added to page 47:

In many communities, overcrowding often disproportionately impacts low-income households. In Tiburon, 0% of very low-income households (below 50% AMI) experience severe overcrowding, while 0% of households above 100% experience this level of overcrowding (see Figure 32). There are no extremely low overcrowded households in Tiburon.

Senior ELI households are analyzed on pages 53-54. The following underlined text was added to page 53:

Seniors who rent may be at even greater risk for housing challenges than those who own, due to income differences between these groups. The largest proportion of senior households who rent make *Greater than 100% of AMI*, while the largest proportion of senior households who are homeowners falls in the income group *Greater than 100% of AMI* (see Figure 38). Extremely low income (0-30% AMI) senior households are more likely to be owners than renters.

The following underlined text was added to page 54:

In addition, programs are included to assist low-income, including extremely low income, seniors in upgrading their homes (Program H-v *Rehabilitation Loan Program*), maintaining affordability of rentals (Program H-aa *Tenant Protection Strategies*), and remaining in their homes by sharing housing costs with another individual (Program H-f *Provide Home Match Service*).

Comment #5

Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

Overpayment: While the element identifies the percentage of residents overpaying for housing by tenure (pg. 39), it must clearly quantify and analyze the number of lower-income households overpaying for housing by tenure (i.e., renter and owner) and add or modify policies and programs as appropriate.

Response #5

The following underlined text and Table 6 were added to the element on page 42:

Table 6 shows the number of cost-burdened renter and owner households by income category. Among the lower-income categories, the greatest number of cost-burdened owners are low income households (160), while the greatest number of cost-burdened renters are extremely low income households (320).

Table 1: Household Overpayment by Income and Tenure in Tiburon

Household by Income & Housing Cost Burden	Total Renters	Total Owners
Extremely Low Income (0-30% of AMI)		
Cost Burden >30% and <50%	110	70
Cost Burden >50%	90	70
Very Low Income Households (31-50% of AMI)		
Cost Burden >30% and <50%	50	80
Cost Burden >50%	50	65
Low Income Households (51-80% of AMI)		
Cost Burden >30% and <50%	120	90
Cost Burden >50%	15	70
Moderate and Above Moderate Income (over 80% of AMI)		
Cost Burden >30% and <50%	115	555
Cost Burden >50%	0	215

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release

Comment #6

An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)

The Town has a RHNA of 639 housing units, of which 303 are for lower-income households. To address this need, the element relies on vacant and nonvacant sites, including sites in the yet to be created MU and MS districts. To demonstrate the adequacy of these sites and strategies to accommodate the Town's RHNA, the element must include complete analyses:

Parcel Listing: The element lists parcels by various factors such as size, zoning, and general plan designation. However, it must also include a description of existing use with

sufficient detail to facilitate an analysis of the potential for additional development on nonvacant sites.

Response #6

Existing uses are described in the individual site descriptions beginning on page 77. The following text was added beginning on page 84 to provide descriptions of existing uses of Sites A-H.

SITE A

Site A is located at 1555 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. Figure 47 shows the existing condition and a conceptual model for the site. The site is 0.86 acre and the existing use is a parking lot. The site currently is within the Affordable Housing Overlay zone which allows up to 20.7 units per acres. However, the site will be rezoned to a new Mixed Use zoning district that will allow a residential density of 30-35 du/ac pursuant to Program H-ji.

The site is located on a transit route and has several services close by. A grocery store and the public library are located on the same block. Parks and recreational facilities, an elementary school, and the Tiburon Ferry Terminal are within ½ mile walking distance, as well as other retail and commercial facilities. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 25 units at moderate and above moderate affordability levels.

SITE B

Site B is located at 1599 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. Figure 47 shows the existing condition and a conceptual model for the site. The site is 1.66 acre and contains a 20,079 square foot commercial building; the existing use is a CVS pharmacy. The site currently is within the Affordable Housing Overlay zone which allows up to 20.7 units per acres. However, the site will be rezoned to a new Mixed Use zoning district that will allow a residential density of 30-35 du/ac pursuant to Program H-ji.

The site is located on a transit route and has several services close by. A grocery store and the public library are located on the same block. Parks and recreational facilities, an elementary school, and the Tiburon Ferry Terminal are within ½ mile walking distance, as well as other retail and commercial facilities. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The aging structure and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 49 units at moderate and above moderate

affordability levels.

SITE C

Site C is located at 1600 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. The site is 0.39 acre and is currently vacant. The site currently is within the Affordable Housing Overlay zone which allows up to 20.7 units per acres. However, the site will be rezoned to a new Mixed Use zoning district that will allow a residential density of 30-35 du/ac pursuant to Program H-ji.

The site is located on a transit route and has several services close by. A grocery store and the public library are located on the next block. Parks and recreational facilities, an elementary school, and the Tiburon Ferry Terminal are within ½ mile walking distance, as well as other retail and commercial facilities. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 11 units at moderate and above moderate affordability levels.

SITE D

Site D is located at 1610 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. The site is 0.13 acre and contains a 4,200 square foot office building constructed in 1960. The site is currently zoned Neighborhood Commercial. However, the site will be rezoned to a new Mixed Use zoning district that will allow a residential density of 30-35 du/ac pursuant to Program H-ji.

The site is located on a transit route and has several services close by. A grocery store and the public library are located on the next block. Parks and recreational facilities, an elementary school, and the Tiburon Ferry Terminal are within ½ mile walking distance, as well as other retail and commercial facilities. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The aging structure and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 3 units at moderate and above moderate affordability levels.

SITE E

Site E is located at 1660 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. The site is 0.13 acre and contains a 7,260 square foot office building constructed in 1975. The site is currently zoned Neighborhood Commercial. However, the site will be rezoned to a new Mixed Use zoning district that will allow a residential density of 30-35 du/ac pursuant to Program H-ji.

The site is located on a transit route and has several services close by. A grocery store

and the public library are located on the next block. Parks and recreational facilities, an elementary school, and the Tiburon Ferry Terminal are within ½ mile walking distance, as well as other retail and commercial facilities. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

Although office vacancy rates in Marin County have somewhat recovered from pandemic highs, the office vacancy rate in Marin County in the third quarter of 2022 was 18.4%, while the office vacancy rate in Southern Marin (where Tiburon is located) was 17.4%. A shift to remote work is expected to have long-term impacts on the office rental market, while housing demand remains strong. The aging structure and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 12 units at moderate and above moderate affordability levels.

SITE F

Site F is located at 1680 Tiburon Boulevard and is identified in Table 11 and Figure 46 above. The site is 0.29 acre and contains a 3,892 square foot commercial building constructed in 1962. The site is currently zoned Neighborhood Commercial. However, the site will be rezoned to a new Mixed Use zoning district that will allow a residential density of 30-35 du/ac pursuant to Program H-jj.

The site is located on a transit route and has several services close by. A grocery store and the public library are located on the next block. Parks and recreational facilities, an elementary school, and the Tiburon Ferry Terminal are within ½ mile walking distance, as well as other retail and commercial facilities. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

Although office vacancy rates in Marin County have somewhat recovered from pandemic highs, the office vacancy rate in Marin County in the third quarter of 2022 was 18.4%, while the office vacancy rate in Southern Marin (where Tiburon is located) was 17.4%. A shift to remote work is expected to have long-term impacts on the office rental market, while housing demand remains strong. The aging structure and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 30 du/ac, the site is projected to yield a minimum of 8 units at moderate and above moderate affordability levels.

SITE G

Site G is located at 26 Main St./2 Juanita Lane and is identified in Table 11 and Figure 46 above. The site is 0.43 acre and contains several buildings comprising approximately 17,930 square feet. The current uses are retail shops, a movie theatre, and a restaurant. Five of the structures were built between 1900 and 1921 and are on the local inventory of historic resources. Nonetheless, redevelopment of the site is possible if the building facades are preserved.

The Town met with the property owner in February 2022 who expressed interest in redeveloping the site with housing if the Town would allow residential use on the site at a

sufficient density. The owner also stated that ground-floor commercial use would be feasible on the site. The site is currently zoned Village Commercial. However, the site will be rezoned to a new Main Street zoning district that will allow mixed use with a residential density of 20-25 du/ac pursuant to Program H-ij.

The site is located on a transit route and has several services close by. A grocery store, the public library, and other services are located within a ½ mile. The Tiburon Ferry Terminal is located on the same block. Marin Transit provides local bus service with stops near the site and connection to Golden Gate Transit's commuter service between Santa Rosa to San Francisco.

The property owner interest, aging structures, and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 20 du/ac, the site is projected to yield a minimum of 8 units at moderate and above moderate affordability levels.

SITE H

Site H is located at 4576 Paradise Drive is identified in Table 11 and Figure 46 above. The site is 9.58 acres and contains two houses.

The Town met with the property owner in August 2022 and January 2023 who expressed interest in redeveloping the site with housing if the Town would allow residential use on the site at a sufficient density. The site will be rezoned to allow multifamily residential use with a minimum density up to 10 du.ac pursuant to Program H-mm.

The property owner interest and underutilized nature of the parcel makes this site suitable for redevelopment during the planning period. Based on a minimum density of 10 du/ac, the site is projected to yield a minimum of 93 above moderate income units after deducting the existing two houses.

Comment #7

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the Town must submit an electronic sites inventory with its adopted housing element. The Town must utilize standards, forms, and definitions adopted by HCD.

Please see HCD's housing element webpage at <https://www.hcd.ca.gov/planning-and-community-development/housing-elements> for a copy of the form and instructions. The Town can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Response #7

The Town is aware of the requirement and will submit an electronic version of the sites inventory with its adopted housing element.

Comment #8

Suitability of Nonvacant Sites: The description of existing uses should be sufficiently detailed to facilitate an analysis demonstrating the potential for additional development in the planning period. For example, the element includes sites with grocery stores, post office, an existing bank, and other businesses, but does not demonstrate whether these existing uses would impede development of these sites within the planning period or are likely to be discontinued. For example, while the element states that the grocery store will be retained on Site 5, it could provide additional information on how the site could be redeveloped with the existing grocery space. In addition, while some analysis was provided for Sites 1-9, no analysis was provided for Sites A-G. The element should also include current market demand for the existing uses, provide analysis of existing contracts that would perpetuate the existing use or prevent additional residential development and include current information on market conditions in the Town and relate those trends to the sites identified. For Site 8, the element should describe the timing for the facilities plan, if the site will be surplus by the school district, and any conversations with the school district to provide housing. The element must demonstrate the site will be available early enough in the planning period for development to occur.

Response #8

The following changes were made to the discussion of Site 5 on pages 80-81:

Site 5 is located at 1550 Tiburon Boulevard and is identified in Table 11 and Figure 46. The site is 2.21 acres. The site contains a 47,418 square foot shopping center built in 1955 that is currently occupied with a grocery store, bank, retail stores, and offices. The Town met with the property owner in April 2022 who expressed interest in redeveloping the site with housing if the Town would allow residential use at a sufficient density. The property owner also attended a Town Council meeting in April 2022 and requested a density of 40-45 du/ac in order to make it financially feasible to redevelop the site with housing. The Town ~~subsequently rezoned~~ will rezone the site to allow mixed use with a residential density of 30-35 du/ac pursuant to Program H-jj. ~~Similar to Site 5, the Town requires commercial use at the corner of the site.~~ The property owner has expressed their desire to retain the existing grocery store as well as some other commercial uses and recognizes that the development will have to occur in phases to accommodate existing uses. There are no known existing leases or other contracts that would prevent redevelopment. The property owner will work with staff to develop a plan where the grocery store is maintained. The developer and the Town will work on a development scenario which may include phasing of the development to retain the grocery store and other tenants and then relocate once a new building is developed.

Although office vacancy rates in Marin County have somewhat recovered from pandemic highs, the office vacancy rate in Marin County in the third quarter of 2022 was 18.4%, while the office vacancy rate in Southern Marin (where Tiburon is located) was 17.4%. A shift to remote work is expected to have long-term impacts on the office rental market, while housing demand remains strong. Similarly, demand for retail space and bricks-and-mortar banks has declined due to online shopping and banking. These trends are expected to continue, reducing the demand for the existing uses. Nonetheless, unit capacities for the site have been determined while taking into account retention of the existing grocery store as well as account additional ground-floor commercial space if the property owner determines there is sufficient demand for it.

The following underlined text was added to the discussion of Site 6 on page 81-82:

Although office vacancy rates in Marin County have somewhat recovered from pandemic highs, the office vacancy rate in Marin County in the third quarter of 2022 was 18.4%, while the office vacancy rate in Southern Marin (where Tiburon is located) was 17.4%. A shift to remote work is expected to have long-term impacts on the office rental market, while housing demand remains strong. Similarly, demand for retail space has declined due to online shopping. These trends are expected to continue, reducing the demand for the existing uses. Nonetheless, unit capacities for the site have been determined while taking into account potential ground-floor commercial space, which could be included in the project if the property owner determines there is sufficient market demand.

The following underlined text was added to the discussion of Site 8 on page 83:

If the School District chooses not to move forward with housing development on the site, or if the School District takes no action to develop housing on the site by January 31, 2025, the Town will identify and rezone another site or sites to make up for any shortfall in the remaining RHNA for each income category at that time pursuant to Program H-ll.

The following underlined text was added to the discussion of Site 9 on page 84:

Site 9 is located at 1100, 1110 and 1120 Mar West Drive and is identified in Table 11 and Figure 46 above. The site is made up of three contiguous parcels under the same ownership and combined are 1.36 acres. Each parcel contains a 5,880 square foot office building constructed in 1982. In May 2022, the property owner contacted the Town and requested that the Town consider rezoning the parcels to allow multifamily housing, stating that the office space has been difficult to lease. Although office vacancy rates in Marin County have somewhat recovered from pandemic highs, the office vacancy rate in Marin County in the third quarter of 2022 was 18.4%, while the office vacancy rate in Southern Marin (where Tiburon is located) was 17.4%. A shift to remote work is expected to have long-term impacts on the office rental market, while housing demand remains strong. The site was subsequently rezoned to is currently zoned Office but will be rezoned to a new Mixed Use district that will allow residential use with a density of 30-35 du/ac pursuant to Program H-ji. Commercial use is optional on Site 9.

See Response #6 for information added to the housing element to address Sites A-G.

Comment #9

In addition, the element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households. For your information, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2)). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Response #9

A discussion of nonvacant sites appears on page 87-88. The following underlined text was

added to the last paragraph:

Nonvacant sites are expected to accommodate more than 50% of the Town's lower income housing need. Therefore, the Town will include findings, based on substantial evidence, in the resolution adopting the housing element. These findings will be based on the site characteristics described above for Sites 1 through 7 and 9.

Comment #10

Sites Identified in the Prior Inventory: Sites identified in prior planning periods shall not be deemed adequate to accommodate the housing needs for lower-income households unless a program, meeting statutory requirements, requires rezoning within three years. The element should clarify if sites, including Site 8, were identified in prior planning periods and if so, which sites and include a program if utilizing previously identified sites in the current planning period.

Response #10

Sites identified in the prior inventory are discussed in Section 3.2 "Sites Inventory" on page 68. The following revisions will be made to the fourth paragraph:

"Two of the sites projected to accommodate lower-income housing were identified in the previous Housing Element planning period (Sites 3 and 4), although these sites ~~were recently~~ will be rezoned pursuant to program H-ii to increasing increase the maximum residential density from 20.7 units per acre to 35 units per acre (with a minimum required density of 30 units per acre), thereby greatly enhancing the financial feasibility and marketability of the parcels."

Although Site 8 was listed in "Summary of Site Inventory and Relationship to the Town's RHNA" in the Town's 5th cycle housing element (page 67), no development was projected on the site in the table and there is no discussion of potential development of the site in the housing element. Therefore, Site 8 was not part of the Town's 5th cycle housing element site inventory.

Comment #11

Use of SB 9 Senate Bill 9 (Statutes of 2021) Projections: The element is projecting development of four single-family homes on each qualifying vacant single-family lot in Appendix C for a total of 174 units based on the passage of SB 9 (Statutes of 2021) to accommodate a portion of its above moderate income RHNA. To utilize projections based on SB 9 legislation, the element must support this analysis with local information such as local developer or owner interest to utilize zoning and incentives established through SB 9 and include programs and policies that establish zoning and development standards early in the planning period and implement incentives to encourage and facilitate development at the anticipated development levels.

Response #11

The text on pages 90-91 was revised as follows:

Senate Bill (SB) 9 was signed by Governor Newsom on September 16, 2021, and became effective on January 1, 2022. The legislation allows single family lots greater than 2,400 square feet to be split under certain conditions and allows both vacant and developed single family lots to be developed with two single family homes. In January 2023, the Town sent letters to all owner of record of vacant single family lots (29) and received two notices of property owner interest to utilize zoning and incentives established through SB 9 to develop their lot with four housing units. Based on this property owner interest and the outreach and incentives identified below, the Town is projecting 25% of the remaining qualified vacant single family lots, or seven lots, will be developed utilizing SB 9 by the end of 2030. As shown in Table 11 and detailed in Appendix C, the Town is projecting development of four single family homes as allowed under SB 9 on each nine qualifying vacant single-family lots for a total of 36 market-rate units affordable to above moderate income households.

The Town's SB 9 development standards currently limit unit size to 800 square feet. In order to facilitate and encourage development, the Town will increase the maximum unit size to 1,000 square feet pursuant to Program H-pp. The Town will also conduct outreach and promote SB 9 development through the following actions:

1. Provide an SB 9 application checklist on the Town's website.
2. Develop a handout on SB 9 standards and the application process and distribute at Town Hall.
3. Promote SB 9 potential in the Town's newsletter and SB 9 handout, on social media, and on the Town's website.
4. Establish an SB 9 specialist in the Community Development Department.

Program H-pp was added to the Housing Element on pages 142-143 as follows:

H-pp Facilitate and Promote SB 9 Development. Encourage and facilitate SB 9 development on qualifying single family lots to provide additional housing opportunities. Take the following actions:

1. Provide information on Tiburon's SB 9 standards.
2. Provide SB 9 application checklists on the Town's website.
3. Develop a handout on SB 9 standards and the application process and distribute at Town Hall.
4. Promote SB 9 potential in the Town's newsletter and SB 9 handout, on social media, and on the Town's website.
5. Establish an SB 9 specialist in the Community Development Department.
6. Adopt an ordinance by July 1, 2023, to increase the maximum unit size from 800 square feet to 1,000 square feet.

Responsibility: Community Development Department

Financing: General Fund

Objectives: 36 market rate units developed through SB 9 by the end of 2030.

Timeframe: Develop new materials, update the Town's website, and provide counter handouts by the end of 2023. Update and publicize annually thereafter. Adopt ordinance by July 1, 2023.

Comment #12

Environmental Constraints: While the element includes a column of environmental constraints on its sites inventory and generally describes the Flood Hazard Area, it must describe how conditions relate to identified sites including how environmental conditions could impact housing development in the planning period. (Gov. Code, § 65583.2, subd. (b).) The Town should also provide analysis on how local policies to mitigate environmental hazards may impact housing development.

Response #12

In addition to the column of constraints shown in Table 11, the element contains a description of environmental constraints on page 69. The following underlined text was added to the analysis on page 69:

Sites 1-7, 9, and A-H are located in, or partially in, a Special Flood Hazard Area with a 1 percent or greater chance of flooding within any given year. The Town requires all new buildings in Special Flood Hazard Areas to be built with finished floors at least two feet above base flood elevations established by FEMA. This requirement has been taken into account when modeling potential building forms and evaluating unit capacities on each site. Due to the presence of a high water table, no underground parking was assumed in the modeling, which greatly reduces development costs and increases feasibility of the project. Furthermore, new development standards created for the purpose of implementing the new Mixed Use and Main Street zoning districts ensure the unit capacities identified in Table 10 can be achieved on each parcel. New buildings are required to comply with the Town's ordinances that address flood damage prevention, which are contained in Chapter 13D of the Municipal Code. While they add to the cost of development, they are considered necessary for the safety and welfare of residents, and they have not deterred other redevelopment projects in the Downtown. As a result, the presence of the floodplain and the potential for flooding is not a constraint on development.

All housing opportunity sites are located in the Wildland-Urban Interface (WUI), as are virtually all parcels in Tiburon. The California Building Code addresses the wildland fire threat to structures by requiring that structures located in state or locally designated WUI areas be built of fire-resistant materials. Both the Tiburon Fire Protection District and the Southern Marin Fire District, which serve Tiburon, have adopted more stringent building standards for new construction and require a vegetation management plan to create and maintain defensible space. While these requirements may add to the cost of development, they are considered necessary for the safety and welfare of the residents, and they are not expected to constrain new housing development in the planning period.

Comment #13

Sites with Zoning for a Variety of Housing Types:

Emergency Shelters: While housing element law does allow a jurisdiction to limit the number of beds or persons permitted to be served nightly by a facility, standards must be

designed to encourage and facilitate the development of, or conversion to, an emergency shelter. The element must analyze the 10-bed limit as a potential constraint for the development of emergency shelters. In addition, the element should describe how emergency shelter parking requirements meet AB139/Government Code section 65583, subdivision (a)(4)(A) requirements or include a program.

Response #13

The following underlined text was added to the discussion of Homeless Shelters on page 93:

The Town analyzed the 10-limit bed requirement as a potential constraint to development. The Town contacted Homeward Bound of Marin, the largest provider of emergency shelters in Marin County. According to Homeward Bound, there is no ideal size for an emergency shelter, as each shelter has different funding sources and operating revenue streams. For example, Homeward Bound has a 6-bed medical respite shelter in Novato and a 10-bed mental health shelter in San Rafael. They also have a 25-bed family shelter in San Rafael, a 38-bed adult shelter in San Rafael, and an 80-bed adult shelter in Novato. As a result, the Town concludes that the 10-bed limit is not a constraint on development.

Government Code 65583(a)(4)(A)(ii) states that the local jurisdiction may apply written, objective standards to provide “[s]ufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.” Tiburon Municipal Code (TMC) Section 18.16.320 Emergency Shelters does not specify parking requirements. Division 16-32 Parking and Loading Standards lists standards for residential and commercial uses but does not specifically address emergency shelters. Program H-oo has been added to the housing element to establish parking requirements for emergency shelters in compliance with the state code.

The following program was added to page 142:

H-oo Parking for Emergency Shelters. Revise the Zoning Code to specify parking requirements for emergency shelters that comply with Government Code section 65583, subdivision (a)(4)(A).

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: Staff time

Objectives: Ensure the Town’s Tiburon Code complies with state law.

Timeframe: By January 31, 2024.

Comment #14

Supportive Housing: Permanent Supportive Housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.

Response #14

The following changes were made to the discussion of Transitional Housing and Supportive Housing on page 92:

The Tiburon Zoning Ordinance treats transitional and supportive housing in the same manner as other residential uses. Transitional and supportive housing are permitted uses in all residential zones and are conditionally permitted uses in the ~~MUL~~, MH, NC and VC zoning districts. State law requires supportive housing to be a use by-right in commercial zones where multifamily and mixed use are permitted, subject to the requirements of Government Code 65651. The Zoning Code will be amended to comply with state law pursuant to Program H-nn.

The following program was added to page 142:

H-nn Supportive Housing. Revise the Zoning Code to make supportive housing a permitted use in all commercial zones that allow multifamily and mixed use housing, including the Mixed Use, Neighborhood Commercial, Main Street, and Village Commercial districts, pursuant to Government Code 65651.

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: Staff time

Objectives: Ensure the Town's Tiburon Code complies with state law.

Timeframe: By January 31, 2024.

Comment #15

An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. (Gov. Code, § 65583, subd. (a)(5).)

Affordable Housing Overlay Zone: The element includes description of an Affordable Housing Overlay. While some information was provided on how the overlay allows residential the element should clarify where it applies and whether it will apply over any of the sites identified in the inventory.

Response #15

The following underlined text was added to the discussion of the Affordable Housing Overlay on Page 102:

As discussed above, the Town will adopt new Mixed Use, Main Street, and R-4 zoning districts with the adoption of the Housing Element. These new zoning districts allow a greater housing density than currently permitted under the AHO and will supersede the former designations. The only remaining area covered under the AHO will be a 1.1-acre

portion of the Cove Shopping Center site, which is unlikely to be developed during the current housing element period and was not included in the Sites Inventory (Table 11).

Comment #16

Processing and Permit Procedures: While the element includes information about processing times, it should also describe the procedures by type of housing, zone, permit type, and approval body. In particular, the element should describe how projects in the MU zone will be processed and objective design standards and findings used to determine approval by the Design Review Board. The analysis should address the approval body, the number of public hearing if any, approval findings and any other relevant information. The analysis should address impacts on housing cost, supply, timing and approval certainty and add or modify programs as appropriate.

Response #16

The following underlined text was added to Section 4.4 on page 110-11 to describe how projects in the MU and MS zones be processed:

In Tiburon's Mixed Use and Main Street zones, qualified residential projects that are consistent with Senate Bill 35 will be processed through a ministerial and streamlined approval process. As described above, for projects that qualify under State Law (i.e., Senate Bill 330), a "preliminary application" is allowed for a development project that includes residential units; a mix of commercial and residential uses with two-thirds of the project's square footage used for residential purposes; or transitional or supportive housing. Upon submittal of an application and a payment of the permit processing fee, a housing developer is allowed to "freeze" the applicable fees and development standards that apply to their project while they assemble the rest of the material necessary for a full application submittal. After submitting the preliminary application to the Town, an applicant has 180 days to submit a full application, or the preliminary application will expire. Public hearing for applicable housing development projects that are consistent with SB 330 in the MU and MS are limited to five hearings, including Planning Commission, Town Council, and appeal hearings. Eligible projects consistent with SB 35 and SB 330 are required to comply with objective zoning standards and General Plan requirements. For projects subject to CEQA, CEQA hearings or hearings related to zoning variances or code exemptions are not including in the public hearing limit. All other development projects in the MU and MS zones will follow the current zoning requirement, which requires two discretionary permits for residential development. The Planning Commission must approve a Conditional Use Permit for the residential use and the Design Review Board must approve a Design Review permit. Each process is separate, and processing is sequential. This means that a very similar task/timeline to that shown above is first performed by the Planning Commission and then by the Design Review Board, with only the environmental review portion not being repeated by the Design Review Board.

Comment #17

Fees: The element must describe all required fees for single-family and multifamily housing development, including impact fees, and analyze their impact as potential constraints on

housing supply and affordability. The element should provide analysis for disproportionately high fees that may post constraints that may hinder the locality from meeting its regional housing need including but not limited to the business licensing fee and street impact fee for residential development. The element should include an evaluation of these fees and add programs to address the constraint as appropriate. Specifically, the element should describe the business licensing fee for residential development and the street improvement fee.

Response #17

Similar to other local governments in California, Tiburon charges business license fees to all businesses located in Tiburon or conducting business within Tiburon, including general contractors and subcontractors. Business license fees are charged at the time a building permit is issued to contractors who do not already have a business license in Tiburon. As this is not a direct development fee and is typically not included in the fee analysis, it has been removed from Table 20 on page 107. Fee totals were updated and errors corrected. The following changes were made to the discussion of fees on page 107:

As shown in Table 20, total fees and exactions for a single family house represent about 2.8% to 4.1% of the total development cost, while fees and exactions represent approximately 2.2% of the multifamily development cost. Planning and building fees charged by the Town represent 1.8%-1.9% of the single family house development cost and 1.7% of the multifamily development cost. The Town does not have the authority to waive or reduce fees collected on behalf of special districts.

The following underlined text was added to the discussion of the street impact fee in the Impact Fees section on page 105:

The Town charges a Street Impact Fee equal to 1% of the project valuation. The street impact fee nexus study was originally completed in April 1999 and updated in October 2004. The purpose of the fee is to maintain the Town's public street system by partially offsetting the cost of road maintenance and repair cause by construction activity. Street Impact Fees are based on the valuation of the construction projects that generates construction traffic that will damage and degrade the public street network. The nexus study determined that there was a reasonable relationship between the fee and the purpose for which it is charged. Overlay, repair, and reconstruction of the Town's public street network is an ongoing process which requires an ongoing funding source. The Town combines Street Impact Fee revenues with state gas tax monies, general fund revenues, and other sources in an effort to maintain the Town's public street network.

The following changes were made to the discussion of fees on page 108:

~~While these~~ These costs are typical for the market area and do not pose a constraint on the development of market rate housing in Tiburon. However, development fees and exactions can pose a constraint to the development of affordable housing. In an effort to remove this constraint, the Town waives and/or reduces fees, including the Street Impact Fee, for affordable housing developments and inclusionary units. Program H-cc directs the Town to continue to waive or reduce fees for affordable housing developments and inclusionary units.

Comment #18

Zoning, Development Standards and Fees: The element must clarify compliance with new transparency requirements for posting all zoning, development standards and fees on the Town’s website and add a program to address these requirements, if necessary.

Response #18

The following underlined text was added to Section 4.3 Fees and Exactions on page 104:

Pursuant to Government Code 65940.1(a)(1), the Town posts all development fees, zoning ordinances, and development standards on its website.

Comment #19

Local Ordinances: The element must specifically analyze locally adopted ordinances such as inclusionary ordinances or short-term rental ordinances that directly impact the cost and supply of residential development. While the element describes the framework of inclusionary requirements and available alternatives, it must also analyze their impact as potential constraints on the development of housing for all income levels, specifically housing supply and affordability. Specifically, the element should evaluate the impacts of requirements for “comparable amenity level”.

Response #19

The following underlined text was added to the discussion of the Inclusionary Housing Ordinance on page 103:

Inclusionary units must be comparable in size ~~square footage and~~ interior amenity level and ~~exterior design~~ must be indistinguishable in appearance to market rate units. This can add to the cost of affordable units. However, the Town may provide an exception to this requirement as an incentive or concession under density bonus law. In order to improve the feasibility of affordable units and provide objective standards, Program H-ee directs the Town to define the interior amenities subject to the ordinance and to allow lower cost substitutions that do not compromise performance or functionality.

The following changes were made to program H-ee on page 139:

H-ee Implement “Affordable Housing Overlay Zone” and Inclusionary Housing Ordinance. Annually monitor and evaluate the effectiveness of the Affordable Housing Overlay Zone and Inclusionary Housing Ordinance as part of the annual Housing Element review (see Program H-i). As part of the annual review The Town will determine if the number and/or percentage of affordable units required by income category need to be adjusted in order to achieve the Town’s affordable housing goals without unduly impacting overall housing production and supply. The Town will amend the zoning ordinance as necessary.

1. Amend the Inclusionary Housing Ordinance to identify the interior amenities subject to the ordinance and provide objective standards that allow lower-cost substitutions that do not compromise performance or functionality.

Responsibility: Community Development Department, Town Manager, Planning Commission, Town Council

Financing: General Fund, Redevelopment Set-Aside, Housing Fund, other funding.

Objectives: Development of housing sites A-G by 2030

Timeframe: ~~Ongoing.~~ Amend the Inclusionary Housing Ordinance within one year of Housing Element adoption.

Comment #20

Housing for Persons with Disabilities: The element briefly describes its reasonable accommodation procedures. However, the element should also describe the process and decision-making criteria such as approval findings and analyze any potential constraints on housing for persons with disabilities. In addition, the element must describe any zoning code definitions of family and any spacing or concentration requirements for housing for persons with disabilities.

Response #20

The following underlined text was added to the section Procedures for Ensuring Reasonable Accommodation on page 114-115:

The reviewing authority issues a written determination within 45 days to grant, grant with modifications, or deny a request for reasonable accommodation that is consistent with fair housing laws based on the following factors:

1. Whether the housing which is the subject of the request will be used by an individual considered disabled under the Acts.
2. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
3. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the town.
4. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a town program or law, including but not limited to land use or zoning.
5. Potential impact on surrounding uses.
6. Physical attributes of the property and structures.
7. Alternative reasonable accommodations that may provide an equivalent level of benefit.

A determination by the review authority to grant or deny a request for reasonable accommodation may be appealed within ten days of the decision to the Town Council.

Intermediate or community care facilities as defined by state law, or any other residential care facility for the handicapped (as defined by the Fair Housing Act), located in a single-family dwelling are permitted in all residential zones by right. The zoning code defines “intermediate care facility” and “community care facility” as “any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes residential facilities, adult day care facilities, day treatment facilities, foster family homes, small family homes, social rehabilitation facilities, community treatment facilities, and social day care facilities (Health and Safety Code Sections 1500 et seq.).” The Town does not require a minimum distance between these facilities.

The zoning code defines the term “family” as “one or more persons occupying a dwelling and living as a single, domestic housekeeping unit, as distinguished from a group occupying a hotel or motel, club, fraternity or sorority house.”

The analysis does not identify any potential constraints on housing for persons with disabilities.

Comment #21

Analyze any special housing needs such as elderly; persons with disabilities, including a developmental disability; large families; farmworkers; families with female heads of households; and families and persons in need of emergency shelter. (Gov. Code, § 65583, subd. (a)(7).)

While the element quantifies most of the Town’s special needs populations, the element must also analyze their special housing needs. For a complete analysis of each population group, the element should discuss challenges faced by the population, the existing resources to meet those needs (availability senior housing units, number of large units, number of deed restricted units, etc.), and an assessment of any gaps in resources.

Response #21

The following underlined text was added to the section on Large Households on page 49:

The unit sizes available in a community affect the household sizes that can access that community. Large families are generally served by housing units with 3 or more bedrooms, of which there are 2,555 units in Tiburon. Among these large units with 3 or more bedrooms, 18.2% are renter-occupied and 81.8% are owner-occupied (see Figure 35). The supply of large housing units with 3 or more bedrooms far exceeds the number of households with 5 or more persons (2,555 units vs. 326 large households), indicating that many households are over-housed. Increasing the supply of smaller units would assist smaller households, including senior households, to downsize, thereby rebalancing the housing stock. Considering that 23.5% of large households are paying more than 30% of their income on housing costs (approximately 77 large households), there is also a need for affordable large units.

The following underlined text was added to the section on Female-Headed Households on page 51:

In Tiburon, 15.7% of female-headed households with children fall below the Federal Poverty Line (20 households), while 0% of female-headed households without children live in poverty (see Figure 37). There is a limited supply of deed-restricted, affordable housing for female-headed households in Tiburon. Developments include the Hilarita Apartments (91 units), the Tiburon Hill Estates (16 units), and Point Tiburon Marsh (20 units). There is a need for affordable housing for female-headed households in Tiburon.

The following underlined text was added to the section on Seniors on page 53:

There are limited options for seniors seeking deed-restricted, affordable housing. There are only two affordable housing developments dedicated to seniors: Cecilia Place with 16 studios for low-income seniors, and Bradley House with 15 units for low-income elderly/disabled individuals. Both have waiting lists. As discussed previously, the majority of low-income senior residents are cost-burdened. There is a need for affordable senior housing, as well as strategies to help seniors to generate income through ADUs, JADUs, and homesharing so they may age in place.

There are no senior independent living, assisted living, residential care, or skilled nursing care facilities in Tiburon. With nearly 12% of the Tiburon population is age 75 or older, there is a critical need for these types of facilities.

Comment #22

Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583(a)(9)(D).).

The element states the Town has a portfolio of 104 units of affordable housing units that are at low risk of conversion to market rate (pg. 35). However, it appears as if this listing of projects may not accurately reflect the possibility for conversion to market rate. Pursuant to information provided to HCD from the California Housing Partnership, the Bradley House (15-units located on 101 Esperanza) may also be at risk of conversion during the next ten years. Additionally, the element states that Point Tiburon Marsh (20-units of located on 22 Marsh Road) is at low-risk despite having 30- year affordability terms first established in 1987. If these projects are at risk of conversion to market rate within the ten-year period, a full analysis must include and estimated total cost for producing, replacing and preserving the units at-risk, and identification of public and private nonprofit corporations known to the Town to have the legal and managerial capacity to acquire and manage at-risk units, and an identification and consideration of use of federal, state and local financing and subsidy programs. Depending upon the results of that analysis, the Town may need to revise or add programs.

Response #22

The following underlined text was added to the section on Assisted Housing Developments At-

Risk of Conversion on page 35-36:

Bradley House is a 15-unit housing development that provides a mix of studio and one-bedroom apartments for low-income seniors and the disabled. According to the California Housing Partnership (CHP), 12 of the 15 units at Bradley House are identified as being funded through a HUD program with an estimated affordability end date of 12/31/30. CHP considers these to be at low risk of being converted to market rate because they are owned by a large and stable non-profit, mission driven developer. The property is owned by the Marin Housing Authority through its nonprofit housing corporation, Marin County Housing Development Financing Corporation. It is managed by EAH Housing, one of the largest affordable housing developers in Marin County. In the unlikely event that the Marin Housing Authority wished to sell the property, EAH indicated they would be interested in purchasing the property and maintaining the current affordability levels. Other nonprofit affordable housing providers that operate in Marin County include Bridge Housing, Mercy Housing, and Eden Housing. EAH said they would pursue the typical funding programs to purchase the development, including tax credits and federal, state, county, and local funding sources. A one-bedroom 672 square foot condo sold in October 2022 for \$665,000, indicating that 12 similar-sized units would sell for approximately \$7,980,000. Program H-n directs the Town to monitor the potential expiration of funding and to assist in maintaining the affordability of the development.

The 20 affordable moderate-income units at Point Tiburon Marsh were developed in 1987 with 30-year affordability requirements. Each owner is locked into a 30-year affordability period, and the 30-year period starts over with each new owner. Unless a unit is held by the same owner for 30 years or more, the affordability will be in perpetuity. The Town has a first right of refusal to purchase the affordable units as they come up for resale. Currently, the Town owns eight of the units. The Town in turn rents these units to Town employees, or Tiburon Peninsula public agencies, in accordance with the Town's adopted policy to rent to moderate-income households. Most recently, the Town purchased a unit in 2019 for \$228,243. In addition to the purchase price the Town paid for closing costs and completed minor repair before placing the unit into service. The total cost to acquire and prepare the unit for use was approximately \$245,000.

There are two affordable units at Point Tiburon Marsh with thirty year-affordability terms that are set within the next ten years: 16 Marsh Road expires on 6/30/28 and 28 Marsh Road expires on 8/4/28. It is the Town's desire to purchase the Point Tiburon Marsh units when they become available. The Town's Low-Moderate Income Housing Fund and Town-Owned Housing Units Fund are used to purchase and maintain below-market-rate units. The resources currently available in the fund total approximately \$1.53 million. If the Town does not purchase the unit, Marin Housing Authority will resell the unit to another low or moderate income buyer. If the current owner of 16 Marsh Road or 28 Marsh Road still owns the unit when the affordability term expires in 2028, the unit will no longer be subject to an affordability requirement. Program H-u "Provide Public Employee Housing Assistance" directs the Town to utilize the Town's Low-Moderate Income Housing Fund and Town Owned Housing Units Fund to purchase below market rate units as they become available and to maintain the Town's portfolio of Town-owned affordable housing.

The following action was added to program H-n Work with Non-Profits on Housing on page 128:

7. Monitor the potential expiration of HUD-subsidized funding of Bradley House at the end of 2030 and assist in maintaining the affordability of the development by contacting affordable housing developers and assisting in identifying and applying for federal, state, and local financing and subsidy programs.

The following changes were made to Program H-u on page 131:

- H-u Provide Town Public Employee Housing Assistance.** Identify opportunities for local government and public agency employees (especially public safety personnel) to find housing locally through such efforts as acquisition of affordable units, construction of workforce housing at public facilities or parking lots, or subsidizing mortgages or rents. Utilize the Town's Low-Moderate Income Housing Fund and Town Owned Housing Units Fund to purchase below market rate units as they become available and to maintain the Town's portfolio of Town-owned affordable housing.

Comment #23

Housing Programs

Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)

To address the program requirements of Government Code section 65583, subd. (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the Town's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials.

Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. All programs should be evaluated to ensure meaningful and specific actions and objectives. Programs containing unclear language (e.g., "Evaluate"; "Consider"; "Encourage"; etc.) should be amended to include more specific and measurable actions. Programs to be revised include, but are not limited to, the following:

Program H-a (Focus Town Resources on Housing Opportunity Sites): As demonstrated in the review of previous housing element programs, this program was not successful. The element should modify this program to increase success based on past outcomes including describing what specific actions will be taken to implement the program.

Program H-b (Improve Community Awareness of Housing Needs, Issues, and Programs): Provide expected timeframes for completion of for all actions. Also, the program should be expanded to promote programs beyond fair housing to align with program description.

Goal H-c (Community Outreach when Implementing Housing Element Programs): Provide specific actions for implementation and coordination.

Program H-d (Foster Meaningful Assistance from Other Agencies): Describe metrics or objectives of this program to measure success. The Town could consider expanding the program beyond housing related programs to include other community development efforts.

Program H-f (Conduct Outreach for Developmentally Disabled Housing and Services): Provide specific actions for implementation.

Program H-G (Foster Meaningful Assistance from Other Agencies): Provide specific timeframes for implementation.

Program H-n (Work with Non-Profits on Housing): Describe how the town will work with non-profits in relationship to housing sites and facilitate development.

Program H-z (Coordination with Affordable Housing Providers): What is the timeframe for implementation.

Program H-aa (Tenant Protection Strategies): Need firmer commitment beyond “explore”.

Response #23

Program H-a is duplicative of other programs in the Housing Element. Town resources include funding and staff and public officials’ time. The expenditure of Town funding is covered under Program H-u Provide Public Employee Housing Assistance, which has been revised to specifically identify the Town’s Town Owned Housing Fund as a source of funding, H-m Redevelopment Funding, and H-dd Work with Non-Profits and Property Owners on Housing Opportunity Sites, which has been revised to specifically identify the Town’s Low and Moderate Income Housing fund as a source of funding for affordable projects. Staff and public official resources in the service of affordable housing development are covered under many other programs, including H-dd Work with Non-Profits and Property Owners on Housing Opportunity Sites and H-n Work with Non-Profits on Housing. Program H-a has been deleted.

Program H-b has been revised as follows on page 123-124:

- H-b Improve Community Awareness of Housing Needs, Issues, and Programs.** The Town will provide information and promote programs and resources for affordable housing, homebuyer assistance, rental assistance, housing rehabilitation, energy efficiency and decarbonization of homes, fair housing, reasonable accommodation requests, and sources of income laws through the following means:

1. Maintain a page on the Town’s website that describes housing programs (such as Residential Rehabilitation Loans, Housing Choice Vouchers, Home Match, and the Affordable Housing and Home Buyer Readiness Program), affordable housing sources (such as the Below Market Rate Home Ownership Program), senior and disabled housing sources and services, fair housing laws, and landlord and tenant resources and provide direct links to County agencies and other resources that administer programs and/or provide more detailed information.
2. Include information on housing programs, affordable housing sources, senior and disabled housing sources and services, fair housing laws, and landlord and tenant resources in Town newsletters and other general communications that are sent to residents.
3. Maintain information and handouts at the Town’s public counter, including brochures published by Fair Housing Advocates of Northern California.
4. Train selected Town staff to provide referrals.
5. Distribute information on programs at public locations (library, schools).
6. Collaborate with other agencies and local jurisdictions (County of Marin, Marin Housing Authority, Chamber of Commerce, EAH) to prepare presentations and distribute informational materials to improve awareness of housing needs, issues, fair housing, and available housing programs.
7. Distribute materials and brochures to neighborhood groups, homeowner associations, property owners and managers, real estate agents, ADU owners, religious institutions, businesses, and other interested groups (Rotary, Chamber of Commerce, etc.).
8. Adopt a Fair Housing Month proclamation each year.

Responsibility: Administration, Community Development Department

Financing: General Fund

Objectives: Obtain and distribute materials; coordinate with other organizations.

Timeframe: Update website and distribute handouts and brochures, and complete actions 1-8 by 2024. Dedicate one Town newsletter each year to promote housing programs and resources and educate community members on fair housing laws.

Program H-c (Community Outreach When Implementing Housing Programs) on page 124 was revised to include the following underlined text:

H-c Community Outreach when Implementing Housing Element Programs.

Coordinate with local businesses, housing advocacy groups, neighborhood groups, and the Chamber of Commerce in building public understanding and support for workforce and special needs housing and other issues related to housing, including the community benefits of affordable housing, mixed-use, and pedestrian-oriented development. The Town will notify a broad representation of the community when housing programs are discussed by the Planning Commission or Town Council. Specific outreach activities include:

1. Maintain the Housing Element mailing list and send public hearing notices to all interested community members, non-profit agencies, and affected property owners.
2. Post notices at Town Hall, the library, and the post office.
3. Publish notices in the local newspaper.

4. Post information on the Town's website.
5. Conduct outreach (workshops, neighborhood meetings) to the community as Housing Element programs are implemented. Invite local businesses, housing advocacy groups, neighborhood groups, and the Chamber of Commerce to make presentations and participate in workshops and neighborhood meetings.
6. Utilize local businesses, housing advocacy groups, neighborhood groups, and the Chamber of Commerce when conducting focus groups, surveys, and distributing information to their clients and members.

Program H-d (Inclusive Outreach) was revised to include the following underlined text on page 125:

H-d Inclusive Outreach. Conduct targeted outreach to underrepresented community members, including the disabled, seniors, low-income households, people of color, and people who do not speak English as a first language. Provide housing-related materials in Spanish and provide language translation on the Town's website. Provide surveys in Spanish and Spanish translation for workshops, and conduct focus groups with underrepresented community members. Utilize the Town's affordable housing providers, Chamber of Commerce, and community groups representing protected class members to assist in outreach efforts.

Responsibility: Community Development Department

Financing: Staff time, General Fund

Objectives: Outreach to underrepresented communities, resulting in participation that reflects the make-up of the community, measured by recording demographic information (race, ethnicity, primary language, age, household income, etc.) of survey, focus group, and workshop participants.

Timeframe: Targeted outreach to occur in conjunction with the housing element update cycle and annually with a campaign to publicize affordable housing resources

Regarding HCD's suggestion that the Town could consider expanding Program h-d beyond housing related programs to include other community development efforts, the Town is preparing a General Plan Update which includes a new element on Diversity, Equity and Inclusion. Inclusive outreach is comprehensively covered in this new element. The draft chapter is available here: <https://createtiburon2040.org/wp-content/uploads/2022/12/Draft-General-Plan-Equity-Diversity-and-Inclusion-Chapter.pdf>

Program H-G (Foster Meaningful Assistance from Other Agencies) was revised as follows on page 125:

H-g Foster Meaningful Assistance from Other Agencies. Town staff will meet and work with other public agencies and special districts (water, fire, schools, sanitary districts, etc.) to promote affordable housing through the provision of fee waivers, fee reductions, development of property, or other assistance for affordable housing projects.

Responsibility: Town Manager, Community Development Department

Financing: General Fund, Redevelopment Funds, other funding (see funding

programs)

Objectives: Assistance and incentives for affordable housing

Timeframe: ~~Ongoing.~~ Annual outreach to public agencies and special districts to identify affordable housing initiatives with monthly meetings to develop and implement initiatives until projects are complete.

Program H-h (Conduct Outreach for Developmentally Disabled Housing and Services) was revised on page 126 to provide specific actions for implementation as follows:

H-h Conduct Outreach for Developmentally Disabled Housing and Services.

Work with the Golden Gate Regional Center to implement an outreach program that informs families within Tiburon on housing and services available for persons with developmental disabilities. Provide information on services on the Town's website and distribute brochures supplied by the service providers. The Town will take the following specific actions in 2023:

1. Contact the Golden Gate Regional Center (GGRC) and establish a working relationship with a specific contact person. Enquire about other service providers that should be included in the Town's outreach.
2. Request written information from the GGRC and other service providers on housing and services available for persons with developmental disabilities for posting on the Town's website and inclusion in the Town's newsletter.
3. Request brochures from the GGRC and other service providers on housing and services at Town Hall.
4. Discuss other actions with the GGRC the Town could take to promote housing and services available for the developmentally disabled and create an outreach program with specific steps for implementation.

Responsibility: Community Development Department

Financing: General Fund

Objectives: Support programs to address needs of the developmentally disabled

Timeframe: Initiate a cooperative outreach program with the Golden Gate Regional Center in 2023

Program H-n (Work with Non-Profits on Housing) was revised on page 127-128 as follows:

H-n Work with Non-Profits on Housing. The Town will work with non-profits to assist in achieving the Town's housing goals and implementing programs. Coordination should occur on an ongoing basis, and as special opportunities arise related to specific housing sites and as the Housing Element is implemented. The Town will reach out to developers of supportive housing to encourage development of projects targeted for persons with disabilities, including developmental disabilities. The Town will also reach out to developers of affordable housing for extremely-low income households. The Town will take the following specific actions:

1. Develop a list of affordable and supportive housing developers, identify primary contacts, and establish working relationships.

2. Maintain a list of housing opportunity sites and discuss potential housing development on these sites as well as other housing sites and opportunities.
3. Discuss development standards and permit processing procedures relevant to potential housing sites.
4. Discuss incentives the Town can offer, including priority processing, density bonuses and concessions, fee waivers or deferrals, and modification of development standards.
5. Identify available funding sources, including the Town's Low-Moderate Income Housing Fund, as well as other sources the Town could apply for.
6. Discuss potential community outreach activities to gain community acceptance of affordable housing development.
7. Monitor the potential expiration of HUD-subsidized funding of Bradley House at the end of 2030 and assist in maintaining the affordability of the development by contacting affordable housing developers and assisting in identifying and applying for federal, state, and local financing and subsidy programs.

Responsibility: Community Development Department

Financing: Staff time

Objectives: Ongoing working relationship with non-profit housing sponsors

Timeframe: Outreach to non-profits by the end of 2023 and every two years thereafter

Program H-z (Coordination with Affordable Housing Providers) has been revised as follows on page 134:

H-z Coordination with Affordable Housing Providers. Work with affordable housing providers and managers to ensure affordable units are well-maintained. Conduct outreach to affordable housing tenants on code enforcement issues and procedures for filing complaints. Facilitate communication between tenants and affordable housing providers and managers and work to resolve issues of concern.

Responsibility: Community Development Department

Financing: General Fund

Objectives: Protection of the Town's affordable housing stock

Timeframe: Ongoing Proactive outreach to affordable housing providers, managers, and tenants in 2024 and biennially thereafter. As concerns arise, participate in meetings at least monthly to resolve issues.

Program H-aa (Tenant Protection Strategies) was revised to include the following underlined text on page 135:

The Town will take the following actions:

1. Participate in countywide meetings with planning staff from all Marin jurisdictions to review best practices and develop model ordinances for the tenant protection strategies identified above in 2024. Work with Fair Housing of Northern California and Legal Aid of Marin to develop strategies and prepare model

ordinances.

2. Conduct study sessions with the Planning Commission and Town Council to understand needs and best practices for the tenant protection strategies identified above in 2025. Invite Fair Housing of Northern California and Legal Aid of Marin to present at and participate in the study sessions.
3. Prepare ordinances at Town Council direction and bring forward for Planning Commission and Town Council consideration of adoption in 2025.

Comment #24

Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding B4¹, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the Town may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised as follows:

The element indicates that sites identified in the downtown commercial areas will need to be rezoned to a new Mixed-Use (MU) designation to allow for residential uses and the appropriate densities to accommodate the RHNA. However, it is unclear from the sites inventory the timing for when those rezones will occur. In addition, as the element states that the objective standards have not yet been developed for the MU designation, a program should be identified to ensure that development standards facilitate housing development at the maximum allowable density for the MU zone. Please note that if zoning is not in place by the beginning of the planning period (January 31, 2023), for sites that are expected to accommodate the Town's lower-income RHNA, programs must commit to housing element rezone requirements pursuant to Government Code section 65583.2 (h) and (i). Specifically, the program must identify acreage, allowable densities, and anticipated units to be rezoned and must commit to

- permit owner-occupied and rental multifamily uses by-right for developments in which 20 percent or more of the units are affordable to

¹ Finding B4 is identified as Comments #6-14 in this document. See Response #6-14 for the required additional site analysis.

lower-income households. By-right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval;

- accommodate a minimum of 16 units per site;
- require a minimum density of 20 units per acre; and
- At least 50 percent of the lower-income need must be accommodated on sites designated for residential use only or on sites zoned for mixed uses that accommodate all of the very low and low-income housing need, if those sites:
- allow 100 percent residential use, and
- require residential use occupy 50 percent to the total floor area of a mixed-use project.

Program H-dd (Work with Non-Profits and Property Owners on Housing Opportunity Sites): Describe how the Town will facilitate lot consolidation of the sites in the inventory.

Response #24

The following programs were added to the housing element beginning on page 140:

H-jj Rezone Housing Opportunity Sites. Establish new Mixed Use, Main Street, and R-4 zoning districts and objective design and development standards for those districts that facilitate development at the realistic unit capacities and densities established in Table 11 for each site. Rezone Sites 1-7, 9, and A-F to Mixed Use, Site 8 to R-4, and Site G to Main Street. As reflected in Table 11, Sites 1-9 are identified to accommodate a portion of the lower-income RHNA. These will be rezoned to:

4. require the minimum density identified in Table 11;
5. permit owner-occupied and rental multifamily uses by right pursuant to Government Code section 65583.2(i) for developments in which 20 percent or more of the units are affordable to lower income households;
6. allow 100 percent residential use; and
7. require residential use occupy at least 50 percent of the total floor area of a mixed use project.

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: General Fund

Objectives: Rezone housing opportunity sites early in the planning period to facilitate housing at all income levels.

Timeframe: Establish new districts and objective design and development standards when the Housing Element and the General Plan 2040 update are adopted. Complete rezonings by January 31, 2024.

H-kk Identify Additional Housing Opportunity Sites. In compliance with the Not Net Loss Law and Government Code 65863, the Town will identify new housing opportunity sites as development occurs in order to ensure the remaining sites are sufficient to accommodate the remaining RHNA at all income

levels. In addition, the Town will consider rezoning other parcels appropriate for lower-income housing, particularly those outside the Downtown area such as the Cove Shopping Center and the Tiburon Baptist Church site, if the property owners indicate interest in redeveloping or adding housing to their sites.

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: General Fund

Objectives: Rezone housing opportunity sites as sites are developed and/or property owner interest is expressed.

Timeframe: Complete rezonings as required by State law or within one year, whichever is applicable.

H-II Reed School Site. The Reed Union School District is currently undergoing a Master Facilities Plan which is considering developing a portion of the Reed School site with housing (site 9 in Table 11). The Town will monitor the progress of the Master Facilities Plan and take the following actions:

1. Meet with school district staff at least quarterly beginning in 2023 to discuss progress of the Facilities Master Plan.
2. Participate in School District community meetings during the Facilities Master Plan process to encourage affordable housing on the site.
3. Facilitate meetings with the School District and affordable housing developers during 2023 and 2024 to explore development concepts and feasibility.
4. If the School District makes a formal determination not to pursue housing on the site, the Town will identify and rezone sites, as necessary, to make up for any shortfall in the remaining RHNA for each income category within one year of the School District's determination, or by May 31, 2026, whichever is later.
5. If the School District does not take any action to develop housing on the site by January 31, 2025, the Town will identify and rezone site(s), as necessary, to make up for any shortfall in the remaining RHNA for each income category by May 31, 2026.

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: General Fund

Objectives: Ensure there are sufficient available sites to accommodate the Town's remaining RHNA.

Timeframe: Take actions and complete rezonings as identified in the program above.

Regarding Program H-dd (Work with Non-Profits and Property Owners on Housing Opportunity Sites), all sites listed in the Sites Inventory (Table 11) that have multiple parcels i.e., sites 6, 7, and 8 are under the same ownership and are functionally consolidated. Lot consolidation is not necessary in order to develop the sites. Program H-dd has been revised as follows on page 138:

5. Facilitate development through regulatory incentives, reducing or waiving

fees, fast track processing, lot consolidation (i.e., assistance with the application and fee reduction or waiver), and assistance in development review.

Comment #25

The Housing Element shall contain programs which assist in the development of adequate housing to meet the needs of extremely low-, very low-, low- and moderate-income households. (Gov. Code, § 65583, subd. (c)(2).)

The element must include a program(s) with specific actions and timelines to assist in the development of housing special needs populations including ELI households. The element includes Program H-n (Work with Non-Profits on Housing) to outreach to developers of affordable housing for ELI. However, given the Town's lack of development in the past planning period, the element should include stronger program(s) such as commitments to priority processing, granting fee waivers or deferrals, modifying development standards, and granting concessions and incentives for housing developments that include units affordable to ELI households.

Response #25

Program H-n has been strengthened as discussed in Response #23. Program H-dd has been revised to specifically include housing for ELI households on page 138 as follows:

H-dd Work with Non-Profits and Property Owners on Housing Opportunity Sites.

Encourage cooperative and joint ventures between owners, developers, and non-profit groups in the provision of below market rate housing. Work with non-profits and property owners to seek opportunities for affordable housing development on key housing opportunity sites that are close to services, transit, and jobs. Undertake the following actions to encourage development of multi-family, affordable housing, including housing for extremely low income households:

Comment #26

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

As noted in Finding B5² the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the Town may need to revise or add programs and address and remove or mitigate any identified constraints.

Response #26

² Finding B5 is identified as Comments #15-20. See Responses #15-20 for the required additional analysis of potential governmental constraints.

The following programs were added to page 142:

H-nn Supportive Housing. Revise the Zoning Code to make supportive housing a permitted use in all commercial zones that allow multifamily and mixed use housing, including the Mixed Use, Neighborhood Commercial, Main Street, and Village Commercial districts, pursuant to Government Code 65651.

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: Staff time

Objectives: Ensure the Town's Tiburon Code complies with state law.

Timeframe: By January 31, 2024.

H-oo Parking for Emergency Shelters. Revise the Zoning Code to specify parking requirements for emergency shelters that comply with Government Code section 65583, subdivision (a)(4)(A).

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: Staff time

Objectives: Ensure the Town's Tiburon Code complies with state law.

Timeframe: By January 31, 2024.

Comment #27

Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)

As noted in Finding B1 the element requires a complete AFFH analysis. Depending upon the results of that analysis, the Town may need to revise or add programs.

Goals, Actions, Metrics, and Milestones: The element must be revised to include goals and actions that specifically respond to the analysis and to the identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Given that the Town is considered the highest resource community, the element should focus on programs that enhance housing mobility and encourage development of more housing choices and affordable housing. Programs must include metrics and timelines that target intended outcomes, particularly for those that assist the Town in facilitating fair housing choice and supporting mobility throughout the Town. For your information, metrics (where applicable), should be targeting beneficial impacts for people, households, and neighborhoods (e.g., number of people or households assisted, number of housing units built, number of parks or infrastructure projects completed).

Response #27

As discussed in Response #2, the housing element contains several programs to promote housing mobility and improve new housing opportunities throughout the Town for existing residents and the broader region. These include actions to 1) ensure fair housing opportunities are provided and landlords understand their responsibilities under fair housing laws (Programs H-b, H-q, and H-hh); provide rental assistance to make existing apartments more affordable (Program H-w); and provide home match programs to expand affordable housing opportunities (Program H-f). Table 20 provides detailed information on these programs.

The reasoning behind the selection of sites is discussed in Response #3. The following program was added to page 141 in an effort to identify additional housing opportunity sites outside the Downtown area:

H-kk Identify Additional Housing Opportunity Sites. In compliance with the No Net Loss Law and Government Code 65863, the Town will identify new housing opportunity sites as development occurs in order to ensure the remaining sites are sufficient to accommodate the remaining RHNA at all income levels. In addition, the Town will consider rezoning other parcels appropriate for lower-income housing, particularly those outside the Downtown area such as the Cove Shopping Center and the Tiburon Baptist Church site, if the property owners indicate interest in redeveloping or adding housing to their sites.

Responsibility: Community Development Department, Planning Commission, Town Council

Financing: General Fund

Objectives: Rezone housing opportunity sites as sites are developed and/or property owner interest is expressed.

Timeframe: Complete rezonings as required by State law or within one year, whichever is applicable.

Comment #28

Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent, as defined in Section 50053 of the Health and Safety Code, for very low, low-, or moderate-income households. For purposes of this paragraph, "accessory dwelling units" has the same meaning as "accessory dwelling unit" as defined in paragraph (4) of subdivision (i) of Section 65852.2. (Gov. Code, § 65583, subd. (c)(7).)

The element included Program H-hh (Outreach and Education for Accessory Dwelling Unit Development) to promote ADU development. However, this program should actively incentivize or promote ADU development for very low-, low-, and moderate- income households. This can take the form of flexible zoning requirements, development standards, or processing and fee incentives that facilitate the creation of ADUs, such as reduced parking requirements, fee waivers and more. Other strategies could include developing information packets to market ADU construction, targeted advertising of ADU development opportunities or establishing an ADU specialist within the planning department.

Response #28

As discussed on page 89, the Town collaborated with other Marin local government to provide resources and education materials to facilitate building, permitting, and renting ADUs. They created a website at adumarin.org that provides case studies, floor plans, a calculator to estimate construction costs, information on planning, designing, and constructing and ADU, and resources on being a landlord, from setting a rent price to complying with fair housing laws. Program H-hh details how the Town will promote the ADUMarin website.

The text on page 90 was revised as follows:

To encourage and facilitate ADUs and provide housing opportunities throughout established neighborhoods, Program H-hh *Facilitate and Promote Accessory Dwelling Unit Development* directs the Town to take the following actions:

1. Provide information on Tiburon's ADU standards for posting on the MarinADU website.
2. Provide ADU and JADU application checklists on the Town's website.
3. Develop a handout on ADU standards and the application process and distribute at Town Hall.
4. Provide links to the California Department of Fair Employment and Housing's [Sources of Income Fact Sheet](#) and [FAQ](#) in Town communications and printed handouts at the building counter.
5. Promote the MarinADU website in the Town's newsletter and ADU handout, on social media, and on the Town's website.
6. Establish an ADU Specialist in the Community Development Department.
7. Reduce the ADU fee.

Program H-hh was revised to provide links to the MarinADU website and added the following underlined text on page 139-140:

H-hh Facilitate and Promote Accessory Dwelling Unit Development. Encourage and facilitate ADU and JADU development to provide additional housing opportunities throughout established neighborhoods. Take the following actions:

1. Provide information on Tiburon's ADU standards for posting on the MarinADU [ADUMarin](#).
2. Provide ADU and JADU application checklists on the Town's website.
3. Develop a handout on ADU standards and the application process and distribute at Town Hall.
4. Provide links to the California Department of Fair Employment and Housing's [Sources of Income Fact Sheet](#) and [FAQ](#) in Town communications and printed handouts at the building counter. Provide handouts to ADU permit applicants.
5. Promote the [ADUMarin](#) website in the Town's newsletter and ADU handout, on social media, and on the Town's website.
6. Establish an ADU specialist in the Community Development Department.
7. Reduce the ADU fee.

Responsibility: Community Development Department

Financing: General Fund

Objectives: 72 new ADUs and JADUs by the end of 2030

Timeframe: Develop new materials, update the Town's website, and provide counter handouts by the end of 2023. Update and publicize annually thereafter.

Comment #29

Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element provides a summary of quantified objectives on page 110 for the 6th cycle planning period. However, the element should have quantified objectives for rehabilitation and preservation for lower-income households based on program commitments and a complete analysis of at-risk units.

Response #29

Affordable units at risk of conversion to market rate are discussed in Response #22. Table 22 on page 121 was revised as follows to reflect this additional analysis:

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total Units
New construction	97	96	110	93	243	639
Rehabilitation				50	50	100
Conservation/ preservation	0	0	0 <u>12</u>	45 <u>2</u>	0	45 <u>14</u>